STATUTES OF CALIFORNIA

1973–74

REGULAR SESSION

1973 CHAPTERS

CHAPTER 1

An act to amend Section 8662 of the Elections Code, relating to the Democratic Central Committee, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 17, 1973 Filed with Secretary of State January 17, 1973]

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

SECTION 1. Section 8662 of the Elections Code is amended to read:

8662. A "holdover" delegate to the state convention or a nominee delegate to such a convention who has been elected to an office under Section 8510 at the general election following the state convention, or following any special election, shall appoint two additional voters without regard to sex.

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

In order that this act may operate in time for the formation of the 1973 Democratic State Central Committee, it is essential that it take effect immediately.

CHAPTER 2

An act to amend, repeal, and add Section 8389 of, and to add and repeal Section 8389.5 of, the Fish and Game Code, relating to commercial fishing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 23, 1973. Filed with Secretary of State January 23, 1973]

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

SECTION 1. Section 8389 of the Fish and Game Code is amended to read:

8389. Except as otherwise provided in Section 8389.5, herring eggs may only be taken for commercial purposes under a revocable, nontransferable permit subject to such regulations as the commission shall prescribe. In addition to the license fees provided for in this code, every person taking herring eggs under the provisions of this section shall pay a royalty, as the commission may prescribe, of not less than fifty dollars ($50) per ton of herring eggs taken.

Every person operating under a permit issued pursuant to this section is excepted from the provisions of Chapter 6 (commencing with Section 6650), Part 1 of Division 6 for aquatic plants taken

incidental to the harvest of herring eggs.

This section shall remain in effect only until 60 days after the effective date of this act, and as of that date is repealed.

SEC. 1.5. Section 8389 is added to the Fish and Game Code, to read:

8389. Herring eggs may only be taken for commercial purposes under a revocable, nontransferable permit subject to such regulations as the commission shall prescribe. In addition to the license fees provided for in this code, every person taking herring eggs under the provisions of this section shall pay a royalty, as the commission may prescribe, of not less than fifty dollars ($50) per ton of herring eggs taken.

Every person operating under a permit issued pursuant to this section is excepted from the provisions of Chapter 6 (commencing with Section 6650), Part 1 of Division 6 for aquatic plants taken incidental to the harvest of herring eggs.

This section shall become operative on the 61st day after the effective date of this act.

SEC. 2. Section 8389.5 is added to the Fish and Game Code, to read:

8389.5. The department shall submit to the commission a management plan for the conservation of the herring resource on a long-term basis. On and after the date of the submission of such a plan, herring and herring eggs may only be taken for commercial purposes in the San Francisco Bay and Tomales Bay, under a revocable, nontransferable permit, issued pursuant to this section, subject to such regulations as the commission shall prescribe.

During the period between the effective date of this section and the date that such a management plan is submitted to the commission, the director may regulate the commercial taking of herring and herring eggs in the San Francisco Bay and Tomales Bay to protect the herring resource during such interim period.

This section shall remain in effect only until 60 days after the effective date of this act, and as of that date is repealed.

SEC. 2.5. It is the intent of the Legislature that the amendments to Section 8389 of the Fish and Game Code which are made by Section 1 of this act shall remain in effect only until 60 days after the effective date of this act, and on that date Section 1.5 of this act shall become operative to restore Section 8389 to the form in which it read immediately prior to the effective date of this act.

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

There is a possibility of an immediate exhaustion of the herring resource by an excessive overfishing caused by a sharp rise in herring prices for the far eastern markets. The Department of Fish and Game at the present has no authority to prevent, delay, or otherwise regulate the overutilization of this valuable resource. In order to save

the herring resource from harmful depletion, it is necessary that the provisions of this act become effective immediately.

CHAPTER 3

An act to repeal Section 228 of, and to add Section 228 to, the Revenue and Taxation Code, and to repeal Section 2 of Chapter 995 of the Statutes of 1972, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 26, 1973 Filed with Secretary of State February 26, 1973]

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

SECTION 1. Section 228 of the Revenue and Taxation Code, as added by Chapter 995 of the Statutes of 1972, is repealed.

SEC. 2. Section 228 is added to the Revenue and Taxation Code, to read:

228. (a) A vessel with a market value of four hundred dollars ($400) or less shall be free from taxation. This section shall only apply to vessels used or held for noncommercial purposes and shall not apply to lifeboats or other vessels used in conjunction with operations of vessels with a market value of more than four hundred dollars ($400). This section shall not apply to any vessel on which an exemption is claimed under Section 210 and shall not apply to more than one vessel owned, claimed, possessed, or controlled by an assessee on the lien date.

(b) For purposes of this section, "vessel" includes every description of watercraft used or capable of being used as a means of transportation on water, except vessels described in paragraphs (1) and (2) of subdivision (c) of Section 651 of the Harbors and Navigation Code.

(c) For purposes of this section, "vessel" includes all equipment, including mode of power, and furnishings that are normally required aboard the vessel during the accomplishment of the functions for which the vessel is being utilized.

SEC. 3. Section 2 of Chapter 995 of the Statutes of 1972 is repealed.

SEC. 4. Sections 1, 2 and 3 of this act shall become operative on the property tax lien date in 1973 for the 1973–1974 fiscal year.

SEC. 5. This act is a clarification and restatement of existing law, and no reimbursement to local government shall be made pursuant to Section 2163 of the Revenue and Taxation Code.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Senate Bill No. 404 of the 1972 Regular Session of the Legislature was enacted as Chapter 995 of the Statutes of 1972 and with the intent that it becomes operative on the property tax lien date for the 1973–1974 fiscal year. However, due to the extended duration of that session, the Legislature now finds that the provisions of the bill will not become operative until after that lien date. To prevent this unanticipated consequence, it is therefore necessary that this act go into immediate effect.

CHAPTER 4

An act to repeal Section 222 of, and to add Section 222 to, the Revenue and Taxation Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 26, 1973 Filed with Secretary of State February 26, 1973]

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

SECTION 1. Section 222 of the Revenue and Taxation Code, as added by Chapter 335 of the Statutes of 1972, is repealed.

SEC. 2. Section 222 is added to the Revenue and Taxation Code, to read:

222. Personal property used exclusively in the operation of a zoo or for purposes of horticultural display on publicly owned land which is owned by a nonprofit zoological society meeting all the requirements of Section 214 shall be exempt from taxation.

SEC. 3. This act is a clarification and restatement of existing law, and no reimbursement to local government shall be by reason of the operation of this act under Section 2163 of the Revenue and Taxation Code.

SEC. 4. Sections 1 and 2 of this act shall become operative on the property tax lien date in 1973 for the 1973–1974 fiscal year.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Senate Bill No. 1126 of the 1972 Regular Session of the Legislature was enacted as Chapter 335 of the Statutes of 1972 and with the intent that it become operative on the property tax lien date for the 1973–1974 fiscal year. However, due to the extended duration of that session, the Legislature now finds that the provisions of the bill will not become operative until after that lien date. To prevent that unanticipated consequence, it is necessary that this act go into immediate effect.

CHAPTER 5

An act to repeal Sections 214.8 and 215.1 of, and to add Sections 214.8 and 215.1 to, the Revenue and Taxation Code, relating to property tax exemptions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 28, 1973. Filed with Secretary of State February 28, 1973]

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

SECTION 1. Section 214.8 of the Revenue and Taxation Code, as amended by Chapter 151 of the Statutes of the 1972 Regular Session of the Legislature, is repealed.

SEC. 2. Section 214.8 is added to the Revenue and Taxation Code, to read:

214.8. Except as provided in Sections 213.7 and 231, the "welfare exemption" shall not be granted to any organization which is not qualified as an exempt organization under Section 23701d of this code or Section 501 (c) (3) of the Internal Revenue Code of 1954. This section shall not be construed to enlarge the "welfare exemption" to apply to organizations qualified under Section 501 (c) (3) of the Internal Revenue Code of 1954 but not otherwise qualified for the "welfare exemption" under other provisions of this code.

The exemption for veterans' organizations shall not be granted to any organization which is not qualified as an exempt organization under Section 23701f of this code or under Section 501 (c) (4) of the Internal Revenue Code of 1954. This section shall not be construed to enlarge the "veterans' organization exemption" to apply to organizations qualified under Section 501 (c) (4) but not otherwise qualified for the "veterans' organization exemption" under other provisions of this code.

SEC. 3. Section 215.1 of the Revenue and Taxation Code, as added by Chapter 151 of the Statutes of the 1972 Regular Session of the Legislature, is repealed.

SEC. 4. Section 215.1 is added to the Revenue and Taxation Code, to read:

215.1. All buildings, and so much of the real property on which the buildings are situated as may be required for the convenient use and occupation of said buildings, used exclusively for charitable purposes, owned by a veterans' organization which has been chartered by the Congress of the United States, organized and operated for charitable purposes, when the same are used solely and exclusively for the purpose of such organization, if not conducted for profit and no part of the net earnings of which inures to the benefit of any private individual or member thereof, shall be exempt from taxation.

The exemption provided for in this section shall apply to the property of all organizations meeting the requirements of this

section and Section 1c of Article XIII of the Constitution of the State of California and subdivisions (1) to (7), inclusive, of Section 214 of this code.

This exemption shall be known as the "veterans' organization exemption."

SEC. 5. This act constitutes a clarification and restatement of existing law, and no payments shall be made to local government pursuant to Section 2163 of the Revenue and Taxation Code by reason of the operation of this act.

SEC. 6. Sections 1 and 3 of this act shall become operative at the same time as Chapter 151 of the Statutes of the 1972 Regular Session of the Legislature takes effect.

Sections 2, 4, and 5 of this act shall become operative on the lien date in 1973.

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

Assembly Bill No. 184 of the 1972 Regular Session of the Legislature was enacted as Chapter 151 of the statutes of that session. However, due to the extended duration of that session, the Legislature now finds that the provisions of the bill will not become operative until after that date. To prevent this unanticipated consequence, it is necessary that this act go into immediate effect.

CHAPTER 6

An act to add Section 73527 to the Government Code, relating to courts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 8, 1973 Filed with Secretary of State March 8, 1973]

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

SECTION 1. Section 73527 is added to the Government Code, to read:

73527. In any civil action or proceeding, in addition to the fees required by Sections 72054 to 72073, inclusive, a fee of nine dollars and fifty cents ($9.50) shall be paid to the clerk of the court by each party, or jointly by parties appearing jointly, once only in any such action or proceeding in the following instances:

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

(b) Upon the filing of the answer or other first paper on behalf of any party, or parties appearing jointly, other than the plaintiff.

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 inadvertent omission of this section from the reorganized Government Code provisions relating to the municipal courts of San Mateo County enacted in 1972, and effective on March 7, 1973, will result in an additional hardship upon the taxpayers of San Mateo County and effectively diminish the cash flow and fiscal procedures of the County of San Mateo unless this act takes effect immediately.

CHAPTER 7

An act to maintain the codes by amending Sections 9020, 9141, 9222, 9223, 9350.6, 9351, 9355.7, 9356.3, 9357, 9357.1, 9357.2, 9359.18, 9360.3, 9360.6, 9360.9, 9600, 9701, 9740, 9742, 9744, 9791, 10230, 10235, and 14886 of, and repealing Section 9356.6 of, the Government Code, relating to the Legislature and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 13, 1973. Filed with Secretary of State March 13, 1973.]

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

SECTION 1. Section 9020 of the Government Code is amended to read:

9020. The Legislature shall convene in regular session at the City of Sacramento at 12 o'clock m., on the first Monday in December of each even-numbered year and each house shall immediately organize.

SEC. 2. Section 9141 of the Government Code is amended to read:

9141. The committee shall consist of seven Members of the Senate and seven Members of the Assembly who shall be selected in the manner provided for in the Joint Rules of the Senate and Assembly. The committee shall elect its own chairman. Vacancies occurring in the membership of the committee shall be filled in the manner provided for in the Joint Rules of the Senate and Assembly. 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.

SEC. 3. Section 9222 of the Government Code is amended to read:

9222. Neither the Speaker nor any Member of the Assembly who assists him shall receive any additional salary for services rendered pursuant to this article, but they shall be allowed the same mileage and actual and necessary expenses for living accommodations and meals as is provided by the Joint Rules for members of investigating committees. Officers and employees who perform services pursuant

to this article shall be compensated at the same rate paid for their services during the session. The allowances and compensation provided for in this section shall be paid only out of any money appropriated for the payment of legislative help. Claims for such allowances and compensation shall be paid by warrants drawn by the State Controller upon the State Treasurer, after certification by the Speaker.

SEC. 4. Section 9223 of the Government Code is amended to read:

9223. Whenever the Speaker incurs expenses in connection with the work of an Assembly committee of which he is a member, whether an ex officio or otherwise, the Controller shall draw his warrant in payment of the claim for such expenses when it is certified either by the chairman of the committee or by the Speaker. The amount so paid shall be charged against the money allocated to the committee from the Assembly Contingent Fund.

SEC. 5. Section 9350.6 of the Government Code is amended to read:

9350.6. "Compensation" and "salary" mean the remuneration paid in cash out of funds controlled by the state, excluding mileage, reimbursement for expenses incurred in the performance of official duties, and any per diem allowance paid in lieu of such expenses.

SEC. 6. Section 9351 of the Government Code is amended to read:

9351. "Service" means the period of time, computed in years and fractions thereof, a member has held office as a Member of the Senate or of the Assembly or as an elective officer of the state in any office provided for by the Constitution, except that of judge. "Service," with respect to a legislative statutory officer, shall be construed to refer to "state service," as defined in Section 9350.56.

In computing years of service under this act, each full term served as a Member of the Senate shall be deemed to constitute four (4) calendar years, each full term served as a Member of the Assembly shall be deemed to constitute two (2) calendar years, and each period of service from the commencement of one general session of the Legislature to the commencement of the next, prior to the term commencing in 1967, shall be deemed to constitute two (2) calendar years. Commencing in 1967, each period of service from the commencement of one regular session of the Legislature to the commencement of the next shall be deemed to constitute one (1) calendar year. Commencing in 1973, each period of service from the commencement of one regular session of the Legislature to the commencement of the next shall be deemed to constitute two (2) calendar years. Each full term served as an elective officer of the state whose office is provided for by the Constitution shall be deemed to constitute four (4) calendar years.

SEC. 7. Section 9355.7 of the Government Code is amended to read:

9355.7. Any member who while serving a term of office as a

Member of the Senate or Assembly is elected or appointed to another public office and resigns his office as Member of the Senate or Assembly shall be credited with a period of service equal to the remainder of his term as Member of the Senate or Assembly if he makes contributions therefor to the Legislators' Retirement Fund. Such contributions shall be in an amount equal to that which he would have made if he had served as a Member of the Senate or Assembly during the remainder of his term.

SEC. 8. Section 9356.3 of the Government Code is amended to read:

9356.3. This section applies to any member heretofore or hereafter elected to fill an unexpired term of office as Member of the Legislature, and who is a Member of the Legislature on the effective date of this section as amended at the 1961 General Session or who becomes a Member of the Legislature after such date.

(a) If such member is elected as a Member of the Legislature at a special election held prior to June 15 of any calendar year, the period of service of such member during the remainder of that calendar year shall constitute one calendar year of service for the purpose of computing service under this act if he makes contributions therefor to the Legislators' Retirement Fund. Such contributions shall be in an amount equal to that which he would have made if he had served as a legislator during the period of the calendar year prior to his election.

(b) If the time of service of a member elected to fill an unexpired term of office as Member of the Legislature amounts to more than one-half of the full term for that office, he shall receive credit for service for the full term of office if he makes contributions therefor to the Legislators' Retirement Fund. Such contributions shall be in an amount equal to that which he would have made if he had served as a legislator during the remainder of the term.

SEC. 9. Section 9356.6 of the Government Code is repealed.

SEC. 10. Section 9357 of the Government Code is amended to read:

9357. For each year of service rendered after the date this chapter becomes operative each legislator who is a member of this system shall contribute 4 percent of his compensation as a legislator unless he is subject to other contribution provisions of this chapter. Such contributions shall be paid as provided in Section 9357.1.

SEC. 11. Section 9357.1 of the Government Code is amended to read:

9357.1. Immediately upon receipt of the written election of a legislator to become a member of this system, the board of administration shall certify to the State Controller the name of such member. The Controller shall deduct from each warrant drawn in payment of compensation to the member the amount of contribution at the rate prescribed by the provisions of this chapter with respect to his service as a member of this system, and shall remit such amount to the board of administration, to be deposited in the Legislators'

Retirement Fund.

SEC. 12. Section 9357.2 of the Government Code is amended to read:

9357.2. Any member who rendered service prior to the date he became a member may elect, at any time prior to retirement, to contribute to the Legislators' Retirement Fund for each year or fraction thereof for which he desires to receive credit for service, a percentage of the compensation received by him in respect to such service at the rate prescribed by the provisions of this chapter with respect to his service as a member of this system.

Such contributions may be paid by lump sum payment or by installment payments over a period not in excess of the length of time for which the member has elected to receive credit for such prior service, at times and in a manner fixed by the board. No member shall receive credit for any service for which he has not contributed as required by this chapter.

SEC. 13. Section 9359.18 of the Government Code, as added by Chapter 1419 of the Statutes of 1972, is amended to read:

9359.18. In recognition of increased cost of living, allowances payable pursuant to Section 9359.12 with respect to service retirements occurring 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).

This section shall not apply to members who do not serve during the 1973–74 Regular Session.

SEC. 14. Section 9360.3 of the Government Code is amended to read:

9360.3. Application to the board for retirement of a member for disability may be made by the member or any person in his behalf. Upon receipt of the application and determination of the board that the applicant is incapacitated for the performance of duty, the board shall retire the member for disability. The application shall be made only during one or more of the three following periods:

(a) While the person is a member of this system.

(b) During such time as he has allowed his accumulated contributions to remain in the system pursuant to Section 9355.2.

(c) If the person has not allowed his accumulated contributions to remain in the system pursuant to Section 9355.2 and if he was physically or mentally incapacitated to perform his duties on the date of discontinuance of his service as a legislator and such incapacity continued to the time of application, while he is physically or mentally incapacitated.

SEC. 15. Section 9360.6 of the Government Code is amended to read:

9360.6. The disability allowance for other than legislative statutory officers is the same as the retirement allowance that would be payable to the member had he retired under this chapter for reasons other than disability, and shall be paid regardless of the age

of the member at the time of his retirement for disability. The disability retirement allowance for legislative statutory officers is the same as the retirement allowance provided in Section 9359.10, and shall be paid regardless of the age of the member at the time of his retirement for disability.

SEC. 16. Section 9360.9 of the Government Code is amended to read:

9360.9. Notwithstanding any other provisions of this chapter the provisions of this section shall be applicable to all allowances granted by this chapter commencing with each installment paid or payable on or after January 1, 1964, with respect to Members of the Senate or the Assembly not having service in such office during or after the term commencing in 1967 and members who are elective officers of the state whose offices are provided by the Constitution.

On or before January 1, 1964, the board shall adjust the amount of the allowances payable during the 1964 calendar year to reflect any increase in cost of living occurring between the 1963 calendar year and the 1955 calendar year, inclusive, and any increase resulting from such adjustment shall be payable commencing with each installment of allowances paid or payable on or after January 1, 1964. On or before January 15, 1965, and, on or before January 15 of each year thereafter, the amount of the allowances provided by this chapter shall be adjusted by the board to reflect any increase in cost of living occurring after January 1 of the immediately preceding calendar year. The average of the separate indices of the cost of living for Los Angeles and San Francisco, as published by the United States Bureau of Labor Statistics shall be used as the basis for determining the changes in the cost of living. The cost-of-living increase shall equal or exceed 1 percent before any adjustment is made in the allowance. The calendar year 1954 shall be used as the base year in computing any annual adjustment. The annual adjustment made on or before January 15, 1965 and made on or before January 15 of each calendar year thereafter shall correspond to the average annual change in the calendar year immediately preceding the year during which the adjustment shall be effective. The adjustment made on or before January 1, 1964, shall correspond to the total of the average annual changes in each calendar year from the 1955 calendar year to the 1963 calendar year, inclusive.

The adjustment provided by this section shall be made only if it operates to effect an increase over the allowance payable for the calendar year immediately preceding.

SEC. 17. Section 9600 of the Government Code is amended to read:

9600. (a) Except as provided in subdivision (b), 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.

(b) 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.

SEC. 18. Section 9701 of the Government Code is amended to read:

9701. The receipt of the Secretary of the Senate or Chief Clerk of the Assembly is a sufficient voucher for printing for any work done for the house of which the person issuing the receipt is an officer.

SEC. 19. Section 9740 of the Government Code is amended to read:

9740. The Secretary of the Senate and the Chief Clerk of the Assembly shall during the month of December in each even-numbered year, commence to compile a legislative manual or handbook. The compilation shall be completed as soon as practical after the convening of the session, and the Secretary of the Senate and the Chief Clerk of the Assembly shall immediately thereafter publish and distribute the legislative manual or handbook, in such manner as they may determine.

SEC. 20. Section 9742 of the Government Code is amended to read:

9742. The manual shall be distributed as follows:

(a) To each Senator and Assemblyman as determined by the Rules Committee of the respective houses.

(b) Each elective state officer, one copy.

(c) The State Library, five copies.

(d) Each free public library in the state, one copy.

(e) The Congressional Library at Washington, D.C., five copies.

SEC. 21. Section 9744 of the Government Code is amended to read:

9744. The remainder shall be sold at a price to be fixed by the Joint Rules Committee. The price shall be sufficient to cover the cost of printing and binding the manual.

SEC. 22. Section 9791 of the Government Code is amended to read:

9791. The laws, resolutions and journals of the Legislature shall be distributed by the Department of General Services as follows:

(a) To the Library of Congress, two copies.

(b) To the Governor, Lieutenant Governor, each Member of the Legislature, the Secretary of the Senate, the Chief Clerk of the Assembly, and the Legislative Auditor, one copy each.

(c) To the State Library, 60 copies or as many more as the State Librarian may require for exchange purposes, and to each county law library, one copy.

(d) To the Attorney General, six copies, and as many additional copies as may be requested, not exceeding the number necessary to supply each Assistant Attorney General, and each Deputy Attorney General with one copy of each.

(e) To the Legislative Counsel Bureau, as many copies as may be requested, not exceeding the number necessary to supply one copy

of each for the use of the Legislative Counsel and each Deputy Legislative Counsel.

(f) To the State Supreme Court, 11 copies and as many additional copies as may be requested not to exceed four copies.

SEC. 23. Section 10230 of the Government Code is amended to read:

10230. The Legislative Counsel shall be in attendance upon all regular and special sessions of the Legislature.

SEC. 24. Section 10235 of the Government Code is amended to read:

10235. The Legislative Counsel shall give such consideration to and service concerning any bill in the Governor's hands for rejection, approval, or other action, as the circumstances will permit and the Governor requests.

SEC. 25. Section 14886 of the Government Code is amended to read:

14886. The volumes shall be distributed as follows: to each Member of the Senate and Assembly as determined by the Rules Committee of each house; to the Secretary of the Senate and Chief Clerk of the Assembly, 15 copies; to the Governor, 25 copies; to the Lieutenant Governor, 15 copies; to the Secretary of State, the Controller, the Attorney General, the Legislative Counsel, and the Treasurer, each 10 copies; to each member of the State Board of Equalization, five copies; to the director of each state department, two copies; to the two United States Senators from California and the members of the California congressional delegation, each one copy; to the Chief Justice and Associate Justices, each one copy; to the presiding justices and associate justices of the courts of appeal, each one copy; and copies as provided in Section 14901 of this code.

All other volumes shall be sold for such price as may be fixed by the department.

Any person who publishes or sells any publication whose title contains the words "State Blue Book," "California Blue Book," or any similar words which tend to confuse the publication with the State Blue Book authorized by this act is guilty of a misdemeanor.

SEC. 26. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The fact constituting such necessity are:

At the general election on November 7, 1972, the people approved Assembly Constitutional Amendment No. 95 of the 1972 Regular Session to provide for two-year legislative sessions. This act contains technical amendments to conform the statutes with changes mandated by the enactment of the constitutional amendment, other technical amendments to reflect changes in procedure as directed by rule and practices, and technical amendments to accurately reflect legislative intent with respect to legislative affairs. Since the Legislature is now operating under the constitutional amendment it is necessary that this act must take effect immediately.

CHAPTER 8

An act to amend Sections 510 and 538.2 of the Code of Civil Procedure, relating to civil actions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 14, 1973 Filed with Secretary of State March 14, 1973]

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

SECTION 1. Section 510 of the Code of Civil Procedure, as amended by Chapter 1324 of the Statutes of 1972, 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), it 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 court 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 court 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.

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 court 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 538.2 of the Code of Civil Procedure, as added by Chapter 550 of the Statutes of 1972, is amended to read:

538.2. The notice of hearing issued pursuant to Section 538.1 shall provide for a hearing on the question whether a writ of attachment shall issue. The notice shall specify a hearing date not less than 10 days nor more than 30 days from its issuance and, except as otherwise ordered by the court for good cause shown, it shall be served not less

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than 10 days before the hearing date. The notice and temporary restraining order shall be served and return of service shall be made as provided in this code for the service of a summons and complaint. The notice shall be accompanied by a copy of the complaint and a copy of the affidavit or affidavits filed by the plaintiff under Section 538.

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:

Section 538.2 of the Code of Civil Procedure raises a question of application, which, unless resolved immediately, may lead to confusion and needless litigation. This act will avoid the problem and bring certainty into the law. Therefore, it is necessary that this act go into immediate effect.

CHAPTER 9

An act to amend Section 15356 of the Education Code, relating to school buildings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 26, 1973 Filed with Secretary of State March 26, 1973]

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

SECTION 1 Section 15356 of the Education Code, as added by Chapter 376 of the Statutes of 1972, is amended to read:

15356. The provisions of Article 3 (commencing with Section 15401), Article 4 (commencing with Section 15451), and Article 5 (commencing with Section 15501) of this chapter shall not apply to an existing building which is used in part for community college purposes, if:

(a) The building is not owned, leased, rented, or being purchased by, nor situated on property owned or being purchased by, the community college district, and

(b) The predominate use of such building is by other than a school district or community college district, and

(c) Such building is not reconstructed, altered, or added to by the community college district at a cost exceeding ten thousand dollars ($10,000).

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

In order to permit this act to operate effectively and to facilitate the orderly administration of community college courses taught in

off-campus buildings prior to the commencement of the 1973–74 school year, it is necessary that this act take effect immediately.

CHAPTER 10

An act to amend Section 9607 of the Government Code, relating to statutes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 26, 1973 Filed with Secretary of State March 26, 1973]

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

SECTION 1. Section 9607 of the Government Code is amended to read:

9607. (a) Except as provided in subdivision (b), no statute or part of a statute, repealed by another statute, is revived by the repeal of the repealing statute without express words reviving such repealed statute or part of a statute.

(b) If a later enacted statute that deletes or extends the date of termination or repeal of a previously enacted law is chaptered before such date of termination or repeal, the terminated or repealed law is revived when the later enacted statute becomes operative.

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

In order that this act may take effect in time to prevent several provisions of law from terminating or being repealed contrary to legislative intent, it is essential that this act take immediate effect.

CHAPTER 11

An act appropriating funds for the purpose of replacing loss of federal social service funds, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 26, 1973 Filed with Secretary of State March 26, 1973]

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

SECTION 1. It is the intent of the Legislature that funds appropriated by this act shall be used only to replace any loss of federal funds which will result from the proposed revision of federal regulations relating to child care and preschool services.

SEC. 2. There is hereby appropriated from the General Fund in the State Treasury the sum of eight million eight hundred six thousand five hundred dollars ($8,806,500), or as much thereof as is necessary, to the Department of Education for the purposes of the following programs for the 1972–73 fiscal year, to be allocated in accordance with the following schedule:

(a) For programs under Division 12.5 (commencing with Section 16700) of the Education Code	$6,475,000
(b) For children's centers pursuant to Sections 23550, 24675, and 25546.50 of the Education Code	$331,500
(c) For child care services provided by local agencies or private agencies in cooperation with local agencies	$2,000,000

SEC. 3. Notwithstanding any other provision of law, the Department of Education shall allocate the funds appropriated by this act to existing programs at support levels which existed on February 15, 1973, for persons who were eligible and receiving social services under such programs as of that date. Such funds shall be used only to replace any loss of federal funds caused by revisions of the federal regulations concerning the eligibility of participants or the limitation or termination of type of social services or restriction on the use of private funds in the affected programs.

The Superintendent of Public Instruction shall insure that all public or private funds committed for the support of programs by local agencies or private agencies shall be maintained at levels established prior to February 15, 1973, in order for such agencies to be eligible for funds pursuant to this act.

SEC. 4. The Department of Finance may by executive order transfer funds available pursuant to this act to and in augumentation of the amount scheduled in subdivision (h) of Item 258 of Chapter 156 of the Statutes of 1972 and provided further that the Department of Finance may transfer funds among and between subdivisions (a), (b), and (c) of Section 2 of this act as is necessary to carry out the purposes of this act.

SEC. 5. The allocations made pursuant to this act shall be exempt from the provisions of Section 16780 of the Education Code pertaining to statewide average support from state funds and parent fees assessed per hour per child for the children's center program.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the loss of federal funds does not curtail essential social service programs, it is necessary that this act take immediate effect.

CHAPTER 12

An act to amend Sections 53570 and 53571 of the Government Code, relating to refunding of bonds, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 27, 1973. Filed with Secretary of State March 27, 1973.]

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

SECTION 1. Section 53570 of the Government Code is amended to read:

53570. The following terms shall have the following meanings:

(a) The term "local agency" means public district, public corporation, authority, agency, board, commission, county, city and county, city, school district, or other public entity or any improvement district or zone thereof.

(b) The term "revenue bonds" means:

(1) Bonds, warrants, notes or other evidence of indebtedness of a local agency denominated revenue bonds under any law of this state and payable from funds other than the proceeds of ad valorem taxes or the proceeds of ad valorem taxes or the proceeds of assessments levied upon property in the local agency.

(2) Bonds, notes, interim certificates, debentures, or other obligations of a redevelopment agency, including, but not limited to, obligations payable in whole or in part from taxes allocated to and paid into a special fund of the agency pursuant to Article 6 (commencing with Section 33670), Chapter 6, Part 1, Division 24 of the Health and Safety Code.

SEC. 2. Section 53571 of the Government Code is amended to read:

53571. It is hereby declared that it is a public purpose for a local agency to issue bonds for the purpose of refunding any revenue bonds of the local agency, whether due or not due, or which have or which may hereinafter become payable at the option of such local agency, or by consent of the bondholders, or by any lawful means whether the indebtedness evidenced by such revenue bonds be now existing or may hereafter be created.

Any such refunding bonds may be outstanding at the same time as the revenue bonds to refund which such refunding bonds are issued (subject to any contractual limitations created in the proceedings for the issuance of such revenue bonds) and may be on a parity with or subordinate to such revenue bonds.

Such refunding bonds may be issued under any applicable revenue bond law, including but not limited to, the Revenue Bond Law of 1941 (Chapter 6 of this part), the Parking Law of 1949 (Part 2 of Division 18 of the Streets and Highways Code), the Parking District Law of 1951 (Part 4 of Division 18 of the Streets and Highways Code), and the Joint Exercise of Powers Act (Articles 1 and 2, Chapter 5,

Division 7, Title 1), and the Community Redevelopment Law (Part 1 of Division 24 of the Health and Safety Code), and shall be deemed issued for a valid public purpose and a proper bond purpose under such applicable revenue bond law, and interest upon the refunding bonds or the bonds to be refunded from the date thereof to the date of payment of the bonds to be refunded or the date upon which the bonds to be refunded will be paid pursuant to call or agreement with the holders of such bonds may be paid from the proceeds of the refunding bonds or the investment of such proceeds.

SEC. 3. The powers conferred by this act are in addition and supplemental to and not in substitution for, and the limitations imposed by the act shall not affect the powers conferred by, Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code or any other law authorizing the issuance of refunding bonds by a redevelopment agency.

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

Many redevelopment agencies throughout the state have outstanding tax allocation bonds bearing high interest rates. By supplementing existing statutory authority contained in the Community Redevelopment Law to facilitate the issuance and sale of refunding bonds, the act will enable redevelopment agencies to take immediate advantage of prevailing bond market conditions to refinance redevelopment projects at a lower interest cost and thus assist such agencies in the alleviation of blight and the remedying of conditions injurious to the health and welfare of the inhabitants of the state. Therefore, it is necessary that this act take effect immediately.

CHAPTER 13

An act making an appropriation for the Department of Food and Agriculture, in augmentation of the Budget Act of 1972, to take effect immediately.

[Approved by Governor March 27, 1973 Filed with Secretary of State March 27, 1973]

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

SECTION 1. There is hereby appropriated from the General Fund in the State Treasury the sum of six hundred eighty-nine thousand eight hundred eighty dollars ($689,880) and transferred to the Department of Food and Agriculture, in augmentation of the 1972–73 support budget of such department, for continuation of the meat inspection program.

SEC 2. This appropriation to the Department of Food and Agriculture is necessary since the appropriation made by the Budget Act of 1972 for the meat inspection program was dependent upon the anticipated increase in the federal funding for such program under the state and federal cost sharing program. However, the federal legislation which would have provided for such an anticipated increase was not enacted into law.

SEC. 3. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 14

An act to add and repeal Section 19700.747 of the Education Code, relating to the rehabilitation and replacement of unsafe school facilities, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 30, 1973. Filed with Secretary of State March 30, 1973]

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

SECTION 1. Section 19700.747 is added to the Education Code, to read:

19700.747. In the case of a school district which maintains only one school, there may be included in apportionments made to eligible school districts under Section 19700.745 or 19700.746, amounts needed for the purpose of renting or leasing for up to two years temporary or portable school buildings, and necessary sites therefor, to house pupils temporarily displaced by the rehabilitation or replacement of unsafe school facilities if, in the judgment of the State Allocation Board, there are no other practical means of housing the pupils of the school during the period in which the reconstruction or replacement of unsafe school facilities is taking place.

This section shall remain in effect for two years after its effective date, and upon the expiration of that time is repealed.

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

In order that projects for the rehabilitation or replacement of structurally inadequate school facilities, for which the approval of state apportionments are presently pending, may be expeditiously approved and undertaken, it is necessary that this act take immediate effect.

CHAPTER 15

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 March 30, 1973 Filed with Secretary of State March 30, 1973]

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

SECTION 1. There is hereby appropriated from the Bagley Conservation Fund to the Department of Parks and Recreation the sum of two hundred thousand dollars ($200,000) for the acquisition of certain lands in the Santa Monica Mountains located within the city limits of the City of Los Angeles near the community of Pacific Palisades for the state park system. Such acquisition shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 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 lands described in Section 1 of this act must be acquired by April 1, 1973, in order that a grant-in-aid of four hundred thousand dollars ($400,000) may be received from the Department of Housing and Urban Development towards meeting the cost of acquisition. It is therefore necessary that this act take immediate effect.

CHAPTER 16

An act to amend Section 205.7 of, and to repeal Section 205.8 of, the Revenue and Taxation Code, relating to property taxation, making an appropriation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 4, 1973 Filed with Secretary of State April 4, 1973]

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

SECTION 1. Section 205.7 of the Revenue and Taxation Code, as amended by Chapter 533 of the Statutes of 1972, is amended to read:

205.7. (a) There is exempt from taxation property, constituting the home, of every resident of this state who is a veteran as specified in Section 1¼ of Article XIII of the Constitution, 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.

Where such a person sells or otherwise disposes of such property, constituting the home, and thereafter acquires, with or without assistance from the government of the United States, any other property which such person occupies habitually as a home, the exemption allowed pursuant to this section shall apply to such other property.

No person shall be eligible for such exemption unless he was a resident of California at the time of his entry upon military or naval service, or unless he has resided in this state for five years out of the nine years immediately preceding the date of his application for the exemption, or unless he was a resident of California on November 8, 1966.

This exemption includes the home of such a person owned in either joint, common or community interest with his or her spouse.

The exemption granted to any such person or any such person and his or her spouse shall not exceed ten thousand dollars ($10,000) and shall not extend to more than one home.

An exemption granted to a claimant in accordance with the provisions of this section shall be in lieu of any other property tax exemption to which the claimant may be entitled, and no property tax exemption may be claimed by any other person with respect to the same home for which an exemption has been granted under the provisions of this section.

(b) The exemption provided by this section applies 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. The exemption provided by this section shall be shown on the local roll and shall reduce the assessed value of such corporation; provided, that such reduction shall not exceed ten thousand dollars ($10,000) for any person or for any person and his spouse; and provided further, that the exemption shall not exceed the assessed value of the home to which such resident is entitled to possession. Notwithstanding any provision of law or articles of incorporation or bylaws of such corporation to the contrary, it is the intent of the Legislature that any reduction of property taxes paid by such corporation shall reflect an equal reduction in any charges by such corporation to the veteran who, by reason of his qualifying for the exemption, made possible such reduction for such corporation.

SEC. 2. Section 205.8 of the Revenue and Taxation Code is repealed.

SEC. 3. (a) The Controller shall report to the Legislature on the amount of the claims made by county auditors under Section 16113 of the Government Code for compensation for property tax revenues lost by reason of the exemption of property by subdivision (b) of Section 205.7 of the Revenue and Taxation Code, as amended by Section 1 of this act. Such report shall be made on or before the 15th day of November next following the operative date of this act,

in order that the Legislature may appropriate funds for the subventions required by Section 2163 of the Revenue and Taxation Code.

(b) It was the intent of the Legislature in the enactment of Chapter 533 of the Statutes of 1972 to make the increase in the blind veterans' exemption operative with respect to taxes for the 1973–74 fiscal year. Due to the length of the 1972 Regular Session, Chapter 533 does not become effective until after the lien date for the 1973–74 fiscal year. Therefore, the increase in the exemption provided in subdivision (a) of Section 205.7 of the Revenue and Taxation Code, as amended by Section 1 of this act, is a clarification and restatement of existing law, and no reimbursement to local government shall be made under Section 2163 of the Revenue and Taxation Code by reason of the operation of such subdivision.

SEC. 4. The sum of two thousand dollars ($2,000) is hereby appropriated from the General Fund to the State Controller for allocation and disbursement to local government pursuant to Section 2163 of the Revenue and Taxation Code to reimburse local governments for property tax revenues lost by them pursuant to subdivision (b) of Section 205.7 of the Revenue and Taxation Code, as amended by Section 1 of this act, for the 1973–74 fiscal year.

SEC. 5. The provisions of this act shall be operative for the 1973–74 fiscal year and fiscal years thereafter.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the homes of certain blind veterans may qualify for the increased exemption of ten thousand dollars ($10,000) for the 1973–74 fiscal year, thereby fulfilling the public policy of the state as expressed in Sections 1¼a and 1¼b of Article XIII of the California Constitution, it is necessary that this act take effect immediately.

CHAPTER 17

An act to amend Section 6021 of the Business and Professions Code, relating to the State Bar, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 6, 1973 Filed with Secretary of State April 6, 1973]

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

SECTION 1. Section 6021 of the Business and Professions Code is amended to read:

6021. Within the period of 180 days next preceding the annual meeting, the board, at a meeting called for that purpose, shall elect

the president, vice presidents and treasurer for the ensuing year. Such officers shall be elected from among the board members who have at least one or more years to complete their respective terms.

The newly elected president, vice presidents and treasurer shall assume the duties of their respective offices at the conclusion of the annual meeting following their election.

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

In order for this act to apply to the election of 1973, it is necessary that it take effect immediately.

CHAPTER 18

An act to repeal and add Section 1752.15 to the Welfare and Institutions Code, relating to California Youth Authority, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 9, 1973. Filed with Secretary of State April 9, 1973.]

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

SECTION 1. Section 1752.15 of the Welfare and Institutions Code is repealed.

SEC. 2. Section 1752.15 is added to the Welfare and Institutions Code, to read:

1752.15. The director may enter into contracts, with the approval of the Director of Finance, with any county of this state upon request of the board of supervisors thereof, wherein the Department of the Youth Authority agrees to furnish temporary emergency predisposition detention facilities and necessary services incident thereto, for persons under the age of 18 years who are in the custody of the county probation officer pursuant to provisions of Chapter 2 (commencing with Section 500) of Part 1 of Division 2. Facilities of the department may be used only on a temporary basis arising from an extraordinary number of arrests incident to a mass disturbance or from other incidents when existing juvenile facilities are exhausted. They may not be used for the detention of a person described in Section 600. The county shall reimburse the state for the cost of such services, such cost to be determined by the director. The department shall present to the county, not more than once a month, a claim for the amount due the state under this section which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

SEC. 3. The Department of the Youth Authority shall report to

the Legislature not later than January 15, 1975, the extent to which the department has provided facilities and services pursuant to this act. Copies of the report shall also be sent not later than January 15, 1975, to the Assembly Committee on Criminal Justice and the Senate Committee on Judiciary.

SEC. 4. This act shall remain in effect until April 1, 1975, and on such date is repealed.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Section 1752.15 of the Welfare and Institutions Code as presently in effect shall, by virtue of Section 2 of Chapter 1339 of the Statutes of 1970 be repealed and shall have no force or effect after March 7, 1973. The need for the provisions of this section remains. The juvenile facilities of the counties are extremely overcrowded, and the counties may not be able to provide the facilities and services necessary for the detention of juveniles in the event of a mass disturbance or other incidents. In order to provide for the facilities and services required in such an eventuality, it is necessary that this act take effect immediately.

CHAPTER 19

An act to amend Sections 1754 and 1779 of the Probate Code, and to amend Sections 13871, 13872, and 17146.5 of, and to add Sections 13861.5, 17839, and 18471 to, the Revenue and Taxation Code, relating to prisoners of war, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 11, 1973 Filed with Secretary of State April 11, 1973]

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

SECTION 1. Section 1754 of the Probate Code, as amended by Chapter 988 of the Statutes of 1972, is amended to read:

1754. Any person or any relative or friend of any person, other than a creditor of the proposed conservatee, may file a verified petition alleging that the appointment of a conservator is required. The petition shall set forth, so far as they are known to the petitioner, the names and residences of the spouse, if any, and of the relatives of the proposed conservatee within the second degree. Upon the filing of the petition, the clerk shall set the petition for hearing by the court. Notice of the nature of the proceedings and of the time and place of the hearing on the petition shall be mailed by the petitioner to the spouse, if any, and to each of such relatives, and if the proposed conservatee is an "absentee" as defined in Section 1751.5, to the

secretary concerned or to the head of the United States department or agency concerned, as the case may be, at least 15 days before such hearing date. If the proposed conservatee is an "absentee," as defined in Section 1751.5, such notice shall also be published pursuant to Section 6061 of the Government Code in a newspaper of general circulation in the county in which the proceedings will be held.

If the petition is filed by a person other than the proposed conservatee, the clerk shall issue a citation directed to the proposed conservatee setting forth the time and place of the hearing. The citation, and a copy of the petition, shall be served upon the proposed conservatee in the same manner provided for in Section 415.10 or 415.30 of the Code of Civil Procedure or in such manner as may be authorized by the court, at least 10 days before the time of the hearing No such citation shall, however, be required if the proposed conservatee is an "absentee" as defined in Section 1751.5.

The proposed conservatee, if he is the petitioner, or if he is in the state at date of service and, if able to attend, shall be produced at the hearing, and, if not able to attend by reason of physical or other inability, such inability shall be established by the affidavit or certificate of a duly licensed medical practitioner, or if he is an "absentee" as defined in Section 1751.5, by a certificate complying with Section 1283 of the Evidence Code, showing the determination of the secretary of the military department or the head of the department or agency concerned or his delegate, as the case may be, that the "absentee" is in missing status.

Whenever a notice to any officer or agency of this state or of the United States would be required upon a petition for the appointment of a guardian of an alleged incompetent person a like notice shall be given of a petition under this chapter. Any officer or agency of this state or of the United States, or the authorized delegate thereof, or any relative or friend of the proposed conservatee, or the proposed conservatee himself, may appear and oppose the petition.

SEC. 2. Section 1779 of the Probate Code, as added by Chapter 988 of the Statutes of 1972, is amended to read:

1779. Upon filing of the petition, the court shall set the petition for hearing by the court. Notice of the nature of the proceedings and of the time and place of the hearing thereon, together with a copy of the petition, shall be mailed by the petitioner to all persons comprising the family of the absentee, as defined in Section 1776, and shall be delivered by the same method specified in Section 1754.5 to the secretary concerned or to the head of the United States department or agency concerned, as the case may be, at least 15 days before such hearing date. If the proposed conservatee is an "absentee," as defined in Section 1751.5, such notice shall also be published pursuant to Section 6061 of the Government Code in a newspaper of general circulation in the county in which the proceedings will be held. Whenever a notice to any officer or agency of this state or of the United States would be required upon a petition for the appointment of a guardian of an alleged incompetent person,

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a like notice shall be given of the petition under this chapter. Any officer or agency of this state or the United States or the authorized delegate thereof, or any relative or friend of the absentee, may appear and oppose the petition.

SEC. 3. Section 13861.5 is added to the Revenue and Taxation Code, to read:

13861.5. All proceeds of any National Service Life Insurance or Servicemen's Group Life Insurance Policy of any veteran of the Vietnam Conflict (as defined in subdivision (d) of Section 17146.5) which are or may become payable to the estate of such veteran as the result of injuries suffered or disease contracted by reason of military service in the line of duty and not due to his own willful misconduct and while serving in a combat zone, as defined under Section 17146.5, during the Vietnam Conflict, are exempt from the tax imposed by this part.

SEC. 4. Section 13871 of the Revenue and Taxation Code is amended to read:

13871. (a) Property transferred to a class A, B, or C transferee who is dependent of the transferor is exempt from the tax imposed by this part if the transferor dies as the result of disease contracted or injury suffered by reason of military service in the line of duty and not due to his own willful misconduct, and while serving in the armed forces of the United States between September 16, 1940, and the termination of all wars in which the United States is now engaged.

(b) Property transferred to a class A or B transferee who is a dependent of the transferor is exempt from the tax imposed by this part if the transferor dies as the result of disease contracted or injury suffered by reason of military service in the line of duty and not due to his own willful misconduct and while serving in a combat zone, as determined under Section 17146.5, during the Vietnam Conflict as defined therein.

SEC. 5. Section 13872 of the Revenue and Taxation Code is amended to read:

13872. (a) Subdivision (a) of Section 13871 is retroactive with respect to all transfers made by any such transferor dying on or after September 16, 1940.

(b) For purposes of subdivision (b) of Section 13871 and Section 17839, if the transferor is a person who was, or is, in missing status as determined under subchapter VII (commencing with Section 5561) of Chapter 55 of Title 5 of the United States Code or under Chapter 10 (commencing with Section 551) of Title 37 of such code, it shall be conclusively presumed:

(1) That such transferor continues to be living until such missing status has been terminated; and

(2) That the date of death of such transferor is not earlier than the date on which the secretary concerned, or his designee, or the head of the agency concerned, or his designee, issues, in writing, a determination or a finding under such provisions by which such

missing status is so terminated.

(c) For purposes of paragraph (2) of subdivision (b), "secretary concerned" and "head of the agency" shall have the same meanings as they have in the provisions of the United States Code cited in subdivision (b).

SEC. 6. Section 17146.5 of the Revenue and Taxation Code is amended to read:

17146.5. (a) Gross income does not include compensation received for active service as a member below the grade of commissioned officer in the armed forces of the United States for any month during any part of which such member—

(1) Served in a combat zone during an induction period, or

(2) Was hospitalized as a result of wounds, disease, or injury incurred while serving in a combat zone during an induction period, if such hospitalization occurs prior to such member first resuming full duty status following such service, or his termination of active military duty, whichever first occurs.

(b) Gross income does not include so much of the compensation as does not exceed five hundred dollars ($500) received for active service as a commissioned officer in the armed forces of the United States for any month during any part of which such officer—

(1) Served in a combat zone during an induction period, or

(2) Was hospitalized as a result of wounds, disease, or injury incurred while serving in a combat zone during an induction period, if such hospitalization occurs prior to such officer first resuming full duty status following such service or his termination of active military duty, whichever first occurs.

(c) For purposes of this section—

(1) The term "commissioned officer" does not include a commissioned warrant officer.

(2) The term "combat zone" means any area which the President of the United States by executive order designates, for purposes of Section 112 of the Internal Revenue Code of 1954, as an area in which armed forces of the United States are or have engaged in combat.

(3) Service is performed in a combat zone only if performed on or after the date designated by the President by executive order as the date of the commencing of combatant activities in such zone, and on or before the date designated by the President by executive order as the date of the termination of combatant activities in such zone.

(4) The term "compensation" does not include pensions and retirement pay.

(5) The term "induction period" means any period during which, under laws heretofore or hereafter enacted relating to the induction of individuals for training and service in the armed forces of the United States, individuals (other than individuals liable for induction by reason of a prior deferment) are liable for induction for such training and service.

(d) (1) Gross income does not include compensation received for active service as a member of the armed forces of the United States,

for any month during any part of which such member is in a missing status (as defined in Section 551(2) of Title 37 of the United States Code) during the Vietnam Conflict as a result of such conflict, other than a period with respect to which it is officially determined (under Section 552 of such title) that he is officially absent from his post of duty without authority.

(2) Gross income does not include compensation received for active service as an employee for any month during any part of which such employee is in a missing status during the Vietnam Conflict as a result of such conflict. For purposes of this paragraph the terms "active service," "employee" and "missing status" have the respective meaning given to such terms by Section 5561 of Title 5 of the United States Code.

(3) For purposes of this part, the Vietnam Conflict began August 5, 1964, and ends on the date designated by the President by executive order as the date of the termination of combatant activities in Vietnam. For purposes of this subdivision, an individual is in a missing status as a result of the Vietnam Conflict if immediately before such status began he was performing service in Vietnam or was performing service in southeast Asia in direct support of military operations in Vietnam.

(e) The amendments to this section at the 1973–74 Regular Session of the Legislature are applicable to compensation, received by members of the armed forces of the United States described in subdivision (d) and those employees described in subdivision (d), on which the tax under this part is not due and payable prior to the date of this amendment, by virtue of the operation of Section 18434 or 18470 of this code.

SEC. 7. Section 17839 is added to the Revenue and Taxation Code, to read:

17839. (a) In the case of any individual who dies after August 5, 1964, during an induction period (as defined in Section 17146.5) while in active service as a member of the armed forces of the United States, if such death occurred while serving in a combat zone (as determined in Section 17146.5) or as a result of wounds, disease, or injury incurred while so serving, any tax imposed by this part shall not apply with respect to the taxable year in which falls the date of his death, or with respect to any prior consecutive taxable year ending on or after the first day he so served in a combat zone.

(b) Subdivision (a) is applicable to taxable years ending prior to January 1, 1974, for which the tax under this part is not due and payable by virtue of the operation of Section 18434 or 18470 of this code, and to any later taxable years not later than the taxable year in which occurs the date of death of a person in missing status under subdivision (c).

(c) For purposes of this section, in cases of persons in missing status, as such status is referred to in subdivision (b) of Section 13872, the date of death shall be determined in the same manner as in subdivision (b) of Section 13872.

SEC. 8. Section 18471 is added to the Revenue and Taxation Code, to read:

18471. (a) If refund or credit of overpayment for any taxable year resulting from the application of subdivision (d) of Section 17146.5 (including interest, additions to the tax, and additional amounts) is prevented at any time before the expiration of the applicable period specified in subdivision (b) of this section by the operation of any law or rule of law, such refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed before the expiration of such applicable period.

(b) For purposes of this section, the applicable period for any individual with respect to any compensation is the period ending on whichever of the following days is later:

(1) The day which is one year after the effective date of this subdivision, or

(2) The day which is two years after the date on which the individual's missing status (within the meaning of subdivision (d) of Section 17146 5) has terminated for purposes of subdivision (d) of Section 17146.5.

SEC. 9. The public purposes of the provisions enacted in this act relating to income and inheritance taxation are to aid the administration of those tax laws by conforming the same more nearly to federal law, and to aid the morale and efficiency of the armed forces and related services of the United States.

SEC. 10. This act shall be known and may be cited as the P.O.W. Homecoming Act.

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

A question has been raised concerning the constitutionality of the P.O.W.-M.I.A. Family Relief Act of 1972, contained in Chapter 988 of the Statutes of 1972, since no provision is therein made for personal service or publication of notice of the judicial hearings which may be held pursuant to the provisions of such act, and there is therefore a concern that substituted service on the United States department or agency concerned may not be sufficient to meet constitutional due process standards. The families of persons who are missing in action or are still prisoners of war in southeast Asia are in immediate need of funds to provide for their shelter, food, health care, education, transportation, and other necessities of life. Hence, in order to remove any doubt concerning the validity of the act and so that immediate financial relief may be given to these families, it is necessary that this act shall go into immediate effect.

CHAPTER 20

An act to amend Sections 340, 515, 539, 667, 682, 684, 804, and 1014 of, to add Chapter 1 (commencing with Section 477) to Title 7 of Part 2 of, and to repeal Sections 477 and 1168 of, and to repeal Chapter 1 (commencing with Section 478) of Title 7 of Part 2 of, and to repeal Chapter 3 (commencing with Section 1143) of Title 3 of Part 3 of, the Code of Civil Procedure, to amend Sections 202, 27823, and 71265 of, and to repeal Sections 26681, 26682, 26683, 26684, and 26686 of, the Government Code, relating to civil arrest and bail.

[Approved by Governor April 12, 1973. Filed with Secretary of State April 12, 1973.]

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

SECTION 1. Section 340 of the Code of Civil Procedure is amended to read:

340. Within one year:

1. An action upon a statute for a penalty or forfeiture, when the action is given to an individual, or to an individual and the state, except when the statute imposing it prescribes a different limitation;

2. An action upon a statute, or upon an undertaking in a criminal action, for a forfeiture or penalty to the people of this state;

3. An action for libel, slander, assault, battery, false imprisonment, seduction of a person below the age of legal consent, or for injury to or for the death of one caused by the wrongful act or neglect of another, or by a depositor against a bank for the payment of a forged or raised check, or a check that bears a forged or unauthorized endorsement, or against any person who boards or feeds an animal or fowl or who engages in the practice of veterinary medicine as defined in Business and Professions Code Section 4826, for such person's neglect resulting in injury or death to an animal or fowl in the course of boarding or feeding such animal or fowl or in the course of the practice of veterinary medicine on such animal or fowl;

4. An action against an officer to recover damages for the seizure of any property for a statutory forfeiture to the state, or for the detention of, or injury to property so seized, or for damages done to any person in making any such seizure.

5. An action by a good faith improver for relief under Chapter 10 (commencing with Section 871.1) of Title 10 of Part 2 of the Code of Civil Procedure. The time begins to run from the date upon which the good faith improver discovers that he is not the owner of the land upon which the improvements have been made.

SEC. 2. Section 477 of the Code of Civil Procedure is repealed.

SEC. 3. Chapter 1 (commencing with Section 478) of Title 7 of Part 2 of the Code of Civil Procedure is repealed.

SEC. 4. Chapter 1 (commencing with Section 477) is added to Title 7 of Part 2 of the Code of Civil Procedure, to read:

CHAPTER 1. GENERAL PROVISIONS

477. Except as otherwise expressly provided, the provisional remedies, deposit in court, injunction and receivers, may not be had in justice courts.

478. A person may not be imprisoned in a civil action for debt or tort, whether before or after judgment. Nothing in this section affects any power a court may have to imprison a person who violates a court order.

SEC. 5. Section 515 of the Code of Civil Procedure, as amended by Chapter 855 of the Statutes of 1972, is amended to read:

515. The qualification of sureties under any written undertaking referred to in this chapter shall be such as are provided in Chapter 7 (commencing with Section 1041) of Title 14 of Part 2. Either party may, within two days after service of an undertaking or notice of filing an undertaking under the provisions of this chapter, give written notice to the court and the other party that he excepts to the sufficiency of the sureties If he fails to do so, he is deemed to have waived all objections to them. When a party excepts, the other party's sureties shall justify on notice within not less than two, nor more than five, days, in like manner as provided in Chapter 7 (commencing with Section 830) of Title 10 of Part 2. If the property be in the custody of the levying officer, he shall retain custody thereof until the justification is completed or waived or fails. If the sureties fail to justify, the levying officer shall proceed as if no such undertaking had been filed. If the sureties justify or the exception is waived, he shall deliver the property to the party filing such undertaking.

SEC. 6. Section 539 of the Code of Civil Procedure, as amended by Chapter 550 of the Statutes of 1972, is amended to read:

539. (a) Before issuing the notice and order pursuant to Section 538.1 or the writ pursuant to Section 538.5, the plaintiff must file with the clerk or judge a written undertaking with two or more sufficient sureties, to the effect that if the defendant recovers judgment, the plaintiff will pay all costs that may be awarded to the defendant and all damages which he may sustain by reason of the restraining order or the attachment, not exceeding the sum specified in the undertaking, and that if the restraining order or the attachment is discharged on the ground that the plaintiff was not entitled thereto under Sections 537 to 537.2, inclusive the plaintiff will pay all damages which the defendant may have sustained by reason of the restraining order or the attachment, not exceeding the sum specified in the undertaking. The sum specified in the undertaking shall be one-half (½) of the principal amount of the total indebtedness or damages claimed, excluding attorneys' fees. Nothing herein shall be construed to preclude the acceptance of an undertaking in which a larger sum is specified, if such undertaking be offered. The court on ex parte application of the plaintiff, may by written order, direct the issuance of the restraining order or the writ on the filing of an

undertaking in a lesser sum, if the court is satisfied that the defendant will be adequately protected thereby. The damages recoverable by the defendant pursuant to this section shall include all damages proximately caused by the service of the restraining order or the levy of the writ of attachment.

At any time after the issuing of the restraining order or the attachment, but not later than five days after actual notice of the levy of the writ of attachment, the defendant may except to the sufficiency of the sureties. If he fails to do so, he is deemed to have waived all objection to them. When excepted to, the plaintiff's sureties, within five days from service of written notice of exception, upon notice to the defendant of not less than two nor more than five days, must justify before the judge or clerk of the court in which the action is pending, in like manner as provided in Chapter 7 (commencing with Section 830), Title 10, Part 2; and upon failure to justify, or if others in their place fail to justify, at the time and place appointed, the writ of attachment must be vacated.

The court, at any time after issuance of the restraining order or the writ, on motion of the defendant, after notice to the plaintiff, or at the hearing pursuant to Section 538.4, may order the amount of the undertaking increased.

(b) The liability of any surety furnishing a bond pursuant to this section, if any, may be enforced on motion in the trial court without the necessity of an independent action. Notice of the motion shall be served on the persons whose liability is sought to be enforced at least 30 days prior to the time set for hearing of the motion. The notice shall state the amount of the claim and shall be supported by an affidavit or affidavits setting forth the facts on which the claim is based. Such notice and affidavit may be served in accordance with any procedure authorized by Chapter 5 (commencing with Section 1010), Title 14, Part 2. Judgment may be entered in accordance with the notice against the person or persons served therewith, unless such person or persons shall serve and file an affidavit or affidavits in opposition to the motion showing such facts as may be deemed by the judge hearing the motion sufficient to present a triable issue of fact. If such showing is made, the issues to be tried shall be specified by the court and trial thereof shall be set for the earliest date convenient to the court, allowing sufficient time for discovery. The surety shall not obtain a stay of the proceedings pending the determination of any third-party claims. Affidavits filed pursuant to this section shall conform to the requirements prescribed for affidavits filed pursuant to Section 437c.

SEC. 7. Section 667 of the Code of Civil Procedure is amended to read:

667. In an action to recover the possession of personal property, judgment for the plaintiff may be for the possession or the value thereof, in case a delivery cannot be had, and damages for the detention. If the property has been delivered to the plaintiff, and the defendant claim a return thereof judgment for the defendant may

be for a return of the property or the value thereof, in case a return cannot be had, and damages for taking and withholding the same. In an action on a contract or obligation in writing, for the direct payment of money, made payable in a specified kind of money or currency, judgment for the plaintiff, whether it be by default or after verdict, may follow the contract or obligation, and be made payable in the kind of money or currency specified therein; and in all actions for the recovery of money, if the plaintiff allege in his complaint that the same was understood and agreed by the respective parties to be payable in a specified kind of money or currency, and this fact is admitted by the default of the defendant or established by evidence, the judgment for the plaintiff must be made payable in the kind of money or currency so alleged in the complaint; and in an action against any person for the recovery of money received by such person in a fiduciary capacity, or to the use of another, judgment for the plaintiff must be made payable in the kind of money or currency so received by such person.

SEC. 8. Section 682 of the Code of Civil Procedure is amended to read:

682. The writ of execution must be issued in the name of the people, sealed with the seal of the court, and subscribed by the clerk or judge, and be directed to the sheriff, constable, or marshal, and it must intelligibly refer to the judgment, stating the court, the county, and in municipal and justice courts, the judicial district, where the judgment is entered, and if it be for money, the amount thereof, and the amount actually due thereon, and if made payable in a specified kind of money or currency, as provided in Section 667, the execution must also state the kind of money or currency in which the judgment is payable, and must require the officer to whom it is directed to proceed substantially as follows:

1. If it be against the property of the judgment debtor, it must require such officer to satisfy the judgment, with interest, out of the personal property of such debtor, or if it is against the earnings of such debtor, such levy shall be made in accordance with Section 682.3, and if sufficient personal property cannot be found, then out of his real property; or if the judgment be a lien upon real property, then out of the real property belonging to him on the day when the abstract of judgment was filed as provided in Section 674 of this code, or at any time thereafter.

2. If it be against real or personal property in the hands of the personal representatives, heirs, devisees, legatees, tenants, or trustees, it must require such officer to satisfy the judgment, with interest, out of such property.

3. If it be issued on a judgment made payable in a specified kind of money or currency, as provided in Section 667, it must also require such officer to satisfy the same in the kind of money or currency in which the judgment is made payable, and such officer must refuse payment in any other kind of money or currency; and in case of levy and sale of the property of the judgment debtor, he must refuse

payment from any purchaser at such sale in any other kind of money or currency than that specified in the execution. Any such officer collecting money or currency in the manner required by this chapter, must pay to the plaintiff or party entitled to recover the same, the same kind of money or currrency received by him, and in case of neglect or refusal to do so, he shall be liable on his official bond to the judgment creditor in three times the amount of the money so collected.

4. If it be for the delivery of the possession of real or personal property, it must require such officer to deliver the possession of the same, describing it, to the party entitled thereto, and may at the same time require such officer to satisfy any cost, damages, rents, or profits recovered by the same judgment, out of the personal property of the person against whom it was rendered, and the value of the property for which the judgment was rendered to be specified therein if a delivery thereof cannot be had; and if sufficient personal property cannot be found, then out of the real property, as provided in the first subdivision of this section.

SEC. 9. Section 684 of the Code of Civil Procedure is amended to read:

684. When the judgment is for money, or the possession of real or personal property, the same may be enforced by a writ of execution; when the judgment requires the sale of property, the same may be enforced by a writ reciting such judgment, or the material parts thereof, and directing the proper officer to execute the judgment, by making the sale and applying the proceeds in conformity therewith; when the judgment requires the performance of any other act than as above designated, a certified copy of the judgment may be served upon the party against whom the same is rendered, or upon the person or officer required thereby or by law to obey the same, and obedience thereto may be enforced by the court.

SEC. 10. Section 804 of the Code of Civil Procedure is amended to read:

804. Whenever such action is brought, the Attorney General, in addition to the statement of the cause of action, may also set forth in the complaint the name of the person rightly entitled to the office, with a statement of his right thereto.

SEC. 11. Section 1014 of the Code of Civil Procedure is amended to read:

1014. A defendant appears in an action when he answers, demurs, files a notice of motion to strike, files a notice of motion to transfer pursuant to Section 396b, gives the plaintiff written notice of his appearance, or when an attorney gives notice of appearance for him. After appearance, a defendant or his attorney is entitled to notice of all subsequent proceedings of which notice is required to be given. Where a defendant has not appeared, service of notice or papers need not be made upon him.

SEC. 12. Chapter 3 (commencing with Section 1143) of Title 3 of

Part 3 of the Code of Civil Procedure is repealed.

SEC. 13. Section 1168 of the Code of Civil Procedure is repealed.

SEC. 14. Section 202 of the Government Code is amended to read:

202. The state may imprison or confine for the protection of the public peace or health or of individual life or safety.

SEC. 15. Section 26681 of the Government Code is repealed.

SEC. 16. Section 26682 of the Government Code is repealed.

SEC. 17. Section 26683 of the Government Code is repealed.

SEC. 18. Section 26684 of the Government Code is repealed.

SEC. 19. Section 26686 of the Government Code is repealed.

SEC. 20. Section 27823 of the Government Code is amended to read:

27823. The provisions of Sections 26600, 26601, 26602, 26604, 26606 to 26609, inclusive, 26611, 26660 to 26664, inclusive, and 26680 of this code and Sections 262 to 262.5, inclusive, of the Code of Civil Procedure apply to constables, and govern their powers, duties, and liabilities.

SEC. 21. Section 71265 of the Government Code is amended to read:

71265. All provisions of Government Code Sections 26600–26602, 26604, 26606–26608.1, 26609, 26611, 26660–26664, 26680, and Code of Civil Procedure Sections 262, 262.1, 262.2, 262.3, 262.4, and 262.5, apply to marshals and constables and govern their powers, duties and liabilities.

CHAPTER 21

An act to amend Section 4706.5 of the Labor Code, relating to workmen's compensation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 12, 1973 Filed with Secretary of State April 12, 1973]

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

SECTION 1. Section 4706.5 of the Labor Code, as added by Chapter 1334 of the Statutes of 1972, is amended 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 Department of Industrial Relations equal to the total dependency death benefit that would be payable 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 Department of Industrial Relations.

(c) The payments to be made to the Department of Industrial Relations, as required by subdivisions (a) and (b), shall be placed in the General 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.

(d) The payments to be made to the Department of Industrial Relations, as required by subdivision (a), shall be paid to the department in a lump sum in the manner provided in subdivision (b) of Section 5101.

(e) The Department of Industrial Relations shall keep a record of all payments due the state under this section, and shall take such steps as may be necessary to collect such amounts.

(f) Each employer, or his insurance carrier, shall notify the administrative director, in such form as the administrative director may prescribe, of each employee death, except when the employer has actual knowledge or notice that the deceased employee left a surviving dependent.

SEC. 2. This act shall become operative March 7, 1973.

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

Section 4706.5 of the Labor Code, as added by Chapter 1334 of the Statutes of 1972, will become effective March 7, 1973. The section as originally enacted will require, on and after such date, employers, or their insurance carriers, to notify the administrative director of each employee death, the circumstances of each employee death, and the known dependents, if any, of each deceased employee. The Legislature, in enacting such section, did not intend to require such notification of each employee who dies, but only to require the notification where the deceased employee has no surviving spouse and no minor children Therefore, in order that this act will be operative on the same date as, and supersede, Section 4706.5 of the Labor Code as added by Chapter 1334 of the Statutes of 1972, it is necessary that this act take effect immediately.

CHAPTER 22

An act to amend Sections 19700.60, 19700.745, and 19700.746 of, and to add Section 19700.605 to the Education Code, relating to state school building aid, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 12, 1973 Filed with Secretary of State April 12, 1973]

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

SECTION 1. Section 19700 60 of the Education Code is amended to read:

19700.60. Apportionments under this article from the State School Building Aid Fund shall be made for the sole purpose of reconstructing or replacing existing substandard buildings that present a potential threat to the safety of schoolchildren and which do not comply with the requirements of Article 4 (commencing with Section 15451) of Chapter 2 of Division 11 or for the purpose of restoring facilities damaged by an earthquake after February 1, 1971, and for which there are no other state or federal funds available for such restoration. Such apportionments shall be made in the manner and subject to the conditions herein provided and in accordance with policies adopted by the board for the following purposes, all of which purposes are declared to be, and are, public works:

(a) The reconstruction, renovation, or remodeling of existing school buildings and facilities.

(b) The construction of permanent or temporary school buildings and facilities for replacement purposes.

(c) The acquisition, by purchase or lease, and the installation of classrooms for replacement purposes.

(d) The acquisition and development of school sites necessary for construction of buildings approved under this article.

(e) The construction, repair, attachment, or development of offsite facilities, utilities or improvements which the board determines are necessary to the proper operation or functioning of the school facilities for which apportionments are made.

(f) The acquisition of such additional furniture and equipment as is deemed necessary by the board to make the rehabilitated or replaced facilities properly function.

(g) Any combination of the above.

Except as is provided in Section 19700.605, apportionments shall not be made under this article for the purpose of reconstructing or replacing existing substandard buildings which have already been reconstructed or replaced using funds made available under Chapter 1575 of the Statutes of 1947, as amended, or Chapter 5 (commencing with Section 18901), Chapter 8 (commencing with Section 19401), or Chapter 10 (commencing with Section 19551) of this division.

As a part of such purposes, where a district is required by a contract entered into between itself and a contractor, to obtain at its own expense insurance covering risks incurred during any construction, reconstruction, or alteration for which an apportionment has been made, the cost thereof may be paid either directly, or by way of reimbursement, to the district out of the apportionment, or out of any apportionment made specifically covering such insurance; provided, that in other respects the apportionments are eligible for payment under provisions of this chapter.

SEC. 2. Section 19700.605 is added to the Education Code, to

read:

19700.605. Notwithstanding the provisions of Section 19700.60, apportionments under this article from the proceeds of bonds remaining from the authorization provided in the State School Building Aid Bond Law of 1966 may be made for the purpose of reconstructing or replacing existing substandard buildings that present a potential threat to the safety of school children and which were not previously constructed or reconstructed in accordance with the requirements of Article 4 (commencing with Section 15451) of Chapter 2 of Division 11 or which if previously reconstructed to comply with the provisions of said Article 4, no longer meet the standards of structural safety prescribed under the authority of Article 4 in effect on April 10, 1933.

SEC. 3. Section 19700.745 of the Education Code is amended to read:

19700.745. Notwithstanding any provisions of this article, any school district which has levied the entire twenty-cent ($0.20) tax rate per one hundred dollars ($100) of assessed valuation permitted under Section 15518 and has declared the entire proceeds therefrom available as local matching funds for a particular project, but lacks sufficient matching funds for such project as required under this article, may file an application thereunder prior to January 1, 1974. Under such circumstances the board may increase the basic computed state matching ratio of assistance in such amount, which, when added to the sum of the entire proceeds of the twenty-cent ($0.20) tax rate and such other funds which in the opinion of the board is or can be made currently available for the project, including funds authorized by the electors from bonds or otherwise, would be necessary to construct minimum essential facilities for the project as determined by the board. Not more than forty-five million dollars ($45,000,000) available for the purposes of this article may be apportioned for increases in the basic computed state matching ratio pursuant to this section. The source of the forty-five million dollars ($45,000,000) apportioned for this purpose shall be thirty million dollars ($30,000,000) previously appropriated for this purpose from the School Building Safety Fund by Chapter 500 of the Statutes of 1972, plus an additional fifteen million dollars ($15,000,000) of bond funds remaining from the State School Building Aid Bond Law of 1966.

SEC. 4. Section 19700.746 of the Education Code is amended to read:

19700.746. Notwithstanding any provisions of this article, where less than thirty million dollars ($30,000,000) has been apportioned or otherwise reserved by the board pursuant to Section 19700.745 on January 1, 1973, the board shall apportion as grants the remainder thereof under this section for matching purposes pursuant to this article to districts which the board determines has the greatest need. Such apportionments under this section may be made only to those districts (1) which would not have been eligible to apply under

Section 19700.745 if they had levied the entire twenty-cent ($0.20) tax rate specified therein, and (2) which have filed an application by January 1, 1973 and received an apportionment under this article from the board by February 28, 1973.

SEC. 5. Any application for an apportionment of funds under Section 19700.745 of the Education Code, which application was filed subsequent to January 1, 1973, and prior to the effective date of this act, shall be deemed to have been filed within the permissible time for filing applications as prescribed by Section 19700.745, as amended by Section 3 of this act.

SEC. 6 This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The one-year extension of time for filing applications for loans afforded by this act will expire on the date that nonurgency statutes enacted at the 1973–74 Regular Session will take effect. In order that school districts may make timely applications for loans prior to that time, and to insure that the hazards of structurally inadequate school buildings can be dealt with at the earliest practicable time, it is essential that this act take effect immediately.

CHAPTER 23

An act to add Section 203.5 to the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 12, 1973 Filed with Secretary of State April 12, 1973]

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

SECTION 1. Section 203.5 is added to the Elections Code, to read:

203.5. A person duly registered as an elector in any precinct in California who removes therefrom within 30 days prior to an election shall, for the purpose of such election, be deemed to be a resident and qualified elector of the precinct from which he so removed until the close of the polls on the day of such election.

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

In order that the provisions of this act shall be operative for the numerous municipal and school district elections which will be held in April, 1973, it is necessary that this act shall take effect immediately.

CHAPTER 24

An act to repeal and add Section 17401.5 of the Education Code, relating to financial support for the public schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 12, 1973 Filed with Secretary of State April 12, 1973]

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

SECTION 1. Section 17401.5 of the Education Code, as added by Chapter 1406 of the Statutes of 1972, is repealed.

SEC. 2. 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 Superintendent of Public Instruction for an advance of funds from the General Fund during such fiscal year of a part of the first principal apportionment to such district for the 1973–1974 fiscal year, which advance shall not exceed the amount of the computed reduction. There is hereby appropriated from the General Fund sufficient funds as needed to make the advance of funds as authorized pursuant to this section.

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, to be repaid by reducing the first principal apportionment to be made to the district during the 1973–1974 fiscal year or alternatively, at the option of the district with the approval of the Director of Finance and the Superintendent of Public Instruction, by the withholding of equal amounts from the first principal apportionments to be made to the district during the 1973–1974, 1974–1975, and 1975–1976 fiscal years. The total amount withheld shall equal the amount of the advance, plus interest, if repayment is not made during the 1973–1974 fiscal year, at a rate to be determined by the Director of Finance.

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

Chapter 1406 of the Statutes of 1972 added Section 17401.5 to the Education Code in order to provide assistance to school districts which suffer a substantial reduction in their entitlement to federal funds under Public Law 81-874. This assistance was intended to be available during the 1972–1973 fiscal year, but because of an inadvertence, Section 17401.5 will not become operative until July 1, 1973. In order to avoid this unintended result, to carry out the

original intent of the Legislature, to assist school districts, and to make certain technical changes, it is necessary that this act take effect immediately.

CHAPTER 25

An act relating to attendance in the public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 12, 1973 Filed with Secretary of State April 12, 1973]

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

SECTION 1. (a) The day of Thursday, January 25, 1973, shall, for the purposes of all requirements of law in which computed average daily attendance of pupils in the kindergarten, elementary, high school, and community college grade levels in the public schools is a factor, be deemed to have been a day during which:

(1) School was actually taught for the minimum schoolday prescribed by law.

(2) Pupils in attendance in such grade levels on January 26, 1973, were in attendance for the minimum schoolday prescribed by law.

(b) Subdivision (a) of this section shall not apply to any school or its attending pupils, with respect to which the school district governing board or county superintendent of schools having jurisdiction had, on or before January 22, 1973, designated the day of January 25, 1973, as a day upon which the school was to be closed, either as a holiday, part of a vacation period, or other regular school closure period, or to a school or its attending pupils which had been scheduled to be in session for less than 176 days during the 1972–1973 school year.

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

Unusually severe weather has required numerous school districts in the state to exhaust the extra attendance days scheduled in the school term to provide a cushion with respect to the required minimum of 175 days of attendance in the next preceding fiscal year for receiving any apportionment from the State School Fund. The declaration of January 25, 1973, as a National Day of Mourning has resulted in the scheduled attendance of numerous school districts falling below the prescribed 175-day minimum. This act would alleviate the related problems. In order that the administrative problems posed by an ordinary statute may be avoided, this act should take effect before the end of the 1972–73 fiscal year. It is, therefore, necessary that this act take effect immediately.

CHAPTER 26

An act to add and repeal Sections 8210.5 and 8210.6 of the Fish and Game Code, relating to commercial fishing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 13, 1973 Filed with Secretary of State April 13, 1973]

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

SECTION 1. Section 8210.5 is added to the Fish and Game Code, to read:

8210.5. Notwithstanding the provisions of Section 8210, in Districts 6, 7, 10, 11, 15, 16, 17, 18 and 19, silver salmon may be taken only by hook and line and only between May 15th and September 30th under the authority of a commercial fishing license. There is no bag limit. No silver salmon taken may be less than 22 inches measured from tip of the snout to the extreme tip of the tail.

This section shall remain in effect only until October 1, 1974, and as of that date is repealed.

SEC. 2. Section 8210.6 is added to the Fish and Game Code, to read:

8210.6. Notwithstanding the provisions of Section 8210, in Districts 6, 7, 10, 11, 15, 16, 17, 18 and 19, silver salmon may be taken only by hook and line and only between June 1st and September 30th under the authority of a commercial fishing license. There is no bag limit. No silver salmon taken may be less than 22 inches measured from tip of the snout to the extreme tip of the tail.

This section shall become operative October 1, 1974, and shall remain in effect only until October 1, 1976, and as of that date is repealed.

SEC. 3. The Department of Fish and Game, in cooperation with representatives of the commercial fishing industry and sport fishermen, shall annually during 1973, 1974, 1975, and 1976 evaluate the effect of the provisions of this act, and shall report its findings and recommendations thereon to the Legislature on or before December 10th of each such year. In the event that the department's evaluation in any annual report indicates that as a result of this act there has been substantial harm to the silver salmon resource, upon a finding by the director to that effect, silver salmon may be taken in Districts 6, 7, 10, 11, 15, 16, 17, 18, and 19 under the authority of a commercial fishing license by hook and line only and between April 15th and September 30th for the next following season, notwithstanding Sections 8210.5 or 8210.6, and no such silver salmon may be less than 25 inches in length during such season, measured from tip of the snout to the extreme tip of the tail and there is no bag limit. The director shall report such action to the Legislature.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within

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the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Concern has been expressed that the capture and release of silver salmon less than 25 inches in length, particularly during the April 15 to May 15 period of the commercial salmon fishing season, has been harmful to the silver salmon resource. In order to test this claim, the opening date of the silver salmon commercial fishing season should be delayed until May 15 for two commercial salmon fishing seasons. By allowing the taking of silver salmon in the 22- to 25-inch-length class, it will be possible to determine with certainty the number of silver salmon taken in this size range and the effect of such taking on the resource.

In order to make the provisions of this act applicable to the ensuing commercial salmon fishing season, which would otherwise open on April 15, it is necessary that this act become effective immediately.

CHAPTER 27

An act to amend Section 15958.6 of the Education Code, relating to contracts of school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 17, 1973. Filed with Secretary of State April 17, 1973.]

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

SECTION 1. Section 15958.6 of the Education Code, as added by Chapter 13 of the Statutes of 1972, is amended to read:

15958.6. Notwithstanding any limitations imposed by this article specifically with respect to electromechanical or electronic data-processing work to be done or related services to be performed, the governing board of any school district situated wholly or in part within a county having a population in excesss of 1,400,000 in which no regional educational data-processing center was in operation on July 1, 1972, and which district had contracted, prior to January 1, 1972, for such electromechanical or electronic data-processing work to be done or related services to be performed, may contract for such work to be done or related services to be performed, without regard to such limitations. As used in this section "any school district" includes a unified school district which is effective for all purposes on July 1, 1973, and which includes within its boundaries all or a part of the territory of a school district which had contracted, prior to January 1, 1972, for such electromechanical or electronic data-processing work to be done or related services to be performed.

This section shall remain in effect only until June 30, 1975, and as of that date is repealed.

SEC. 2. This act is an urgency statute necessary for the

immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Numerous school districts throughout the state, which entered into contracts for electromechanical and electronic data-processing work prior to January 1, 1972, have continued need for such work to be done, and related services to be performed, since such school districts are situated in counties in which no regional educational data-processing center is in operation. In order that such school districts may continue the orderly operation of their business, personnel, and pupil-related services without disruption due to statutory contractual limitations, it is necessary that this act take effect at the earliest possible time.

CHAPTER 28

An act to amend Sections 27404 and 27420 of the Public Resources Code, relating to the coastal zone, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately

[Approved by Governor April 18, 1973 Filed with Secretary of State April 18, 1973.]

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

SECTION 1. Section 27404 of the Public Resources Code is amended to read:

27404. If, prior to November 8, 1972, any city or county has issued a building permit, no person who has obtained a vested right thereunder shall be required to secure a permit from the regional commission; providing that no substantial changes may be made in any such development, except in accordance with the provisions of this division. Any such person shall be deemed to have such vested rights if, prior to November 8, 1972, he has in good faith and in reliance upon the building permit diligently commenced construction and performed substantial work on the development and incurred substantial liabilities for work and materials necessary therefor. Expenses incurred in obtaining the enactment of an ordinance in relation to the particular development or the issuance of a permit shall not be deemed liabilities for work or material.

SEC. 2. Section 27420 of the Public Resources Code is amended to read:

27420. (a) The commission shall prescribe the procedures for permit applications and their appeal and may require a reasonable filing fee and the reimbursement of expenses. All such fees and reimbursements collected heretofore or hereafter shall be credited to, and shall be in augmentation of, the appropriation made in

Section 4 of Proposition 20 as approved by the electorate at the general election on November 7, 1972, and are hereby appropriated to the commission for the same period and for the same purposes as set forth therein.

(b) The regional commission shall give written public notice of the nature of the proposed development and of the time and place of the public hearing. Such hearing shall be set no less than 21 nor more than 90 days after the date on which the application is filed.

(c) The regional commission shall act upon an application for permit within 60 days after the conclusion of the hearing and such action shall become final after the 10th working day unless an appeal is filed within that time.

SEC. 3. It is not the intent of the Legislature, in enacting the provisions of this act, to affect any right which might otherwise vest or has vested under the law.

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

The provisions of this act are designed to better achieve the objectives of the California Coastal Zone Conservation Act of 1972, by clarifying the existing uncertainties as to the permit requirements of developments on which construction had commenced prior to November 8, 1972, and by specifying that application filing fees for permits shall be credited to the California Coastal Zone Conservation Commission. In order to have such fees credited to the commission as soon as possible, and to have the uncertainties as to the permit requirements clarified as soon as possible, and thus, eliminate costly construction delays, it is necessary that the provisions of this act become effective immediately.

CHAPTER 29

An act relating to mentally retarded pupils, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 27, 1973. Filed with Secretary of State April 27, 1973.]

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

SECTION 1. The Superintendent of Public Instruction shall authorize one or more school districts or county superintendents of schools in the state to conduct a pilot program for the education of mentally retarded pupils who come within the provisions of Section 6903 of the Education Code but who are between three and five years of age.

The Superintendent of Public Instruction shall adopt rules and regulations for the conduct of such a pilot program. Such rules and regulations shall provide that the Superintendent of Public Instruction shall evaluate the effectiveness of these projects and report to the Legislature thereon no later than January 10, 1974.

SEC 2 There is hereby appropriated from the General Fund the sum of one hundred fifty-five thousand dollars ($155,000) to the Superintendent of Public Instruction to be expended in the 1973–74 fiscal year for the purposes of this act and for disbursement to school districts for all costs incurred by them pursuant to this act.

SEC. 3. This act shall become operative on July 1, 1973, and shall cease to be operative on June 30, 1974.

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 authorization in Chapter 1668 of the Statutes of 1971 for a pilot program for the education of severely mentally retarded pupils will, in the absence of additional legislation, terminate on June 30, 1973, long before the effective date of ordinary statutes enacted in 1973. Termination of the pilot program on June 30, 1973, would be premature because the pilot program would not have been in operation for sufficient time for its efficacy to be fairly and accurately ascertained. This act would authorize a continuation of the pilot program from July 1, 1973, until June 30, 1974 Therefore, in order that the pilot program not terminate prematurely but continue in operation until June 30, 1974, it is necessary that this act take effect immediately.

CHAPTER 30

An act to add Section 36815 to the Government Code, relating to cities.

[Approved by Governor April 27, 1973 Filed with Secretary of State April 27, 1973]

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

SECTION 1. Section 36815 is added to the Government Code, to read:

36815. Any reference to "councilman" or "councilmen" shall also mean and include "councilwoman" or "councilwomen." A female member of a city council may designate herself "councilwoman."

CHAPTER 31

An act to amend Section 14132 of the Welfare and Institutions Code, relating to Medi-Cal.

[Approved by Governor April 27, 1973. Filed with Secretary of State April 27, 1973.]

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

SECTION 1. Section 14132 of the Welfare and Institutions Code as amended by Chapter 1094 of the Statutes of 1972 is amended to read:

14132. The following is the basic schedule of benefits under this chapter:

(a) Outpatient services are covered as follows:

Physician, hospital outpatient, optometric, chiropractic, psychology, podiatric, occupational therapy, physical therapy, speech therapy, audiology, and services of persons rendering treatment by prayer or healing by spiritual means in the practice of any church or religious denomination insofar as these can be encompassed by federal participation under an approved plan.

The extent of such coverage is limited to a maximum total of two services from among the above in any month, and not to exceed twenty-four (24) services from among the above during any period of twelve (12) consecutive months; provided however that only as to physician outpatient services, any visits unused during the month immediately preceding the current month may be used in the current month, subject to the limitation that physician and other services from among the above shall not be covered in excess of twenty-four (24) among all such services during any period of twelve (12) consecutive months. As to hospital outpatient services, the above limitation on extent of coverage shall not apply to the services set forth in subdivisions (e), (f), (g), (h), (*l*), and (m) when rendered as part of a hospital outpatient visit.

(b) Hospital inpatient care, including physician services, is covered to a maximum of sixty-five (65) days in a period of twelve (12) consecutive months, subject to utilization controls.

(c) Nursing home care, including physician services and prescription drugs, subject to the Medi-Cal Drug Formulary, are covered to the extent of a full year of service in any period of twelve (12) consecutive months, subject to utilization controls. Other covered services listed in subdivision (a) of this section shall be subject to outpatient service controls described in subdivision (a) of this section.

(d) Purchase of prescription drugs is covered, but not to exceed two prescriptions purchased during any one month, as prescribed, subject to the Medi-Cal Drug Formulary.

(e) Hospital outpatient dialysis services and home hemodialysis services, including physician services, medical supplies, drugs and equipment required for dialysis, are covered, subject to utilization

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controls.

(f) Anesthesiologist's services when provided as part of an outpatient medical procedure, outpatient laboratory services, and X-ray services are covered to the extent prescribed.

(g) Blood and blood derivatives are covered.

(h) Emergency and essential diagnostic and restorative dental services, except for orthodontic, fixed bridgework, and partial dentures that are not necessary for balance of a complete artificial denture, are covered, subject to utilization controls. Notwithstanding the foregoing, the director may by regulation provide for certain fixed artificial dentures necessary for obtaining employment or for medical conditions which preclude the use of removable dental prostheses.

(i) Medical transportation is covered, subject to utilization controls.

(j) Home health care services are covered, subject to utilization controls.

(k) Prosthetic and orthotic devices and eyeglasses are covered, subject to utilization controls.

(*l*) Hearing aids are covered, subject to utilization controls.

(m) Durable medical equipment and medical supplies are covered, subject to utilization controls.

(n) Physical therapy services, occupational therapy services, speech therapy services and audiology services provided in rehabilitation centers approved by the department are covered, subject to utilization controls and approval by the department of extended treatment plans.

(o) Intermediate care facility services, including physician services and prescription drugs, subject to the Medi-Cal Drug Formulary, are covered to the extent of a full year of service in any period of twelve (12) consecutive months, subject to utilization controls.

CHAPTER 32

An act relating to January 25, 1973, as a day of mourning and the computation of average daily attendance for certain public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 1, 1973 Filed with Secretary of State May 1, 1973]

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

SECTION 1. Notwithstanding Section 11253, 11402, 11420, 11501, or 17551 of the Education Code or any other provision of law to the contrary, the Superintendent of Public Instruction shall, for the

school year 1972–73, allow school districts to use a divisor of 174 in computing average daily attendance for apportionment purposes for those school districts which maintained their schools for 174 days because schools were closed pursuant to subdivision (n) of Section 6700 of the Government Code because of the proclamation of the Governor declaring January 25, 1973, to be a day of mourning relating to the death of Lyndon B. Johnson, 36th President of the United States

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:

Declarations of days of mourning have, in conjunction with other factors, required numerous school districts in the state to exhaust the extra attendance days scheduled in the school term to provide a cushion with respect to the required minimum of 175 days of attendance in the next preceding fiscal year for receiving any apportionment from the State School Fund, and have reduced the average daily attendance. The declaration of January 25, 1973, as a national day of mourning has resulted in the scheduled attendance of numerous school districts falling below the prescribed 175-day minimum, and in a reduction of average daily attendance. This act would alleviate the related problems resulting from such declaration. In order that the administrative problems posed by an ordinary statute may be avoided, this act should take effect on or before the commencement of the 1973–1974 fiscal year. It is, therefore, necessary that this act take effect immediately.

CHAPTER 33

An act relating to aviation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 8, 1973. Filed with Secretary of State May 8, 1973.]

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

SECTION 1. Notwithstanding any other provision of law, any allocation from the Aeronautics Account in the State Transportation Fund to the City of Redlands in the 1973–1974 fiscal year and subsequent fiscal years, up to and including the sum of thirty-three thousand five hundred sixty-two dollars ($33,562), may be expended for that portion of such obligations incurred in prior fiscal years which would have been eligible for an allocation from such fund during such prior fiscal years.

SEC. 2. The Legislature finds and declares that this act is necessary since special facts and circumstances applicable to the City

of Redlands, and not generally applicable, make the accomplishment of this purpose impossible by any general law. There exists a dispute as to the validity of certain allocations of funds made by the Department of Aeronautics to the City of Redlands for airport expansion purposes based on a good faith expenditure of these funds, and the city's repayment of the amount of these funds to the state was made under protest that its use of these allocations for obligations related to its airport incurred in prior fiscal years was valid and proper. The Legislature further finds and declares that this is the only such acquisition of property involved, that the purpose of this act is impossible to accomplish by any general law, and that special legislation applicable only to the City of Redlands is therefore necessary.

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

The City of Redlands is experiencing serious financial difficulties because of uncertainty as to the application of provisions of law relating to grants of state funds for purposes of expansion of its airport. In order to resolve this uncertainty as soon as possible, it is necessary that this act go into immediate effect.

CHAPTER 34

An act to amend Section 25413.8 of the Education Code, relating to school district governing boards, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 8, 1973. Filed with Secretary of State May 8, 1973]

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

SECTION 1. Section 25413.8 of the Education Code is amended to read:

25413.8. (a) The members of the governing board of any unified district which has an average daily attendance of 100,000 or more as of October, 1971, and which maintains a community college shall call an election for the purpose of determining whether the members shall continue to serve also as members of the governing board of any unified school district having boundaries which are coterminous with the boundaries of the community college district. The election shall be held at the general election in accordance with the provisions of this code for conducting a regular election of governing board members. The ballots used in such election shall contain the words "Separate Community College Board—Yes" and "Separate Community College Board—No." The governing board of the

district maintaining a community college shall prepare an impartial statement explaining the ballot measures and the expected results of continuing a common governing board or establishing two separate boards and such statement shall be distributed to the voters with the sample ballot and "pro" and "con" arguments, if any, as provided by law. Each elector voting at the election shall indicate the answer he desires to give in accordance with regular election procedures.

(b) If the proposition for a separate community college governing board receives a majority "yes" vote than those persons who serve as members of the governing boards of both a community college district and any such unified school district shall, on or before June 1, 1973, choose on which of the two boards they will continue to serve. Those persons who choose to serve as members of either the governing boards of a community college district or the governing board of any such unified school district shall continue to serve also as members of the governing board from which they have chosen to withdraw until their successors on such boards are elected after June 1, 1973, and have assumed office. If the city charter of the city in which the unified school district is located in whole or in part governs the appointment, nomination, or election of members of the governing board of the unified school district, the new governing board of the community college district also shall be governed by such city charter so that the separate governing boards of both the unified and community college districts after June 1, 1973, shall be appointed or nominated and elected at the same elections, under the same conditions and for the same terms of office set forth in such city charter.

(c) The election of the members of the first community college governing board shall be conducted no later than the next election held for the nomination and election of governing board members of the unified district and under the same conditions and for the same terms of office pursuant to city charter except as set forth below. Prior to such elections, and only for those elections, the governing board of the unified district shall designate three positions on the new community college district governing board for which the initial term of office shall be four years and two positions for which the initial term of office shall be two years. Thereafter, all elections of the governing board members of the community college district shall be held under the same conditions, at the same times, and for the same terms as elections for the unified district governing board pursuant to city charter. The governing board of the unified district shall continue to govern the community college district until members of the new governing board of the community college district are elected and qualified to serve, at which time the governance of the community college district shall pass to the new governing board of the community college district.

(d) The governing board of the unified district may, if it deems such action appropriate, call two special elections within the community college district prior to the dates set forth by law for the

primary and general elections of members of the governing board of the unified district, for the purpose of permitting the people of the community college district to nominate and elect governing board members of the community college district at the earliest possible time after the November 7, 1972, election. If such special primary and general elections are called, the governing board of the unified district shall designate for such elections, and only for such elections, (1) three positions on the new community college district governing board for which the initial term of office shall be four years plus the necessary number of days to allow such term to end on the same date as the end of the term of a member of the unified district governing board whose term expires in December, 1977, and (2) two positions on the new community college district governing board for which the initial term of office shall be two years plus the necessary number of days to allow such term to end on the same date as the end of the term of a member of the unified district governing board whose term expires in December, 1975. Such elections shall be held, insofar as possible, under the same conditions as elections for the unified district governing board pursuant to a city charter. Thereafter, all elections of governing board members of the community college district shall be held under the same conditions, at the same times, and for the same terms as elections for the unified district governing board pursuant to a city charter. The governing board of the unified district shall continue to govern the community college district until members of the new governing board of the community college district are elected and qualified to serve, at which time the governance of the community college district shall pass to the new governing board of the community college district.

(e) Each member of the separate governing board of the community college district shall receive the same compensation as received by members of the separate governing board of the unified district under Section 1231, notwithstanding any requirements to the contrary contained in such section.

(f) Notwithstanding subdivisions (c) and (d) of this section, if a person serving on the common governing board chooses, prior to June 1, 1973, to serve on the governing board of the community district, he shall serve as a member of the community college district governing board until the expiration of the term of the office to which he was last elected as a member of that board.

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

In order that school district governing board members may take requisite action by June 1, 1973, as required by Section 1 of this act, it is necessary that this act take immediate effect.

CHAPTER 35

An act to amend Sections 165 and 2416 of the Vehicle Code, relating to vehicles.

[Approved by Governor May 8, 1973 Filed with Secretary of State May 8, 1973]

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

SECTION 1. Section 165 of the Vehicle Code, as amended by Chapter 431 of the Statutes of 1972, is amended to read:

165. An authorized emergency vehicle is:

(a) Any publicly owned ambulance, lifeguard or lifesaving equipment or any privately owned ambulance used to respond to emergency calls and operated under a license issued by the Commissioner of the California Highway Patrol.

(b) Any publicly owned vehicle operated by the following persons, agencies or organizations

(1) Any forestry or fire department of any public agency or fire department organized as provided in the Health and Safety Code.

(2) Any police department, including those of the University of California and the California State University and Colleges, sheriff's department, or the California Highway Patrol.

(3) The district attorney of any county or any district attorney investigator.

(4) Any constable or deputy constable engaged in law enforcement work.

(5) Peace officer personnel of the Department of Justice.

(6) Peace officer personnel of the state park system appointed pursuant to Section 5008 of the Public Resources Code.

(7) Peace officer personnel employed and compensated as members of a security patrol of a school district while carrying out the duties of their employment.

(c) Any vehicle owned by the state, or any bridge and highway district, and equipped and used either for fighting fires, or towing or servicing other vehicles, caring for injured persons, or repairing damaged lighting or electrical equipment.

(d) Any state-owned vehicle used in responding to emergency fire, rescue or communications calls and operated either by the Office of Emergency Services or by any public agency or industrial fire department to which the Office of Emergency Services has assigned such vehicle.

(e) Any state-owned vehicle operated by a fish and game warden.

(f) Any vehicle owned or operated by any department or agency of the United States government:

(1) When such department or agency is engaged primarily in law enforcement work and the vehicle is used in responding to emergency calls, or

(2) When such vehicle is used in responding to emergency fire,

ambulance or lifesaving calls.

(g) Any vehicle for which an authorized emergency vehicle permit has been issued by the Commissioner of the California Highway Patrol.

SEC. 2. Section 2416 of the Vehicle Code is amended to read:

2416 (a) The Commissioner of the California Highway Patrol may issue authorized emergency vehicle permits only for the following vehicles, and then only upon a finding in each case that the vehicle is used in responding to emergency calls for fire or law enforcement or for the immediate preservation of life or property or for the apprehension of law violators:

(1) Any vehicle maintained in whole or in part by the state, a county or a city and privately owned and operated by a constable, deputy constable, or person who is a member of, and who receives salary from, and is regularly employed by, a police department or sheriff's department, provided the state, county or city does not furnish to such person a publicly owned authorized emergency vehicle.

(2) An emergency repair vehicle of a utility or public utility.

(3) Firefighting equipment designed and operated exclusively as such.

(4) Any vehicle operated by the chief or assistant chief of a fire department organized as provided in the Health and Safety Code or the Government Code or pursuant to special act of the Legislature.

(5) Any vehicle of an air pollution control district used to enforce provisions of law relating to air pollution from motor vehicles.

(6) Any vehicle operated by the chief of any fire department established on any base of the armed forces of the United States.

(b) Privately owned ambulances may be operated as emergency vehicles only under a license issued in accordance with the provisions of Chapter 2.5 (commencing with Section 2500) of this division.

CHAPTER 36

An act to add Section 30512 to the Water Code, and to add Section 15974 to the Public Utilities Code, relating to districts.

[Approved by Governor May 10, 1973 Filed with Secretary of State May 10, 1973.]

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

SECTION 1. Section 30512 is added to the Water Code, to read:

30512. Notwithstanding Section 30500 or any other provision of this division, each member of the board of directors of the Canebrake County Water District in San Diego County, whether elected or appointed, shall be either a voter of the district or an owner of land

within the district.

SEC. 2 Section 15974 is added to the Public Utilities Code, to read:

15974. Notwithstanding Section 15952 or any other provision of this division, each member of the board of directors of the Johnsville Public Utility District in Plumas County, whether elected or appointed, shall be either a voter of the district or an owner of land within the district.

SEC. 3. The provisions of Section 1 of this act are necessary because of the very small number of registered voters of the Canebrake County Water District and the unavailability of registered voters of the district to serve on the board of directors. This problem is not common to all districts formed under the County Water District Law. It is therefore hereby declared that a general law cannot be made applicable and that the enactment of Section 30512 of the Water Code as a special law is necessary for the solution of problems existing in the Canebrake County Water District.

SEC 4. The provisions of Section 2 of this act are necessary because of the very small number of registered voters of the Johnsville Public Utility District and the unavailability of registered voters of the district to serve on the board of directors. This problem is not common to all districts formed under the Public Utility District Act. It is, therefore, hereby declared that a general law cannot be made applicable and that the enactment of Section 15974 of the Public Utilities Code as a special law is necessary for the solution of problems existing in the Johnsville Public Utility District.

CHAPTER 37

An act to add Sections 54914, 54915, 54916, 54917, 54918, 54919, and 54920 to the Government Code, relating to local government, and declaring the urgency thereof, to take effect immediately

[Approved by Governor May 10, 1973 Filed with Secretary of State May 10, 1973]

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

SECTION 1. Section 54914 is added to the Government Code, to read:

54914. Notwithstanding Sections 54902 and 54903, any annexation by a municipal sewer assessment district or zone completed prior to February 1, 1973, shall be effective for assessment and taxation purposes for the 1973–74 fiscal year if the required statements and map or plat is filed on or before March 1, 1973.

SEC. 2. Section 54915 is added to the Government Code, to read:

54915. Notwithstanding Sections 54902 and 54903, any change in the boundaries of a fire protection district formed or operating under

Part 2.7 (commencing with Section 13801) of Division 12 of the Health and Safety Code as the result of an annexation to a city, the proceedings for which were completed in 1972, and as the result of the withdrawal of territory of the district by action taken prior to March 1, 1973, pursuant to Section 13952 of the Health and Safety Code, by the city council of a city to which such territory has been annexed shall be effective for assessment and taxation purposes for the 1973–74 fiscal year if the required statements and map or plat is filed on or before March 1, 1973.

The district from which the territory has been withdrawn shall have no power to furnish fire protection services to such territory on or after July 1, 1973, and no taxes shall be levied by or on behalf of the district on any property in such territory in order to furnish fire protection services to such territory on or after July 1, 1973.

SEC. 3. Section 54916 is added to the Government Code, to read:

54916. Notwithstanding Sections 54902 and 54903, any formation of a county service area for the maintenance of park, recreation or parkway facilities and services completed prior to January 1, 1973, shall be effective for assessment and taxation purposes for the 1973–74 fiscal year if the required statements and map or plat are filed on or before January 5, 1973.

SEC. 4. Section 54917 is added to the Government Code, to read.

54917. Notwithstanding Sections 54902 and 54903, any annexation by a county street lighting maintenance district completed on January 17, 1973, shall be effective for assessment and taxation purposes for the 1973–74 fiscal year if the required statements and map or plat are filed on or before February 15, 1973.

SEC. 5. Section 54918 is added to the Government Code, to read:

54918. Notwithstanding Sections 54902 and 54903, any county service area which is formed for the construction of swimming pools and is formed on February 7, 1973, shall be effective for assessment and taxation purposes for the 1973–74 fiscal year if the required statements and map or plat are filed on or before February 28, 1973.

SEC. 6. Section 54919 is added to the Government Code, to read:

54919. Notwithstanding Sections 54902 and 54903, any county service area which is formed for the purpose of sewer maintenance, the formation of which is completed by February 7, 1973, shall be effective for assessment and taxation purposes for the 1973–74 fiscal year if the required statements and map or plat are filed on or before February 28, 1973.

SEC. 7. Section 54920 is added to the Government Code, to read:

54920. Notwithstanding Section 54902 and 54903, any annexation to a county sewer maintenance district which was completed on January 4, 1973, shall be effective for assessment and taxation purposes for the 1973–74 fiscal year if the required statements and map or plat are filed on or before January 26, 1973.

SEC. 8. Any local agency electing to file documents pursuant to the provisions of Section 1, 2, 3, 4, 5, 6, or 7 of this act shall reimburse any local government for the costs incurred by such local

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government by reason of the provisions of this act.

SEC 9. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act, because the mandate in this act will be funded by user charges collected locally, and jurisdictions paying user charges are voluntarily requesting the service.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that certain local agencies which have been recently formed or have made changes in their boundaries may assess and levy taxes for the 1973–74 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 38

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

[Approved by Governor May 10, 1973 Filed with Secretary of State May 10, 1973]

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

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

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

Agencies, boards, commissions, or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code.
Air pollution control districts.
Airport districts.
Assessment districts.
Bridge and highway districts.
California water district distribution districts.
California water district improvement districts.
California water districts.
Cemetery districts.

Citrus pest control districts.
City general improvement district improvement districts.
City general improvement districts.
City maintenance districts
Community college districts.
Community facilities districts
Community service districts
Conservancy districts.
County boards of education.
County drainage districts.
County fire protection districts.
County flood control and water districts.
County maintenance districts.
County power pumping districts
County sanitation districts.
County sanitation district improvement districts.
County service area improvement areas.
County service areas.
County sewerage and water districts.
County water agencies.
County water authorities
County water district improvement districts.
County water districts
County waterworks districts.
Department of Water Resources and other agencies acting under and pursuant to Part 3 (commencing with Section 11100), Division 6 of the Water Code.
Drainage districts
Fire protection districts.
Flood control and water conservation districts.
Flood control districts.
Garbage and refuse disposal districts.
Garbage disposal districts.
Harbor districts.
Harbor improvement districts.
Harbor, recreation, and conservation districts.
Highway districts.
Highway interchange districts.
Highway lighting districts.
Horticultural protection districts.
Horticultural development districts.
Housing authorities.
Irrigation district distribution districts.
Irrigation district improvement districts.
Irrigation districts.
Joint harbor improvement districts.
Joint highway districts.
Joint municipal sewage disposal districts.
Junior college districts.

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

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

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

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

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

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

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

SEC. 5. All acts and proceedings heretofore taken by or on behalf

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

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

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

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

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

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

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color

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

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

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

SEC. 10. This act may be cited as the First Validating Act of 1973.

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

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

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

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

(3) Public bodies can issue and sell bonds heretofore authorized

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

CHAPTER 39

An act to add and repeal Section 8276.5 of the Fish and Game Code, relating to crabs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 10, 1973 Filed with Secretary of State May 10, 1973]

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

SECTION 1. Section 8276.5 is added to the Fish and Game Code, to read:

8276.5. Notwithstanding any other provisions of this code or any regulations made pursuant to this code:

(a) Crabs may be taken in Districts 6, 7, 8, and 9 only between December 1st and August 31st.

(b) Crabs may be taken in all other districts only between the second Tuesday in November and June 30th.

(c) Crabs may not be taken for commercial purposes in any district or part of a district lying within the portions of Crescent City Harbor between the south sand barrier and the breakwater.

This section shall remain in effect only until January 1, 1975, and as of that date is repealed. Section 8276 shall be inoperative until that date.

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

In order for the provisions of this act to be operative in time to extend the present crab season and prevent major economic loss to the crab industry, it is necessary that this act become effective immediately.

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CHAPTER 40

An act to amend and renumber Section 313 of the Business and Professions Code, relating to the Department of Consumer Affairs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 10, 1973 Filed with Secretary of State May 10, 1973]

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

SECTION 1. Section 313 of the Business and Professions Code, as added by Chapter 1412 of the Statutes of 1972, is amended and renumbered to read:

313.1. (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.

(b) The director shall have the authority, for a period of 30 days after such a proposed rule, regulation, or fee change has been submitted to him, to disapprove it on the ground that it is injurious to the public health, safety, or welfare. If it is so disapproved it shall have no further force or effect unless such disapproval is reversed by a unanimous vote of the board, commission, or committee proposing it, in which event it shall become effective upon compliance with the further procedures required by Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of the Government Code.

(c) Nothing in this section shall be construed to prohibit the director from affirmatively approving a proposed rule, regulation, or fee change at any time within the 30-day period after it has been submitted to him, in which event it shall become effective upon compliance with the further procedures required by Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 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:

Questions of interpretation have arisen regarding the effect of Section 313 of the Business and Professions Code, as added by Chapter 1412 of the Statutes of 1972, upon the procedures for adopting, amending and repealing administrative rules and regulations set forth in Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of the Government Code. The purpose of this act is to resolve any potential conflicts that might arise between such Section 313 of the Business and Professions Code and such procedures.

Since Section 313 of the Business and Professions Code, as added

by Chapter 1412 of the Statutes of 1972, became effective on March 7, 1973, it is necessary that this act go into immediate effect in order to prevent confusion that may arise over the proper procedures to be followed under such Section 313 of the Business and Professions Code

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CHAPTER 41

An act to maintain the codes by repealing Article 3.7 (commencing with Section 989) of Chapter 6 of Division 4 of, and repealing Section 996.982 of, the Military and Veterans Code, relating to veterans.

[Approved by Governor May 10, 1973 Filed with Secretary of State May 10, 1973]

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

SECTION 1. Article 3.7 (commencing with Section 989) of Chapter 6 of Division 4 of the Military and Veterans Code is repealed.

SEC. 2. Section 996.982 of the Military and Veterans Code is repealed.

CHAPTER 42

An act to amend Section 15 of, and to add Section 44 to, the Mojave Water Agency Law (Chapter 2146 of the Statutes of 1959), relating to the Mojave Water Agency, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 10, 1973 Filed with Secretary of State May 10, 1973]

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

SECTION 1. Section 15 of the Mojave Water Agency Law (Chapter 2146 of the Statutes of 1959) is amended to read:

Sec. 15. The agency may do any and every act necessary to be done so that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants of the agency, including without limiting the generality of the foregoing, irrigation, domestic, fire protection, municipal, commercial, industrial and recreational uses Without limiting the generality of the foregoing or any other section of this act, the agency has the following additional powers:

(1) To make surveys and investigations of the water supply and resources of the agency, to plan water projects and to publish and

distribute reports thereof

(2) To develop, protect, conserve and reclaim water, reduce the waste of water, control and prevent the intrusion of salinity in water, and replenish underground water supplies within the agency, including the collection, treatment, and disposal of sewage, waste, and storm water, and to fix and collect rates and charges therefor.

(3) To store, regulate, control, transport, divert and distribute water for use within the agency by any reasonable means, including, without limitation, the construction and operation of works and the spreading and sinking of water into underground storage basins.

(4) To appropriate water and acquire and protect water rights for any beneficial purpose.

(5) To commence, maintain, appear before, intervene in, defend and compromise, in the name of the agency, and to assume the costs of, any action, hearing or proceeding before any court of the United States or of the State of California, involving or affecting the ownership, use or supply of water, water rights or water service within or without the agency which is or may be used or useful for any purpose within the agency, or involving or affecting the interference or diminution of the natural flow of any river or stream or subterranean water supply, which is or may be used or useful for any purpose within the agency

(6) To enter into any contract with any person, corporation, utility, district, public corporation, the United States, or the State of California, as the board deems proper or advisable or in the interest of the lands and inhabitants of the agency, to carry out or to execute any of the purposes of this act.

(7) To promote and coordinate existing and planned water service facilities in the agency with the operations of the California Water Plan and Aqueduct System.

(8) To join with one or more persons, corporations, utilities, districts or other public corporations, the United States or the State of California, for the purpose of carrying out any of the powers granted by this act.

(9) To make application to the State of California, the Department of Water Resources, or any other appropriate department or agency of the State of California for the department's or agency's share of water made available by the Feather River Project or any other supplemental water source.

(10) To construct, operate, and maintain works to develop hydroelectric energy as a means of assisting in financing the construction, operation and maintenance of works for other beneficial uses and purposes, and to enter into contracts for the sale of such energy for a term not to exceed 50 years. Such energy may be marketed only at wholesale rates to any public agency or private entity engaged in the sale or use of electric energy.

SEC. 2. Section 44 is added to the Mojave Water Agency Law (Chapter 2146 of the Statutes of 1959), to read:

Sec. 44 Any proposition to issue bonds of the agency for an

improvement district thereof for the purposes of the agency, including the collection, treatment, and disposal of sewage, waste, and storm water, which has been submitted to the voters of such improvement district at an election held therein, whether called or held before the effective date of this section, and all proceedings leading to the formation of such improvement district and to such election, are hereby ratified, confirmed, and validated, and any bonds authorized at such election may be issued as legal obligations of the agency for such improvement district.

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

The California Regional Water Quality Control Board, Lahontan Region, has designated the Mojave Water Agency as the entity responsible for a regional waste water reclamation project necessary to protect and maintain the health, welfare and safety of inhabitants and property owners in the area of Victorville and surrounding territory. The Mojave Water Agency has reclamation powers, and has prepared and submitted a report to qualify for grant funds for such project under the Federal Water Pollution Control Act and the California Clean Water Bond Act. This act clarifies the agency's powers to undertake a reclamation project which includes the collection, treatment and disposal of sewage, and to issue improvement district bonds to finance the local share of such regional project. It is necessary, therefore, that this act go into immediate effect.

CHAPTER 43

An act to amend Section 24351.1 of the Health and Safety Code, to amend Section 28701 of the Public Utilities Code, to add Section 50270.5 to, and to amend Sections 50272, 50273, 50274, 50275, and 50276 of the Government Code, relating to city selection committees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 15, 1973 Filed with Secretary of State May 15, 1973]

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

SECTION 1. Section 24351.1 of the Health and Safety Code is amended to read:

24351.1. With regard to the city selection committee appointment to the board for the City and County of San Francisco, the mayor shall make the appointment.

SEC. 2. Section 28701 of the Public Utilities Code is amended to

read:

28701. With regard to the city selection committee appointments to the board of directors for the City and County of San Francisco, the mayor shall make the appointments.

SEC 3. Section 50270.5 is added to the Government Code, to read:

50270.5. As used in this article, "clerk" means the clerk of a county or the legislative body thereof. Where the office of county clerk is separate from the office of clerk of the board of supervisors, "clerk" means the clerk of the board of supervisors.

SEC. 3.5. Section 50272, as added to the Government Code by Chapter 1232 of the Statutes of 1972, is amended to read:

50272. Representatives of a majority of the number of cities within a county entitled to representation on the city selection committee shall constitute a quorum of the committee; provided, however, that a majority vote of the representatives of the number of cities within a county entitled to representation on the committee is necessary to appoint representatives to boards, commissions, or agencies. Whenever a quorum is not present at a meeting of any city selection committee, the meeting shall be postponed or adjourned to a subsequent time and place, as determined by the chairman.

SEC. 4. Section 50273, as added to the Government Code by Chapter 1232 of the Statutes of 1972, is amended to read:

50273. In order to provide for initial organization of a city selection committee pursuant to this article, an organizational meeting of each committee shall be held within 60 days after the effective date of this article. The clerk of each county shall act as temporary chairman of the city selection committee.

As temporary chairman of the city selection committee, the clerk shall fix a time and place for the organizational meeting of the committee and shall give notice of such date and time to the mayor of each city incorporated within the county.

Each selection committee shall meet on the date and at the time designated by the clerk. After the organizational meeting, a selection committee shall meet on such dates and at such times as it may determine or as are required by law.

SEC. 5. Section 50274 of the Government Code, as added by Chapter 1232 of the Statutes of 1972, is amended to read:

50274. At the first organizational meeting of a city selection committee held pursuant to Section 50273, it shall select from among its members a permanent chairman and vice chairman, and such other officers as it deems necessary. The term of office of the chairman and vice chairman shall be not less than one year nor more than four years as determined in the rules and regulations adopted by a city selection committee pursuant to Section 50275. At least 60 days prior to the expiration of the term of office of the chairman and vice chairman, the city selection committee shall meet and select a successor to the chairman and to the vice chairman.

SEC. 6. Section 50275 of the Government Code as added by

Chapter 1232 of the Statutes of 1972, is amended to read:

50275. In order to carry out the provisions and purposes of this article, a city selection committee shall formulate and adopt rules and regulations to govern the conduct of their meetings and the selection of city representatives. Such rules and regulations shall include, but not be limited to, the term of office of the chairman and vice chairman of the city selection committee, such term to be not less than one year nor more than four years, the time and place of the committee's regular meetings, a procedure for nominating and selecting city representatives, and the manner in which voting by the city selection committee shall be conducted.

SEC. 7. Section 50276, as added to the Government Code by Chapter 1232 of the Statutes of 1972, is amended to read:

50276. The clerk of each county shall act as the permanent secretary and recording officer of the city selection committee organized within such county All meetings of a city selection committee shall be conducted in the presence of the clerk of the county in which the committee is organized or his deputy. All votes and action taken by a city selection committee shall be recorded in writing by the secretary of the committee. The written record of any vote or action taken by the selection committee shall include the name of each member voting and how he voted. Written records and minutes of a selection committee's secretary are public records.

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:

A question has been raised as to whether, under Chapter 1232 of the Statutes of 1972, the Mayor of San Francisco is entitled to make all appointments to the boards of directors of the Bay Area Air Pollution Control District and of the San Francisco Bay Area Rapid Transit District for the City and County of San Francisco. In order to make the law explicitly clear at the earliest possible time that the appointments the mayor is entitled to, under Chapter 1232 to the two boards of directors, are only those appointments which a city selection committee for the city and county, if such a committee for the city and county had been created under Chapter 1232, would be entitled to make to the two boards, it is necessary that this act take effect immediately.

CHAPTER 44

An act to add and repeal Section 25541.8 of the Education Code, relating to community colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 15, 1973 Filed with Secretary of State May 15, 1973]

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

SECTION 1. Section 25541.8 is added to the Education Code, to read:

25541.8. The increase in the maximum rate of tax authorized by Section 25541.5 shall remain in effect until the end of the eighth consecutive fiscal year following the date of the first election at which a bond issue for a community college was passed in any community college district in which such eighth consecutive fiscal year ends on June 30, 1978.

This section shall remain in effect until June 30, 1978, and as of that date is repealed.

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

In order that the urgently needed extensions in the operative period of the increases in maximum community college district tax rate afforded by this act will be in effect on or before the commencement of the 1973–74 fiscal year for one or more community college districts, in order that district budgets and other fiscal proceedings may be prepared and conducted accordingly, it is essential that this act take effect immediately.

CHAPTER 45

An act to amend Section 18902 of the Health and Safety Code, relating to the State Building Standards Commission.

[Approved by Governor May 15, 1973 Filed with Secretary of State May 15, 1973]

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

SECTION 1. Section 18902 of the Health and Safety Code is amended to read:

18902. The commission shall in cooperation with all state agencies concerned, rewrite where necessary, promulgate and publish in accordance with the Administrative Procedure Act a single State Building Standards Code of all administrative building regulations of state agencies relating to building standards which are enforced or supervised by state agencies, which code may include administrative regulations. The State Building Standards Commission shall adopt, by means of reference, applicable national specifications, published standards, and model codes, where appropriate, using exceptions where necessary. Such code shall indicate the agency having responsibility vested by law for the administration of each building regulation. The code shall include an

index and reference guide. The provisions of such code shall, when adopted and published as provided in this part, supersede all then existing administrative regulations relating to building standards issued by individual state agencies. Thereafter, such state agencies shall use the nomenclature and arrangement adopted by the commission as provided in this part.

The commission may approve and publish amendments to the code not oftener than once a year, except that by three-fourths vote of all its members present and voting, which shall not constitute less than six affirmative votes, the commission may find that an emergency exists and, if it makes the finding described in subdivision (b) of Section 11421 of the Government Code, it may then adopt and publish amendments as needed.

Such code may contain references to state laws relating to building standards, to model codes, published standards, or national specifications.

Such code shall be known as the State Building Standards Code.

The Department of General Services shall publish the State Building Standards Code and all amendments and publications relating thereto, excepting therefrom the text of those national specifications, published standards, and model codes which have been adopted by means of reference, in suitable looseleaf form and shall make it available to the public at a reasonable price. It shall be the duty of each state department concerned and of each city or county to have an up-to-date copy of the code available for public inspection.

The commission may purchase, stockpile, and sell to the public at a reasonable price any referenced materials, and may publish and sell to the public at a reasonable price any referenced material that it deems is not adequately available.

CHAPTER 46

An act to amend Sections 885.5 and 6952 of the Education Code, relating to public schools.

[Approved by Governor May 15, 1973 Filed with Secretary of State May 15, 1973]

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

SECTION 1. Section 885.5 of the Education Code, as amended by Chapter 1373 of the Statutes of 1972, 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. Whenever a county superintendent of schools provides education to pupils who reside in a licensed children's institution or a family home located either within or without the boundaries of the county, the county superintendent of schools shall be reimbursed by the county of residence pursuant to Section 6952

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 Section 895.6 and 895.7.

SEC. 2. Section 6952 of the Education Code is amended to read:

6952. The county or city and county of which any pupil described in Section 6950 or Section 6951 is a resident shall at the close of each school year pay to the district or county superintendent of schools educating such pupil the cost of educating such pupil during the school year. The cost shall be determined by dividing the total current expenses of the school district or county superintendent of schools during such school year less all apportionments from the state or allocations from the federal government received by the district or county superintendent of schools during such school year, by the total number of units of average daily attendance in such school district or in programs maintained by the county superintendent of schools during such school year.

The county or city and county of which any such pupil is a resident shall at the close of each school year also pay to the district or county superintendent of schools educating such pupil the excess expenditures of educating such pupil during the school year. The excess expenditures shall be determined by dividing the total excess expenditures of the school district or county superintendent of schools during such school year on account of educating such pupils less all special purpose apportionments from the state or allocations from the federal government on account of the excess costs of educating such pupils by the total number of units of average daily attendance of such pupils in such school, classes, facilities, or programs during such school year.

The average daily attendance for all such pupils who attend a junior high school in accordance with Sections 5601 to 5612, inclusive, shall be credited to the elementary district in which the institution is located for apportionment purposes.

For the purpose of this section "excess expenditures" shall mean

the additional expenditures made by the district or county superintendent during the school year for education of such pupils described in this chapter. Excess expenditures shall also include any tuition payments required to be paid by a district pursuant to Section 885.5 for education of any pupil described in this chapter.

CHAPTER 47

An act to amend Sections 23365, 23951, 23953, and 24071.1 of, and to add Section 23405.1 to, the Business and Professions Code, relating to alcoholic beverages and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 15, 1973. Filed with Secretary of State May 15, 1973.]

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

SECTION 1. Section 23365 of the Business and Professions Code is amended to read:

23365. Neither a corporation nor a limited partnership required to maintain a register under Section 23405.1 engaged in the manufacture of distilled spirits shall, directly or indirectly, through affiliates, subsidiaries, or otherwise, distribute distilled spirits to its stockholders by dividend, or to its limited partners by return of capital contribution or share of profits, either by distribution in kind or the granting of purchase privileges. This section does not restrict the sale of alcoholic beverages to persons holding manufacturer's, distilled spirits manufacturer's agent's, rectifier's, or wholesaler's licenses.

SEC. 2. Section 23405.1 is added to the Business and Professions Code, to read:

23405.1 (a) Any limited partnership which is required by law to file periodic reports with the Securities and Exchange Commission, the general partners of which limited partnership hold a license under this division other than a retail license, shall maintain a register at the principal office of the limited partnership in California and the register shall be available to the department for inspection. Such limited partnership shall report to the department in writing the assignment or transfer of the interest of any limited partner of such limited partnership where the assignment or transfer results in a person owning as a limited partner 10 percent or more of the capital or profits of such limited partnership.

The report shall be filed with the department within 30 days after the assignment or transfer of the limited partnership interest.

(b) Any licensee within the purview of this section who is required by federal law to report to the federal government under the provisions of the Federal Alcohol Administration Act or the

Internal Revenue Code the information required by this section shall send to the department a copy of the report at the same time as it is sent to the federal government, and the copy of the report sent to the department by the licensee shall be deemed sufficient compliance with the provisions of this section.

(c) The department may suspend or revoke any license of a limited partnership subject to the provisions of this section where conditions exist in relation to any limited partner holding 10 percent or more of the capital or profits of such limited partnership which would constitute grounds for disciplinary action against such person if he were a licensee.

(d) The register referred to in subdivision (a) of this section shall consist of a register showing the names of the current limited partners (whether original limited partners or substituted limited partners), and the current assignees of limited partnership interests, and their addresses, the interest in the capital and profits of the limited partnership owned by each limited partner and each assignee of a limited partnership interest, the number and date of certificates, if any, issued for limited partnership interests, and the number and date of cancellation of every such certificate surrendered for cancellation. The above specified information may be kept by the limited partnership on punchcards, magnetic tape, or other information storage device related to electronic data processing equipment provided that such card, tape, or other equipment is capable of reproducing the information in clearly legible form for the purposes of inspection as provided in this section.

SEC. 3. Section 23951 of the Business and Professions Code is amended to read:

23951. The application shall contain the following:

(a) The name of the applicant.

(b) In the case of a copartnership, the names of the individual partners; provided, however, that in the case of a limited partnership required to maintain a register in California under Section 23405.1, the application shall contain the names of the general partners and of the limited partners owning 10 percent or more of the capital or profits of such limited partnership.

(c) In the case of a corporation, the principal officers and directors.

(d) The location of the premises for which the license is applied.

SEC. 4. Section 23953 of the Business and Professions Code is amended to read:

23953. The application shall be signed by the applicant. In the case of a partnership the application shall be signed by each of the partners, and for the purposes of this division such partners shall be deemed the applicant for any such license and the licensees under any license issued pursuant to such application; provided, however, that in the case of a limited partnership which is required by law to file periodic reports with the Securities and Exchange Commission, the application for any license other than a retail license shall be

signed by each of the general partners, and for purposes of this division such general partners shall be deemed to be the applicant for any such license and the licensees under any license issued pursuant to said application. In the case of a corporation the application shall be signed by an officer and under the seal of the corporation.

SEC. 5. Section 24071.1 of the Business and Professions Code is amended to read:

24071.1. When the ownership of 50 percent or more of the shares of stock of a corporation, which is required to report the issuance or transfer of such shares of stock under Section 23405, is acquired by or transferred to a person or persons who did not hold the ownership of 50 percent of such shares of stock on the date the license was issued to the corporation, the license of the corporation shall be transferred to the corporation as newly constituted. When the ownership of 50 percent or more of the capital or profits of a limited partnership, which is required to maintain a register under Section 23405.1, is acquired by or transferred to a person or persons as limited partners and who did not hold ownership of 50 percent or more of the capital or profits of such limited partnership on the date the license was issued to the general partners of such limited partnership, the license of the general partners of such limited partnership shall be transferred to the general partners of the limited partnership as newly constituted. The fee for such transfer shall be one hundred dollars ($100) which shall be deposited as provided in Section 24072. Before the license is transferred, the department shall conduct an investigation pursuant to the provisions of Section 23958. Any person or persons who own 50 percent or more of the shares of stock of the corporation or who own as limited partners 50 percent or more of the capital or profits of the limited partnership, as the case may be, shall have all the qualifications required of a person holding the same type of license.

No retail license shall be transferred by a corporation under this section unless, before the filing of the transfer application with the department, the corporation initiating such transfer records in the office of the county recorder of the county or counties in which the premises to which the license has been issued are situated a notice of the intended transfer, stating all of the following:

(a) The name and address of the corporation.

(b) The name and address of the person or persons acquiring ownership of 50 percent or more of the stock of the corporation.

(c) The amount of the consideration paid for the stock.

(d) The kind of license or licenses intended to be transferred.

(e) The address or addresses of the premises to which the license or licenses have been issued.

A copy of the notice of the intended transfer, certified by the county recorder, shall be filed with the department together with the transfer application.

Notwithstanding any other provision of this division to the

contrary, a corporation as newly constituted by transfer under this section, shall not be eligible for any new credit from an alcoholic beverage supplier or manufacturer named in Section 25509 until all delinquent payments owed by the corporation as formerly constituted, are made, nor shall any corporate retail licensee, by transferring its license under this section, avoid the provisions of Section 25509 with regard to 42-day or 30-day periods, percentage charges for unpaid balances, or cash on delivery basis.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Certain large publicly traded limited partnerships wishing to engage in licensed activities under the Alcoholic Beverage Control Act would be required to submit applications from each individual limited partner, when such large entities could more reasonably be treated as corporations for most licensing purposes. In order that these partnerships may be licensed as soon as possible and that the licensing procedures required of such partnerships by the Department of Alcoholic Beverage Control may be facilitated, it is necessary that this act take effect immediately.

CHAPTER 48

An act to amend Section 830.4 of the Penal Code, and to add Section 22558 to the Public Utilities Code, relating to law enforcement, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 15, 1973 Filed with Secretary of State May 15, 1973]

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

SECTION 1. Section 830.4 of the Penal Code is amended to read:

830.4. (a) The following persons are peace officers while engaged in the performance of the duties of their respective employments:

(1) Security officers of the California State Police Division.

(2) The Sergeant at Arms of each house of the Legislature.

(3) Bailiffs of the Supreme Court and of the courts of appeal.

(4) Guards and messengers of the Treasurer's office.

(5) The Director of the Department of Navigation and Ocean Development and employees of such department designated by him pursuant to Section 71.2 of the Harbors and Navigation Code.

(6) Members of a state university or college police department appointed pursuant to Section 24651 of the Education Code.

(7) The hospital administrator of a state hospital under the jurisdiction of the Department of Mental Hygiene or, on or after July

1, 1973, the State Department of Health, and police officers designated by him pursuant to Section 4312 of the Welfare and Institutions Code.

(8) Any railroad or steamboat company policeman commissioned by the Governor pursuant to Section 8226 of the Public Utilities Code.

(9) Persons designated by a cemetery authority pursuant to Section 8325 of the Health and Safety Code

(10) Harbor policemen regularly employed and paid as such by a county, city, or district, and the port warden and special officers of the Harbor Department of the City of Los Angeles. However, notwithstanding the provisions of Section 171c, 171d, or 12027, such persons are not peace officers for purposes of such sections except when designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, as peace officers for such purposes.

(11) Special officers of the Department of Airports of the City of Los Angeles commissioned by the city police commission.

(12) The chief of toll services, captains, lieutenants, and sergeants employed by the Department of Transportation on vehicular crossings pursuant to Chapter 13 (commencing with Section 23250) of Division 11 of the Vehicle Code.

(13) Persons employed as members of a security patrol of a school district pursuant to Section 15832 of the Education Code.

(14) Duly authorized federal employees, when they are engaged in enforcing applicable state or local laws on property owned or possessed by the United States government and with the written consent of the sheriff or the chief of police, respectively, in whose jurisdiction such property is situated.

(15) Security guards of the County of Los Angeles.

(16) Persons regularly employed and designated by the board of directors of the Monterey Peninsula Airport District as airport policemen.

(17) Persons regularly employed and designated by the Board of Directors of the Santa Maria Airport District, with the approval of the City Council of the City of Santa Maria, as airport policemen. Notwithstanding subdivision (b), the authority of such airport policemen shall not extend beyond the territory of the district. Every person designated an airport policeman pursuant to this paragraph shall be approved by the Chief of Police of the City of Santa Maria and shall be certified pursuant to Article 2 (commencing with Section 13510) of Chapter 1, Title 4, Part 4 by the Commission on Peace Officer Standards and Training of the Department of Justice before assuming any duties or responsibilities.

(b) The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed with respect to persons or property the protection of which is the immediate duty of such officer.

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SEC. 2. Section 22558 is added to the Public Utilities Code, to read

22558. In addition to all other powers authorized by this part, the Santa Maria Airport District may employ airport policemen in accordance with paragraph (17) of subdivision (a) of Section 830.4 of the Penal Code.

SEC. 3. The Legislature finds and declares that this act is necessary since special facts and circumstances applicable to the Santa Maria Airport District, and not generally applicable, make the accomplishment of this purpose impossible by any general law. The airport facilities operated by the Santa Maria Airport District are the most heavily used of any airport district in this state, and there is a need for adequate and properly certified security personnel that is not applicable at the present time to any other airport district. The Legislature further finds and declares that since these special facts and circumstances applicable only to this district are involved, the purpose of this act is impossible to accomplish by any general law, and special legislation applicable only to the Santa Maria Airport District is therefore necessary

SEC. 4. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

SEC. 5 This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Recent federal aviation regulations have imposed greatly increased security requirements upon airports served by federally certificated air carriers, including law enforcement officers to inspect persons and property boarding aircraft. In order to permit the Santa Maria Airport District to carry out these added responsibilities adequately and efficiently, it is necessary that this act go into effect immediately.

CHAPTER 49

An act to amend Sections 9250.7, 22702, and 22710 of the Vehicle Code, relating to vehicles, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 15, 1973 Filed with Secretary of State May 15, 1973]

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

SECTION 1. Section 9250 7 of the Vehicle Code is amended to read:

9250.7 (a) In addition to the registration fees specified in Sections 9250 and 9253 and any weight fee, a service fee of one dollar ($1) shall be paid at the time of registration, or renewal of registration, of every vehicle during the 1973 calendar year, except such vehicles that are expressly exempted under this code from the payment of registration fees

(b) All fees received by the department pursuant to this section shall be deposited in the Abandoned Vehicle Trust Fund, which is hereby created. All money in the fund is continuously appropriated to the Department of the California Highway Patrol for the administration and operation of the abandoned vehicle program and for expenditure in carrying out the provisions of Section 22710.

(c) The Department of the California Highway Patrol, in cooperation with county sheriffs and city police departments, shall make a survey of the number of abandoned vehicles located upon the streets and highways of this state, or which can be seen therefrom, and which cannot be traced to an owner or other person responsible for their abandonment

SEC. 2. Section 22702 of the Vehicle Code is amended to read:

22702. (a) Any member of the California Highway Patrol or any regularly employed and salaried deputy sheriff or other employee of the county designated to perform this function by the board of supervisors in which a vehicle is located or any regularly employed and salaried police officer or other employee of the city designated to perform this function by the city council, in which a vehicle is located who has reasonable grounds to believe that the vehicle has been abandoned, may remove the vehicle from a highway or from public or private property.

(b) Any member of the California State Police who has reasonable grounds to believe that a vehicle has been abandoned upon property owned by the state, or rented or leased from others by the state, or property of a district agricultural association as to which the California State Police is providing policing services, may remove the vehicle from such property.

(c) Any regularly employed and salaried officer or other employee of the University of California Police Department who has reasonable grounds to believe that a vehicle has been abandoned on or about a campus or in or about other grounds or properties owned, operated, controlled or administered by the Regents of the University of California may remove the vehicle from such property.

(d) Any policeman appointed or employed by the board of directors of a regional park district who has reasonable grounds to believe that a vehicle has been abandoned upon property owned by the regional park district or rented or leased from others by the regional park district, may remove the vehicle from such property.

(e) Any regularly employed and salaried officer or other employee of a California state university or college police

department who has reasonable grounds to believe that a vehicle has been abandoned on or about a campus or in or about other grounds or properties owned, operated, controlled or administered by the Trustees of the California State University and Colleges, may remove the vehicle from such property

(f) Any person performing a franchise or contract awarded pursuant to subdivision (a) of Section 22710, may remove a vehicle from a highway or place to which it has been removed pursuant to subdivision (c) of Section 22654 or from public or private property, after a determination by a member of the California Highway Patrol or any regularly employed and salaried deputy or other employee of the sheriff's office of a county in which such vehicle is located or any regularly employed and salaried officer or other employee of a police department in a city in which such vehicle is located that such vehicle is abandoned

(g) The public agency employing the officer shall make an appraisal of any such vehicle either prior to or within five days after removal.

(h) A county or city employee, other than an employee of a sheriff's department or a city police department, designated to remove vehicles pursuant to this section may do so only after he has mailed or personally delivered a written report identifying the vehicle and its location to the office of the Department of the California Highway Patrol located nearest to the vehicle.

SEC. 3. Section 22710 of the Vehicle Code is amended to read:

22710. The Department of the California Highway Patrol may:

(a) Disburse any of the money in the Abandoned Vehicle Trust Fund established in subdivision (b) of Section 9250.7 to any city, county, or city and county, which establishes pursuant to Section 22660 procedures for the abatement and removal as public nuisances of any abandoned vehicles or parts thereof, to carry out such procedures. Insofar as practical, the Department of the California Highway Patrol shall prorate moneys in the fund to each county in proportion to the number of abandoned vehicles which have been surveyed throughout the state.

(b) In the alternative, provide for the removal of abandoned vehicles by franchise or contract, in which event the Department of the California Highway Patrol shall be reimbursed from the fund.

(c) Establish rules and regulations to carry out the provisions of subdivisions (a) and (b), subject to the condition that priority be given to the removal of abandoned vehicles from corridors of the state highway system, from public lands and parks, and from river and wildlife areas.

SEC. 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 effects the administration of the Abandoned Vehicle Trust Fund. Vehicle fees for the administration of the abandoned vehicle

program have already been collected, and it is necessary to transfer the administration of the program to the Department of the California Highway Patrol at the earliest possible time.

CHAPTER 50

An act to amend Section 21751 of the Vehicle Code, relating to vehicles.

[Approved by Governor May 15, 1973 Filed with Secretary of State May 15, 1973]

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

SECTION 1. Section 21751 of the Vehicle Code is amended to read:

21751 On a two-lane highway, no vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction

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CHAPTER 51

An act to add Section 7466 to the Education Code, relating to regional occupational centers and programs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 21, 1973 Filed with Secretary of State May 21, 1973]

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

SECTION 1. Section 7466 is added to the Education Code, to read:

7466. The governing board of any school district or the county superintendent of schools that is operating or jointly operating a regional occupational center or program may establish and maintain regional occupational center or regional occupational program classes in industrial or school facilities located outside of the school district or the jurisdiction of the county superintendent of schools, respectively, for the purpose of providing training for students enrolled in such a center or program.

The governing board of a school district or the county superintendent of schools shall notify the Superintendent of Public Instruction, prior to the establishment of classes pursuant to this

section, of the proposed establishment

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

In order to permit the governing boards of school districts and the county superintendents of schools to plan adequately their regional occupational centers and programs for the 1973–1974 school year, and thus to permit the classes authorized by this act to begin as early as possible in that school year, it is necessary that this act take effect immediately

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CHAPTER 52

An act to amend Section 18402.9 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor May 23, 1973 Filed with Secretary of State May 23, 1973]

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

SECTION 1. Section 18402 9 of the Revenue and Taxation Code is amended to read·

18402.9 Under regulations prescribed by the Franchise Tax Board, if—

(a) A joint return has been made under this chapter for a taxable year and on such return there was omitted from gross income an amount properly includable therein which is attributable to one spouse and which is in excess of 25 percent of the amount of gross income stated in the return,

(b) The other spouse establishes that in signing the return he or she did not know of, and had no reason to know of, such omission, and

(c) Taking into account whether or not the other spouse significantly benefited directly or indirectly from the items omitted from gross income and taking into account all other facts and circumstances, it is inequitable to hold the other spouse liable for the deficiency in tax for such taxable year attributable to such omission,

then the other spouse shall be relieved of liability for tax (including interest, penalties, and other amounts) for such taxable year to the extent that such liability is attributable to such omission from gross income.

(d) For purposes of this section, the determination of the spouse to whom items of gross income (other than gross income from property) are attributable shall be made without regard to community property laws, and the amount omitted from gross

income shall be determined in the manner provided by Section 18586.1

(e) This section shall apply to all taxable years subject to the provisions of this part, but shall not apply to a year which has been closed by a statute of limitations, res judicata or otherwise.

SEC. 2. The Legislature finds and declares that the purpose of the addition of Section 18402.9 to the Revenue and Taxation Code was to eliminate a grave injustice in the tax laws by providing that an innocent spouse should not be required to pay taxes, penalties and interest resulting when the other spouse fails to report substantial amounts of income and where the innocent spouse did not know about such failure to report and further, did not use or enjoy the unreported income or the benefits thereof. In so bringing government tax collection practices into accord with basic principles of equity and fairness, the public policy as expressed in the Constitution will be entirely fulfilled and the state as a whole will benefit.

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 53

An act making an appropriation to the Department of Motor Vehicles to provide for the initial phase of the repair of the department's fire-damaged headquarters building, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 23, 1973 Filed with Secretary of State May 23, 1973]

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

SECTION 1. There is hereby appropriated from the Motor Vehicle Account in the State Transportation Fund the sum of four million thirty-eight thousand dollars ($4,038,000) to the Department of Motor Vehicles to provide for the repair of the department's fire-damaged headquarters building and for other materials and services required as a result of the fire which occurred on December 25, 1972. The funds appropriated by this act shall be used in the following manner:

(a) For repayment of funds provided by Chapter 156, Statutes of 1972, Item 181	$500,000
(b) For repayment of Emergency Fund loan provided by Chapter 156, Statutes of 1972, Item 85	288,000
(c) For repayment of funds provided by Chapter 156, Statutes of 1972, Item 177	350,000
(d) For transfer to the Architecture Revolving Fund	2,900,000

SEC. 2. This act is an urgency statute necessary for the

immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

On December 25, 1972, the Department of Motor Vehicles headquarters building was severely damaged by fire. The funds appropriated by this act are required to complete the restoration of the building so the state may conduct its business with a minimum of disruption It is essential, therefore, that this act go into immediate effect.

CHAPTER 54

An act to amend Section 11708 of the Education Code, to amend Sections 3450 and 3454 of, and to add Section 3456 to, the Health and Safety Code, relating to tuberculosis tests, and declaring the urgency thereof, to take effect immediately

[Approved by Governor May 23, 1973 Filed with Secretary of State May 23, 1973]

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

SECTION 1. Section 11708 of the Education Code is amended to read:

11708. (a) Except as provided in subdivision (h), no person shall be initially employed by a school district in a certificated or classified position unless the person has submitted to an examination within the past 60 days to determine that he is free of active tuberculosis, by a physician and surgeon licensed under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code. This examination shall consist of an X-ray of the lungs, or an approved intradermal tuberculin test, which, if positive, shall be followed by an X-ray of the lungs.

The X-ray film may be taken by a competent and qualified X-ray technician if the X-ray film is subsequently interpreted by a physician and surgeon licensed under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code.

(b) Thereafter all employees shall be required to undergo the foregoing examination at least once each four years or more often if directed by the governing board upon recommendation of the local health officer.

(c) After such examination, each employee shall cause to be on file with the district superintendent of schools a certificate from the examining physician and surgeon showing the employee was examined and found free from active tuberculosis. The county board of education may require, by rule, that all such certificates be filed in the office of the county superintendent of schools or shall require such files be maintained in the office of the county superintendent

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of schools if a majority of the governing boards of the districts within such county so petition the county board of education, except that in either case a district or districts with a common board having an average daily attendance of 60,000 or more may elect to maintain the files for its employees in that district "Certificate" as used herein means a certificate signed by the examining physician and surgeon or a notice from a public health agency or unit of the Tuberculosis Association which indicates freedom from active tuberculosis. The latter, regardless of form, will constitute evidence of compliance with this section Nothing in this section shall prevent the governing board from establishing a rule requiring a more extensive physical examination than required by this section but such rule shall provide for reimbursement on the same basis as hereinafter required.

(d) This examination is a condition of initial employment and the expense incident thereto shall be borne by the applicant unless otherwise provided by rules of the governing board However, the board may, if an applicant is accepted for employment, reimburse such person in a like manner hereinafter prescribed for employees.

(e) The governing board of each district shall reimburse the employee for the cost, if any, of this examination The board may provide for the examination required by this section or may establish a reasonable fee for such examination that is reimbursable to employees of the district complying with the provisions of this section.

(f) At the discretion of the governing board this section shall not apply to those employees not requiring certification qualifications who are employed for any period of time less than a school year whose functions do not require frequent or prolonged contact with pupils.

The governing board may, however, require such examination and may as a contract condition require the examination of persons employed for construction or repair work if the board believes the presence of such persons in and around school premises would constitute a health hazard to pupils.

(g) If the governing board of a school district determines by resolution, after hearing, that the health of pupils in the district would not be jeopardized thereby, the provisions of this section shall not apply to any employee of the district who files an affidavit stating that he adheres to the faith or teachings of any well-recognized religious sect, denomination, or organization and in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion and that to the best of his knowledge and belief he is free from active tuberculosis. If at any time there should be probable cause to believe that such affiant is afflicted with active tuberculosis, he may be excluded from service until the governing board of the employing district is satisfied that he is not so afflicted.

(h) A person who transfers his employment from one school or school district to another shall be deemed to meet the requirements of subdivision (a) if such person can produce a certificate which

shows that he was examined within the past four years and was found to be free of communicable tuberculosis, or if it is verified by the school previously employing him that it has such a certificate on file.

A person who transfers his employment from a private or parochial elementary school, secondary school, or nursery school to a school or school district subject to this section shall be deemed to meet the requirements of subdivision (a) if such person can produce a certificate as provided for in Section 3450 of the Health and Safety Code which shows that he was examined within the past four years and was found to be free of communicable tuberculosis, or if it is verified by the school previously employing him that it has such a certificate on file.

SEC. 2. Section 3450 of the Health and Safety Code is amended to read·

3450. (a) Except as provided in Section 3456, no person shall be initially employed by a private or parochial elementary or secondary school, or any nursery school, unless such person produces or has on file with the school a certificate showing that within the last 60 days such person has been examined and has been found to be free of communicable tuberculosis.

(b) Thereafter all employees shall be required to undergo the foregoing examination at least once each four years or more often if directed by the school upon recommendation of the local health officer.

(c) At the discretion of the governing authority of a private school, this section shall not apply to employees who are employed for any period of time less than a school year whose functions do not require frequent or prolonged contact with pupils.

"Certificate", as used in this chapter, means a document signed by the examining physician and surgeon who is licensed under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code, or a notice from a public health agency or unit of the Tuberculosis Association which indicates freedom from active tuberculosis.

SEC. 3. Section 3454 of the Health and Safety Code is amended to read:

3454. (a) All volunteers in schools covered under this chapter shall also be required to have on file with the school a certificate showing that within the last four years such person has been examined and has been found to be free of communicable tuberculosis.

(b) At the discretion of the governing authority of a private school, this section shall not apply to volunteers whose functions do not necessitate frequent or prolonged contact with pupils.

SEC. 4. Section 3456 is added to the Health and Safety Code, to read:

3456. (a) A person who transfers his employment from one of the schools specified in subdivision (a) of Section 3450 to another shall be deemed to meet the requirements of subdivision (a) of

Section 3450 if such person can produce a certificate which shows that he was examined within the past four years and was found to be free of communicable tuberculosis, or if it is verified by the school previously employing him that it has such a certificate on file.

(b) A person who transfers his employment from a public elementary school or secondary school to any of the schools specified in subdivision (a) of Section 3450 shall be deemed to meet the requirements of subdivision (a) of Section 3450 if such person can produce a certificate as provided for in Section 11708 of the Education Code which shows that he was examined within the past four years and was found to be free of communicable tuberculosis, or if it is verified by the school district previously employing him that it has such a certificate on file.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect The facts constituting such necessity are:

All certificated and classified employees of the public schools are only required to undergo an examination for active tuberculosis within 60 days prior to their initial appointment and thereafter at least once each four years or more often if directed by the governing board upon recommendation of the local health officer, while employees of private schools are required to be examined for communicable tuberculosis within the last two years or more often if required by the school. The imposition upon employees of private schools of more frequent mandatory examinations than those required of public school employees is discriminatory and an unnecessary burden This act would relieve that discrimination and burden. Therefore, in order that such discrimination and burden may be relieved at the earliest possible date and prior to the commencement of the 1973–1974 school year of private schools, it is necessary that this act take effect immediately.

CHAPTER 55

An act to amend Sections 31454.5, 31671.6, 31676.12 and 31808.7 of the Government Code, relating to the County Employees Retirement Law of 1937, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 23, 1973 Filed with Secretary of State May 23, 1973]

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

SECTION 1. Section 31454.5 of the Government Code is amended to read:

31454.5. In any county subject to the provisions of Section 31676.1,

31676.11, 31676.12, or 31695.1 the board of supervisors may, by vote entered in the minutes of the board, make an additional appropriation sufficient to fund over a period of 30 years any deficit which may result to the system because of the adoption of Section 31676.1, 31676.11, 31676 12. or 31695.1 or by the adoption of Articles 6.8, 7.5 and 8.7. The board of supervisors may make such additional appropriation whether recommended by the board or not.

SEC. 2. Section 31671.6 of the Government Code is amended to read:

31671.6. In any county subject to the provisions of Section 31676.1, 31676 11. or 31676.12 every officer holding an elective office shall be retired at the end of the first term to which he is elected which commences on a date following his 70th birthday.

SEC. 3. Section 31676.12 of the Government Code, as added by Chapter 425 of the Statutes of 1972, is amended to read:

31676 12. This section may be made applicable in any county on the first day of the month after the board of supervisors of such county adopts by majority vote, a resolution providing that this section shall become applicable in such county Notwithstanding any other provisions of this chapter, the current service pension or the current service pension combined with the prior service pension is an additional pension for members purchased by the contributions of the county or district sufficient, when added to the service retirement annuity, to equal the fraction of one-fiftieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service or years of current and prior service with which he is entitled to be credited at retirement, but in no event shall the total retirement allowance exceed the member's final compensation.

Age at Retirement	Fraction	
	Men	Women
50	.6467	.6681
50¼	.6565	.6775
50½	.6664	.6869
50¾	.6762	.6962
51	.6860	.7056
51¼	.6965	.7156
51½	.7070	.7255
51¾	.7174	.7355
52	.7279	.7454
52¼	.7393	7561
52½	.7506	.7668
52¾	.7619	.7775
53	.7732	.7882
53¼	.7885	.7998
53½	.7978	.8114
53¾	.8102	.8230

54	8225	.8346
54¼	8360	.8472
54½	8494	.8598
54¾	8629	.8724
55	.8764	.8850
55¼	8911	.8987
55½	.9059	9125
55¾	9206	.9262
56	.9353	.9399
56¼	9515	.9549
56½	9676	.9699
56¾	9838	.9849
57	1 0000	1.0000
57¼	1 0110	1 0111
57½	1.0221	1.0223
57¾	1.0332	1.0335
58	1.0443	1.0447
58¼	1.0591	1.0597
58½	1.0739	1.0747
58¾	1.0887	1.0898
59	1.1035	1.1048
59¼	1 1191	1.1207
59½	1 1348	1.1367
59¾	1.1504	1.1526
60	1.1660	1.1686
60¼	1.1826	1.1855
60½	1.1991	1.2025
60¾	1.2157	1.2195
61	1.2322	1.2365
61¼	1.2498	1.2547
61½	1.2673	1.2729
61¾	1.2849	1.2911
62 and over	1.3025	1.3093

In any county operating under this section any limitation in any provisions of this chapter upon the amount of compensation used for computing rates of contributions shall be disregarded.

Whenever in this chapter reference is made to survivorship and other benefits and rights under Section 31676.1, the same shall apply to this section.

SEC. 4. Section 31808.7 of the Government Code, as added by Chapter 425 of the Statutes of 1972, is amended to read:

31808.7. In any county or district, subject to Section 31676.12, which adopts or has already adopted the provisions of this article, the retirement allowance of members subject to Section 31676.12 shall be computed according to either the provisions of subdivision (a) or subdivision (b) of this section as selected by the board of supervisors.

(a) The retirement allowance for service rendered prior to the effective date of this article as specified in the resolution mentioned

in Section 31800 shall be computed in accordance with the provisions of Section 31676.12. The retirement allowance of any member with respect to service performed after the effective date of this article as specified in the resolution mentioned in Section 31800 shall equal the total of the following.

(1) The fraction of one seventy-fifth of the first three hundred fifty dollars ($350) monthly of the member's final compensation set forth in the table appearing in Section 31676 12 in the column applicable to his age at retirement taken to the preceding completed quarter year multiplied by the number of years of creditable service as provided therein.

(2) The fraction of one-fiftieth of any remaining portion of the member's final compensation set forth in the table appearing in Section 31676.12 in the column applicable to his age at retirement taken to the preceding completed quarter year multiplied by the number of years of creditable service, or

(b) The retirement allowance shall be computed according to the provisions of Section 31676 12 and federal old age and survivors' insurance coverage shall be on an additive or supplemental basis.

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 application of Chapter 425 of the Statutes of 1972, which will become operative on March 7, 1973, to those counties whose employees are subject to the federal Social Security Act is unclear. In order for those employees to be eligible as soon as possible for the increased retirement benefits proposed by Chapter 425, this act must take effect immediately.

CHAPTER 56

An act to amend Sections 1, 2, 5, 7, 26.9, and 31 of the Santa Clara County Flood Control and Water District Act (Chapter 1405 of the Statutes of 1951), relating to the Santa Clara County Flood Control and Water District.

[Approved by Governor May 23, 1973 Filed with Secretary of State May 23, 1973]

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

SECTION 1. Section 1 of the Santa Clara County Flood Control and Water District Act (Chapter 1405 of the Statutes of 1951) is amended to read:

Section 1. This act shall be known and may be cited as the Santa Clara Valley Water District Act.

SEC. 2. Section 2 of the Santa Clara County Flood Control and

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Water District Act (Chapter 1405 of the Statutes of 1951) is amended to read:

Sec. 2. A flood control and water district is hereby created to be called the Santa Clara Valley Water District Said district shall consist of all the territory of the County of Santa Clara lying within the exterior boundaries of said county. As used in this act "district" means the Santa Clara Valley Water District.

SEC. 3. Section 5 of the Santa Clara County Flood Control and Water District Act (Chapter 1405 of the Statutes of 1951) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; and to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including but not limited to, the acquisition, storage and distribution of water for irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses; to distribute, sell, or otherwise dispose of, outside the district, any waters not needed for beneficial uses within the district; to commence, maintain, intervene in, defend or compromise, in the name of the district in behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all

actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of water used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants, to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district.

7. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the state, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to cooperate with, act in conjunction with, enter into and to do any acts necessary for the proper performance of any agreement with the State of California, or any of its engineers, officers, boards, commissions, departments, or

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agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments, or agencies or with any state, city and county, city, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the ownership, joint acquisition, leasing, disposition, use, management, construction, installation, extension, maintenance, repair, or operation of any rights, works, or other property of a kind which might lawfully be acquired or owned by the district or for the lawful performance of any power or purpose of said district provided for in this act including, but not limited to, the granting of the right to the use of any water or the right to store such water in any reservoir of the district or to carrying such water through any tunnel, canal, ditch or conduit of the district or for the delivery, sale, or exchange of any water right, water supply or water pumped, stored, appropriated or otherwise acquired or secured for the use of said district, or for controlling drainage waters, or flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving any waters for the beneficial use within said district, or in any other works, uses, or purposes provided for in this act; and to adopt and carry out any definite plan or system for accomplishing, facilitating and/or financing all work which may lawfully be accomplished by the district and to enforce said plan or system by resolution or ordinance.

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses or streams flowing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and may survey and locate the same; but such must be located in a manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use may enter upon such lands and make examinations, surveys, and maps thereof.

9. To prescribe, revise and collect fees and charges for facilities furnished or to be furnished to any new building, improvement or structure by the use of any flood control or storm drainage system constructed or to be constructed in a zone of the district, and whenever a drainage or flood control problem is referred to the district by the County of Santa Clara, or any incorporated city therein, to require the installation of drainage or flood control improvements necessary and/or convenient for needs of the zone, including but not limited to, residential, subdivision, commercial and industrial drainage and flood control needs, said county and cities being hereby authorized to refer all drainage and flood control

problems, arising under the Subdivision Map Act or otherwise, to the district for solution. Revenues derived under this section shall be used for the acquisition, construction, reconstruction, maintenance and operation of the flood control or storm drainage facilities of the said zone, to reduce the principal or interest of any bonded indebtedness thereof, or to replace funds expended on behalf of said zone derived from the fund created under authority of Section 13, subdivision 1.

10. To incur indebtedness, and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act

13. To have the power and right to disseminate information concerning the rights, properties, activities, plans and proposals of the district; provided, however, that expenditures during any fiscal year for such purposes shall not exceed one-half cent ($0.005) for each one hundred dollars ($100) of assessed valuation of such district.

14. To pay to any city, public agency, district, or educational institution recognized under Division 21 (commencing with Section 29001) of the Education Code, a portion of the cost of water imported by such city, public agency, district, or educational institution into, for use within, and of benefit to the Santa Clara Valley Water District.

15. To establish designated floodways in accordance with the provisions of the Cobey-Alquist Flood Plain Management Act (Chapter 4 (commencing with Section 8400), Part 2, Division 5 of the Water Code).

16. To acquire, construct, maintain, operate and install landscaping or recreational facilities in connection with any dam, reservoir, or other works owned or controlled by the district.

SEC. 4. Section 7 of the Santa Clara County Flood Control and Water District Act (Chapter 1405 of the Statutes of 1951) is amended to read:

Sec. 7. The board of directors shall consist of seven members. Five members shall be elected, one from each of the five county supervisorial districts. Two members shall be appointed by the Board of Supervisors of Santa Clara County representing the district at large. The term of office of directors shall be four years. The directors shall hold office until their successors shall be elected or appointed and qualified. As used elsewhere in this act, the terms "board" and "board of directors" mean the board of directors of the Santa Clara Valley Water District.

SEC. 5. Section 26.9 of the Santa Clara County Flood Control and Water District Act (Chapter 1405 of the Statutes of 1951) is amended to read:

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Sec. 26.9. After the establishment of a zone in which a ground water charge may be levied, each owner or operator of a water-producing facility within said zone, until such time as said water-producing facility has been permanently abandoned, shall file with the district, on or before the 31st day of January and on or before the 31st day of July in each year, a statement setting forth the total production in acre-feet of water for the preceding six-months period (excluding the month in which the statement is due), a general description or number locating each water-producing facility, the method or basis of the computation of such water production, and the amount of the ground water charge based on such computation. If no water has been produced from said water-producing facility during the preceding six-months period, said statement shall be filed as provided for herein, setting forth that no water has been produced during said period. Said statement shall be verified by a written declaration that it is made under the penalties of perjury. The ground water charge is payable to the district on or before the last date upon which the water production statements shall be filed, and is computed by multiplying the production in acre-feet of water for each classification as disclosed in the statement by the ground water charge for each classification of water. At such time as any said water-producing facility has been permanently abandoned, the operator thereof shall give written notice of such abandonment to the district. If any operator of a water-producing facility shall fail to pay the ground water charge when due, the district shall charge interest at the rate of one percent (1%) each month on the delinquent amount of the ground water charge.

Should any owner or operator of a water-producing facility fail to register each water-producing facility, or fail to file the water production statements as required by this act, the district shall, in addition to charging interest as provided herein, assess a penalty charge against such owner or operator in an amount of ten percent (10%) of the amount found by said district to be due. The board may adopt regulations to provide that in excusable or justifiable circumstances such penalty may be reduced or waived.

When a water-measuring device is permanently attached to a water-producing facility, the record of production as disclosed by such water-measuring device shall be presumed to be accurate and shall be used as the basis for computing the water production of said water-producing facility in completing the water production statement, unless it can be shown that the water-measuring device is not measuring accurately.

When a water-measuring device is not permanently attached to a water-producing facility, the board may establish a method or methods to be used in computing the amount of water produced from such water-producing facilities.

Such methods may be based upon any, or all, or a combination of some of the following criteria: the minimum charge sufficient to cover administrative costs of collection, size of water-producing

facility discharge opening, area served by the water-producing facility, number of persons served by the water-producing facility, use of land served by the water-producing facility, crops grown on land served by the water-producing facility, or any other criteria which may be used to determine with reasonable accuracy the amount of water produced from such water-producing facility.

SEC. 6. Section 31 of the Santa Clara County Flood Control and Water District Act (Chapter 1405 of the Statutes of 1951) is amended to read:

Sec. 31. The legal title to all property, except shares of stock in mutual water companies or corporations, as provided in Section 31d of Article IV of the Constitution, acquired under the provisions of this act shall immediately and by operation of law vest in said district, and shall be held by said district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided; and said board may determine, by resolution duly entered in their minutes that any real property, or interest therein, held by said district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell, lease or otherwise dispose of said property pursuant to this section.

Real property which, in the unanimous judgment of the board does not have a sale value in excess of five hundred dollars ($500), or a rental value in excess of fifty dollars ($50) per month, as determined by a qualified land appraiser, or which has no access to a public road, or which consists of an easement for ingress and egress to property which, by the terms of said easement will terminate when ingress and egress is supplied to said property by a public road may be sold, leased, or conveyed by the board on terms prescribed by it.

The board may reconvey real property to the former owner by whom such property was conveyed, or from whom such property was condemned by the district, or his successor in interest for a price not less than that paid by the district for such property.

The board may by a five-sevenths vote exchange real property of equal value with any person, firm or corporation for the purpose of removing defects in the title to real property owned by the district or where the real property to be exchanged is not required for district use and the property to be acquired is required for district use.

The board may convey easements to public utility corporations in the manner prescribed by Section 50335 of the Government Code.

The board may vacate public service easements in the manner prescribed by Sections 50430 through and including 50445 of the Government Code.

In all other cases, the board shall be governed in the sale or lease or other disposition of real property by the requirements of Sections 25526, 25527, 25530 through and including 25535 of the Government Code providing for such action by counties; provided, however, that

notice of the board's intended action shall be as prescribed in Section 25363 of the Government Code.

The board may by a five-sevenths vote sell, lease, or otherwise transfer to the state, the County of Santa Clara, or to any city, school district or other special district within the Santa Clara Valley Water District, or exchange with such public entities any real or personal property or interest therein belonging to the district upon such terms and conditions as are agreed upon

The board shall establish regulations for the trade in, survey, sale or other disposition of personal property held by said district and no longer necessary to be retained for the uses and purposes thereof; provided, that any sale of personal property having a sale value in excess of one hundred dollars ($100), as determined by the board, shall be made upon public bid preceded by notice of the board's intended action given as prescribed in Section 25363 of the Government Code.

CHAPTER 57

An act to amend Sections 9884.7 and 9884.9 of the Business and Professions Code, relating to automotive repair.

[Approved by Governor May 23, 1973 Filed with Secretary of State May 23, 1973]

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

SECTION 1. Section 9884.7 of the Business and Professions Code is amended to read:

9884.7. (1) The director, where the automotive repair dealer cannot show there was a bona fide error, may refuse to validate, or may invalidate temporarily or permanently, the registration of an automotive repair dealer for any of the following acts or omissions related to the conduct of the business of the automotive repair dealer, which are done by the automotive repair dealer or any mechanic, employee, partner, officer, or member of the automotive repair dealer.

(a) Making or authorizing in any manner or by any means whatever any statement written or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.

(b) Causing or allowing a customer to sign any work order which does not state the repairs requested by the customer or the automobile's odometer reading at the time of repair.

(c) Failing or refusing to give to a customer a copy of any document requiring his signature, as soon as the customer signs such document.

(d) Any other conduct which constitutes fraud.

(e) Conduct constituting gross negligence.

(f) Failure in any material respect to comply with the provisions of this chapter or regulations adopted pursuant to it.

(g) Any willful departure from or disregard of accepted trade standards for good and workmanlike repair in any material respect, which is prejudicial to another without consent of the owner or his duly authorized representative.

(h) Making false promises of a character likely to influence, persuade, or induce a customer to authorize the repair, service or maintenance of automobiles.

(i) Having repair work done by someone other than the dealer or his employees without the knowledge or consent of the customer unless the dealer can demonstrate that the customer could not reasonably have been notified

Upon refusal to validate a registration, the director shall notify the applicant thereof, in writing, by personal service or mail addressed to the address of the applicant set forth in the application, and the applicant shall be given a hearing under Section 9884.12 if, within 30 days thereafter, he files with the bureau a written request for hearing, otherwise the refusal is deemed affirmed.

(2) Except as provided for in subdivision (3), where an automotive repair dealer operates more than one place of business in this state, the director pursuant to subdivision (1) shall only refuse to validate, or shall only invalidate temporarily or permanently the registration of the specific place of business which has violated any of the provisions of this chapter. Such violation, or such action by the director, shall not affect in any manner the right of such automotive repair dealer to operate his other places of business.

(3) Notwithstanding the provisions of subdivision (2), the director may refuse to validate, or may invalidate temporarily or permanently, the registration for all places of business operated in this state by an automotive repair dealer upon a finding that such automotive repair dealer has, or is, engaged in a course of repeated and willful violations of this chapter, or regulations adopted pursuant to it.

SEC. 2. Section 9884.9 of the Business and Professions Code is amended to read:

9884.9. The automotive repair dealer shall give to the customer a written estimated price for labor and parts necessary for a specific job. No work shall be done and no charges shall accrue before authorization to proceed is obtained from the customer. No charge shall be made for work done or parts supplied in excess of the estimated price without the oral or written consent of the customer which shall be obtained at some time after it is determined that the estimated price is insufficient and before the work not estimated is done or the parts not estimated are supplied. Nothing in this section shall be construed as requiring an automotive repair dealer to give a written estimated price if the dealer does not agree to perform the requested repair.

CHAPTER 58

An act to amend Section 2392.5 of the Business and Professions Code, relating to healing arts.

[Approved by Governor May 23, 1973 Filed with Secretary of State May 23, 1973]

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

SECTION 1. Section 2392.5 of the Business and Professions Code is amended to read:

2392.5. The regular treatment of or prescribing for patients in a licensed general or specialized hospital having five or more physicians and surgeons on the medical staff which does not have rules established by the board of directors thereof to govern the operation of the hospital, which rules include, among other provisions, all the following, constitutes unprofessional conduct within the meaning of this chapter:

(a) Provision for the organization of physicians and surgeons licensed to practice in this state who are permitted to practice in the hospital into a formal medical staff with appropriate officers and bylaws and with staff appointments on an annual or biennial basis.

(b) Provision that membership on the medical staff shall be restricted to physicians and surgeons and other licensed practitioners competent in their respective fields, worthy in character and in professional ethics, and in this latter connection the practice of division of fees under any guise whatsoever shall be prohibited and any such division of fees shall be cause for exclusion from the staff.

(c) Provision that the medical staff shall be self-governing with respect to the professional work performed in the hospital; that the medical staff shall meet periodically and review and analyze at regular intervals their clinical experience; and that the medical records of the patients shall be the basis for such review and analysis.

(d) Provision that adequate and accurate medical records be prepared and maintained for all patients.

CHAPTER 59

An act to amend Section 5784 of the Education Code, relating to public school employees.

[Approved by Governor May 23, 1973. Filed with Secretary of State May 23, 1973]

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

SECTION 1. Section 5784 of the Education Code is amended to read;

5784. Persons serving in the employ of school districts as specialist teachers under this chapter shall be considered as classroom teachers for purposes of all laws dealing with permanent status of certificated employees in the employment of school districts.

Such a specialist teacher employed by a school district may elect to serve for a period of not to exceed two consecutive school years in the employ of other school districts as a specialist teacher, in which case the district of the teacher's regular employment shall afford him a leave of absence for such period, and the teacher shall retain all personnel rights accumulated by him in the employ of such district of regular employment. Such employment with another district shall be pursuant to a written contract for a term of one school year, which contract may be renewed for an additional school year.

CHAPTER 60

An act to amend Sections 6715, 8711, and 8712 of the Business and Professions Code, relating to the State Board of Registration for Professional Engineers.

[Approved by Governor May 23, 1973 Filed with Secretary of State May 23, 1973]

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

SECTION 1. Section 6715 of the Business and Professions Code is amended to read:

6715. The secretary shall keep a complete record of all applications for registration and the board's action thereon and, between July 1 and December 1 in each even-numbered year, shall prepare a roster showing the names and addresses of all registered professional engineers. Between July 1 and December 1 in each odd-numbered year he shall prepare a supplemental roster showing changes in and additions to the roster.

A copy of the roster and the supplemental roster shall be filed with the Secretary of State, and a copy of each shall be furnished to each professional engineer registered under the provisions of this chapter. Copies of each shall be available on application to the secretary, at such price per copy as may be fixed by the board.

SEC. 2. Section 8711 of the Business and Professions Code is amended to read:

8711. The secretary of the board shall keep a complete record of all applications for license and the board's action thereon.

SEC. 3. Section 8712 of the Business and Professions Code is amended to read:

8712. The secretary, between July 1 and December 1 of each

even-numbered year, shall prepare a roster showing the names and addresses of all licensed land surveyors and containing all the rules and regulations adopted by the board for the administration of this chapter. The roster shall be a part of the roster of registered professional engineers issued by the board. Between July 1 and December 1 of each odd-numbered year he shall prepare a supplemental roster showing changes in and additions to the roster.

Copies of the roster and the supplemental roster shall be filed with the Secretary of State, and one copy of each shall be furnished to each land surveyor licensed under the provisions of this chapter.

Copies of the roster and the supplemental roster shall be available to the general public on application to the secretary at such price per copy as may be fixed by the board.

All records shall be public records.

CHAPTER 61

An act to amend Section 1481.3 of the Health and Safety Code, relating to emergency medical services, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 23, 1973 Filed with Secretary of State May 23, 1973]

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

SECTION 1. Section 1481.3 of the Health and Safety Code, as added by Chapter 1157 of the Statutes of 1972, is amended to read:

1481.3. Any county conducting a pilot program under this article may provide courses of instruction and training leading to certification as a mobile intensive care paramedic. Where such instruction and training is provided to public employees other than employees of the county or employees of a fire protection district within the county, a fee may be charged sufficient to defray the cost of such instruction and training. Where such instruction and training is provided to any other persons such fee shall be charged. However, such fee may be reduced to the extent of any federal funds obtained by the county for the purpose of providing such instruction and training.

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

In order to make available the greatest number of certificated mobile intensive care paramedics throughout the state, it is necessary that Los Angeles County be authorized to reduce or eliminate fees for providing instruction and training pursuant to Section 1481.3 of the Health and Safety Code, to the extent that

federal funds are made available to reimburse the county for such costs.

CHAPTER 62

An act to repeal Article 1 (commencing with Section 14501), Article 2 (commencing with Section 14551) and Article 3 (commencing with Section 14601) of Chapter 5 of Division 10 of Part 2 of, and to repeal Sections 14651, 14652, 14653, 14654, 14655, 14655 5, 14656, 14657, 14658, 14659, 14659.5, 14660, 14661, 14662, 14662.5, 14663, 14664, 14664.5, 14665, 14666, 14667, 14668, 14669, 14670, 14671, 14671.5, 14672, 14673, 14674, 14675, 14675.5, 14675.6, 14676, 14677, 14678, 14680, 14684.6, 14685, 14686, 14687, 14688, 14689, 14689.1, 14690, 14691, 14691.5, 14692, 14693, 14694 1, 14694.5, 14694.8, 14694.9, 14697, and 14698 of, the Education Code, relating to the district retirement salary plan.

[Approved by Governor May 23, 1973 Filed with Secretary of State May 23, 1973]

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

SECTION 1. Article 1 (commencing with Section 14501) of Chapter 5 of Division 10 of Part 2 of the Education Code is repealed.

SEC. 2. Article 2 (commencing with Section 14551) of Chapter 5, of Division 10 of Part 2 of the Education Code is repealed.

SEC. 3. Article 3 (commencing with Section 14601) of Chapter 5 of Division 10 of Part 2 of the Education Code is repealed.

SEC. 4. Section 14651 of the Education Code is repealed.

SEC. 5. Section 14652 of the Education Code is repealed.

SEC. 6. Section 14653 of the Education Code is repealed.

SEC. 7. Section 14654 of the Education Code is repealed.

SEC. 8. Section 14655 of the Education Code is repealed.

SEC. 8.5. Section 14655.5 of the Education Code is repealed.

SEC. 9. Section 14656 of the Education Code is repealed.

SEC. 10. Section 14657 of the Education Code is repealed.

SEC. 11. Section 14658 of the Education Code is repealed.

SEC. 12. Section 14659 of the Education Code is repealed.

SEC. 12.5 Section 14659.5 of the Education Code is repealed.

SEC. 13. Section 14660 of the Education Code is repealed.

SEC. 14. Section 14661 of the Education Code is repealed.

SEC. 15. Section 14662 of the Education Code is repealed.

SEC. 16. Section 14662.5 of the Education Code is repealed.

SEC. 17. Section 14663 of the Education Code is repealed.

SEC. 18. Section 14664 of the Education Code is repealed.

SEC. 19. Section 14664.5 of the Education Code is repealed.

SEC. 20. Section 14665 of the Education Code is repealed.

SEC. 21. Section 14666 of the Education Code is repealed.

SEC 22 Section 14667 of the Education Code is repealed.
SEC. 23. Section 14668 of the Education Code is repealed.
SEC. 24. Section 14669 of the Education Code is repealed.
SEC. 25. Section 14670 of the Education Code is repealed.
SEC 26 Section 14671 of the Education Code is repealed.
SEC 27. Section 14671 5 of the Education Code is repealed.
SEC. 28. Section 14672 of the Education Code is repealed.
SEC. 29. Section 14673 of the Education Code is repealed.
SEC. 30. Section 14674 of the Education Code is repealed.
SEC. 31. Section 14675 of the Education Code is repealed.
SEC. 32. Section 14675 5 of the Education Code is repealed.
SEC 33. Section 14675 6 of the Education Code is repealed.
SEC. 34. Section 14676 of the Education Code is repealed.
SEC. 35. Section 14677 of the Education Code is repealed.
SEC. 36. Section 14678 of the Education Code is repealed.
SEC. 37 Section 14680 of the Education Code is repealed.
SEC. 38. Section 14684 6 of the Education Code is repealed.
SEC. 39 Section 14685 of the Education Code is repealed.
SEC. 40. Section 14686 of the Education Code is repealed.
SEC. 41. Section 14687 of the Education Code is repealed.
SEC. 42. Section 14688 of the Education Code is repealed.
SEC 43. Section 14689 of the Education Code is repealed.
SEC. 44. Section 14689.1 of the Education Code is repealed.
SEC 45. Section 14690 of the Education Code is repealed.
SEC. 46. Section 14691 of the Education Code is repealed.
SEC. 47. Section 14691 5 of the Education Code is repealed.
SEC. 48. Section 14692 of the Education Code is repealed.
SEC 49. Section 14693 of the Education Code is repealed.
SEC 50. Section 14694.1 of the Education Code is repealed.
SEC. 51. Section 14694.5 of the Education Code is repealed.
SEC. 52. Section 14694.8 of the Education Code is repealed.
SEC. 53. Section 14694.9 of the Education Code is repealed.
SEC 54. Section 14697 of the Education Code is repealed.
SEC. 55. Section 14698 of the Education Code is repealed.

CHAPTER 63

An act to add Chapter 3.5 (commencing with Section 11661) to Division 9 of the Education Code, relating to school attendance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 23, 1973 Filed with Secretary of State May 23, 1973]

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

SECTION 1. Chapter 3.5 (commencing with Section 11661) is added to Division 9 of the Education Code, to read:

CHAPTER 3 5. ALTERNATIVE SCHEDULES

11661. Notwithstanding any other provision of law, the governing board of a school district which maintains a junior high school or high school may schedule classes in such schools so that each pupil attends classes for at least 1,200 minutes during any five-schoolday period.

Under such a schedule, any pupil may be authorized to attend school for less than the total number of days in which the school is in session during a week as long as he attends the required number of minutes per five-schoolday period.

Computations authorized by this section shall not result in an increase in state apportionments to a school district.

11662. If a pupil attends classes pursuant to a schedule adopted under the authority of this chapter, he shall be deemed to have complied with all of the requirements of this code relating to school attendance.

11663. Prior to implementing a program under the provisions of this chapter in any school of the district, the school district governing board shall consult in good faith in an effort to reach agreement with the certificated and classified employees of the school, with the parents of pupils who would be affected by the change, and with the community at large. Such consultation shall include at least one public hearing for which the board has given adequate notice to the employees and to the parents of pupils affected.

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

In order to permit the schedules authorized by this act to be made up and implemented as early as possible in the 1973–1974 school year, it is necessary that this act take effect immediately.

CHAPTER 64

An act to amend Section 25270 of, and to add Section 25275 to, the Vehicle Code, relating to vehicles.

[Approved by Governor May 23, 1973 Filed with Secretary of State May 23, 1973]

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

SECTION 1. Section 25270 of the Vehicle Code is amended to read:

25270. Any pilot car required by the permit referred to in Section

35780, or any vehicle or combination of vehicles subject to such permit if specified in the permit, may display flashing amber warning lights to the front, sides or rear while actually engaged in the movement described in the permit

SEC. 2. Section 25275 is added to the Vehicle Code, to read:

25275. Any truck or truck tractor which is primarily used in the transportation of loads specified in subdivision (a) of Section 35414, may be equipped with a flashing amber warning lamp. Such lamp may be displayed to the front, sides, or rear of the combination only when its length exceeds 75 feet and when an unusual traffic hazard exists.

CHAPTER 65

An act to amend Section 38240 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 23, 1973 Filed with Secretary of State May 23, 1973]

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

SECTION 1. Section 38240 of the Vehicle Code is amended to read:

38240. (a) The State Controller shall allocate the fees collected under Section 38230 in July and January of each fiscal year in the same manner fees are allocated under Section 11005 of the Revenue and Taxation Code.

(b) It is the intent of the Legislature that funds collected under Section 38230 be used for any one or more of the following purposes:

(1) Planning, acquiring, developing, constructing, maintaining, or administering, for the use of off-highway vehicles, trails, areas, or other facilities.

(2) Controlling the operation of motor vehicles in areas off the highways where the operation of motor vehicles is restricted or prohibited.

(3) Otherwise carrying out the provisions of this division.

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 requirement for monthly allocation of off-highway vehicle license fees results in many payments ranging from less than one dollar ($1) to five dollars ($5). The cost to cities and counties of recording such amounts and to the State Controller in computing the allocations drawing warrants therefor and mailing them is in some cases greater than the amounts involved. Changing from a monthly

to a semiannual allocation will alleviate this situation. In order to provide such relief, it is necessary that this act go into effect at the earliest possible date

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CHAPTER 66

An act to amend Section 11705 of the Vehicle Code, relating to dealer, manufacturer, or transporter licenses.

[Approved by Governor May 23, 1973 Filed with Secretary of State May 23, 1973]

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

SECTION 1. Section 11705 of the Vehicle Code is amended to read:

11705. (a) The department, after notice and hearing, may suspend or revoke the license issued to a dealer, transporter, or manufacturer, upon determining that the person to whom the license was issued is not lawfully entitled thereto, or has committed any of the following acts

(1) Filed an application for the license thereafter issued using a false or fictitious name not registered with the proper authorities, or knowingly made any false statement or knowingly concealed any material fact, in the application for such license.

(2) Has made, or knowingly or negligently permitted, any illegal use of the special plates issued to such license.

(3) Has used a false or fictitious name, knowingly made any false statement, or knowingly concealed any material fact, in any application for the registration of a vehicle, or otherwise committed a fraud in such application.

(4) Failed to deliver to a transferee lawfully entitled thereto a properly endorsed certificate of ownership.

(5) Has knowingly purchased, sold, or otherwise acquired or disposed of a stolen motor vehicle.

(6) Failed to provide and maintain a clear physical division between the type of business licensed pursuant to this chapter and any other type of business conducted at the established place of business.

(7) Has violated one or more of the terms and provisions of Division 3 (commencing with Section 4000) or a rule or regulation adopted pursuant thereto, or Section 1651.

(8) Has violated one or more of the terms and conditions of Division 4 (commencing with Section 10500) or the rules and regulations adopted pursuant thereto or adopted pursuant to Section 1651.

(9) Has violated one or more of the provisions of Article 1 (commencing with Section 11700) of Chapter 4 of Division 5 or rules

and regulations adopted pursuant thereto or adopted pursuant to Section 1651.

(10) Has violated any of the terms or provisions of Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code or rules and regulations adopted pursuant thereto or adopted pursuant to Section 1651 of this code.

(11) Has violated any of the terms or provisions of Chapter 2b (commencing with Section 2981) of Title 14 of Part 4 of Division 3 of the Civil Code or the rules and regulations adopted pursuant thereto under the authority of Section 1651 of this code.

(12) Has been convicted of a felony or a crime involving moral turpitude.

(13) Has submitted a check, draft, or money order to the department for any obligation or fee due the state and it is thereafter dishonored or refused payment upon presentation.

(14) Has caused any person to suffer any loss or damage by reason of any fraud or deceit practiced on him or fraudulent representations made to such person in the sale or purchase of a vehicle or parts or accessories thereof.

For the purposes of this subdivision, the term "fraud" includes any act or omission which is included within the definition of either "actual fraud" or "constructive fraud," as defined in Sections 1572 and 1573 of the Civil Code, and the term "deceit" has the same meaning as defined in Section 1710 of the Civil Code. In addition, the terms "fraud" and "deceit" include, but are not limited to, the following: a misrepresentation in any manner, whether intentionally false or due to gross negligence, of a material fact; a promise or representation not made honestly and in good faith; an intentional failure to disclose a material fact; any act falling within the provisions of Section 484 of the Penal Code.

(b) Any of the causes specified in Section 11703 as a cause for refusal to issue a license and certificate to a transporter, manufacturer, or dealer applicant, shall be cause to suspend or revoke a license and certificate issued to a transporter, manufacturer, or dealer.

(c) Every hearing as provided for in this section shall be pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 67

An act to amend Sections 6051 and 6201 of the Revenue and Taxation Code, and to amend Sections 33 and 36 of Chapter 1406 of the Statutes of the 1972 Regular Session of the Legislature, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor May 29, 1973 Filed with Secretary of State May 29, 1973]

0137 359275 325

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

SECTION 1. Section 6051 of the Revenue and Taxation Code, as added by Section 16 of Chapter 1406 of the Statutes of the 1972 Regular Session of the Legislature, is amended to read:

6051. For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers at the rate of 2½ percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in this state on or after August 1, 1933, and to and including June 30, 1935, and at the rate of 3 percent thereafter, and at the rate of 2½ percent on and after July 1, 1943, and to and including June 30, 1949, and at the rate of 3 percent on and after July 1, 1949, and to and including July 31, 1967, and at the rate of 4 percent on and after August 1, 1967, and to and including June 30, 1972, and at the rate of 3¾ percent on and after July 1, 1972, and to and including June 30, 1973, and at the rate of 4¾ percent thereafter.

SEC. 2 Section 6051 of the Revenue and Taxation Code, as added by Section 17 of Chapter 1406 of the Statutes of the 1972 Regular Session of the Legislature, is amended to read:

6051. For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers at the rate of 2½ percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in this state on or after August 1, 1933, and to and including June 30, 1935, and at the rate of 3 percent thereafter, and at the rate of 2½ percent on and after July 1, 1943, and to and including June 30, 1949, and at the rate of 3 percent on and after July 1, 1949, and to and including July 31, 1967, and at the rate of 4 percent on and after August 1, 1967, and to and including June 30, 1972, and at the rate of 3¾ percent on and after July 1, 1972, and to and including June 30, 1973, and at the rate of 4¾ percent on and after July 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. 2.5. 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 4¾ percent rate, at the 5 percent rate, at the 5¼ percent rate, at the 6 percent rate, at the 6¼ 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:

0137 359285 328

4¾ percent

Price	Tax
.01– .10	.00
.11– 29	.01
.30– .50	.02
.51– .72	.03
.73– .94	04

5 percent

Price	Tax
01– .10	.00
11– 27	.01
28– 47	.02
48– 68	.03
69– 89	.04
90–1 09	.05

5¼ percent

Price	Tax
01– .10	00
.11– .26	01
27– .45	02
.46– .65	03
.66– .84	04
.85–1.03	05

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

6¼ percent

Price	Tax
.01– 10	00
.11– .21	01
.22– .37	02
.38– .54	.03
.55– .70	.04
.71– .86	.05
.87–1.03	.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 5 percent rate, at the 5¼ percent rate, at the 6 percent rate, at the 6¼ 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

0137 359295 330

taxable and nontaxable items are included in the same transaction, the foregoing requirement regarding computation of tax reimbursement upon the sum of the aggregate sales prices shall apply only if the purchaser requests at the time of the sale that the computation be made in this way

The board shall enforce the provisions of this section

SEC 3. Section 6201 of the Revenue and Taxation Code, as added by Section 19 of Chapter 1406 of the Statutes of the 1972 Regular Session of the Legislature, is amended to read:

6201. An excise tax is hereby imposed on the storage, use, or other consumption in this state of tangible personal property purchased from any retailer on or after July 1, 1935, for storage, use, or other consumption in this state at the rate of 3 percent of the sales price of the property, and at the rate of 2½ percent on and after July 1, 1943, and to and including June 30, 1949, and at the rate of 3 percent on and after July 1, 1949, and to and including July 31, 1967, and at the rate of 4 percent on and after August 1, 1967, and to and including June 30, 1972, and at the rate of 3¾ percent on and after July 1, 1972, and to and including June 30, 1973, and at the rate of 4¾ percent thereafter.

SEC. 4. Section 6201 of the Revenue and Taxation Code, as added by Section 20 of Chapter 1406 of the Statutes of the 1972 Regular Session of the Legislature, is amended to read

6201. An excise tax is hereby imposed on the storage, use, or other consumption in this state of tangible personal property purchased from any retailer on or after July 1, 1935, for storage, use, or other consumption in this state at the rate of 3 percent of the sales price of the property, and at the rate of 2½ percent on and after July 1, 1943, and to and including June 30, 1949, and at the rate of 3 percent on and after July 1, 1949, and to and including July 31, 1967, and at the rate of 4 percent on and after August 1, 1967, and to and including June 30, 1972, and at the rate of 3¾ percent on and after July 1, 1972, and to and including June 30, 1973, and at the rate of 4¾ percent on and after July 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. 5. Section 33 of Chapter 1406 of the Statutes of the 1972 Regular Session of the Legislature is amended to read:

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 July 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 July 1, 1973.

SEC. 6. Section 36 of Chapter 1406 of the Statutes of the 1972 Regular Session of the Legislature is amended to read:

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 Chapter 1406 of the Statutes of the 1972 Regular Session of the Legislature, shall not be subject to the additional sales and use tax rate imposed by such act but shall be subject to the rate of tax applicable prior to July 1, 1973.

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. 7. (a) Sections 6051 and 6201 of the Revenue and Taxation Code, as amended by Sections 2 and 4 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 amended by Sections 1 and 3 of this act, shall be repealed.

(b) Sections 6051 and 6201 of the Revenue and Taxation Code, as amended by Sections 1 and 3 of this act, shall become operative on July 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) Section 2.5 of this act shall become operative on July 1, 1973.

(d) Sections 5 and 6 of this act shall take effect immediately.

SEC. 8. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 68

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

[Approved by Governor May 30, 1973 Filed with Secretary of State May 30, 1973]

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

SECTION 1 The Director of General Services, with the approval of the Department of Mental Hygiene or its successor, and with the approval of the State Public Works Board, may convey to the City of Pomona, approximately 6 8 acres of land at Pacific State Hospital, for use as a fire station, upon such terms and conditions as in his opinion may be for the best interests of the state

The approximate 6.8 acres is situated on state hospital property immediately north of and adjacent to the state hospital staff residences. The site is bounded on the east by San Jose Creek, on the north by Temple Boulevard and the west by the existing state hospital property line

In the event the city ceases to use the property transferred pursuant to this act for a fire station, the property shall revert to the state.

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

The prompt conveyance of the real property herein described is necessary for the City of Pomona to construct necessary facilities to improve fire protection for the surrounding area and adjoining state facilities

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CHAPTER 69

An act to amend Sections 31520 1, 31521, and 31523 of the Government Code, relating to county employees' retirement, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 30, 1973 Filed with Secretary of State May 30, 1973]

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

SECTION 1. Section 31520.1 of the Government Code, as amended by Chapter 1099 of the Statutes of 1972, is amended to read:

31520.1. In any county subject to the provisions of Articles 6.8 (commencing with Section 31639) and 7.5 (commencing with Section 31662.2), the board of retirement shall consist of nine members and one alternate, one of whom shall be the county treasurer. The second and third members of the board shall be members of the association, other than safety members, elected by such members within 30 days after the retirement system becomes operative in a manner determined by the board of supervisors. The fourth, fifth, sixth and ninth members shall be qualified electors of the county who are not connected with the county government in any capacity, except one may be a supervisor, and shall be appointed by the board of supervisors. The seventh member shall be a safety

member of the association elected by the safety members. The eighth member shall be a retired member elected by the retired members of the association in a manner to be determined by the board of supervisors The alternate member shall be that candidate, if any, for the seventh member from the group under Section 31470.2 or 31470.4, which is not represented by a board member who received the highest number of votes of all candidates in that group. If there is no such candidate there shall be no alternate member. The first person chosen as the second and fourth members shall serve for a term of two years beginning with the date the system becomes operative, the third and fifth members shall serve for a term of three years beginning with that date, and the sixth, seventh and alternate members shall serve for a term of two years beginning January 1, 1952, or the date on which a retirement system established by this chapter becomes operative, whichever is the later The eighth and ninth members shall take office as soon as practicable for an initial term to expire concurrent with the expiration of the longest remaining term of an elected member. Thereafter the terms of office of the elected and appointed members and alternate are three years.

The alternate member provided for by this section shall vote as a member of the board only in the event the second, third, seventh, or eighth member is absent from a board meeting for any cause, or if there is a vacancy with respect to the second, third, seventh, or eighth member, the alternate member shall fill such vacancy until a successor qualifies The alternate shall sit on the board in place of the seventh member when a member of the same service is before the board for determination of his retirement.

The amendments to this section during the 1972 Regular Session shall not be construed to affect the continuation on the board of retired members appointed by board of supervisors until the expiration of the term for which they were appointed.

SEC. 2 Section 31521 of the Government Code is amended to read:

31521 The board of supervisors may provide that the fourth and fifth members, and in counties having a board consisting of nine members, the fourth, fifth, sixth, eighth, and ninth members and in counties having a board of investments under Section 31520.2, the fourth, fifth and sixth members of such board of investment, shall receive compensation at a rate of not more than one hundred dollars ($100) a meeting for not more than three meetings per month together with actual and necessary expenses.

SEC. 3. Section 31523 of the Government Code is amended to read:

31523. If a vacancy on the board occurs for any cause or on the expiration of the term of office of any member, a successor shall be chosen in the same manner as was his predecessor, except that if an election to fill a vacancy for the second, third, seventh or eighth member has been called and only one member has been duly nominated in accordance with the rules established for the holding

of such election, the board of supervisors shall order that no election be held and shall direct the clerk to cast a unanimous ballot in favor of such nominated member

SEC. 4. Actions taken pursuant to Section 31520 1 of the Government Code prior to the effective date of this act and not in conflict with it are hereby confirmed

SEC. 5 This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect The facts constituting such necessity are:

Chapter 1099 of the 1972 Legislature, amending Section 31520.1 of the Government Code to provide for the addition of two members to the governing body of retirement systems established pursuant to the County Employees Retirement Law of 1937, failed to designate the effective date or duration of the term of office of one of the members or to provide for compensation of the two added members and contains other uncertainties In order that the administration of these retirement systems involving hundreds of millions of dollars of public funds may proceed in an orderly manner and the decisions of the governing body may not be challenged on the ground that it is improperly constituted, this act should be made effective as soon as possible.

CHAPTER 70

An act to add Section 4108.2 to the Welfare and Institutions Code, relating to state hospitals, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 30, 1973 Filed with Secretary of State May 30, 1973]

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

SECTION 1. Section 4108.2 is added to the Welfare and Institutions Code, to read:

4108.2. The department shall participate with the City of Porterville in the construction of an interceptor sewer between the Porterville State Hospital facilities and the sewer facilities of the City of Porterville.

For the purpose of this section the state may expend from any available funds 20 percent of the bid for the construction of the project authorized pursuant to this section or sixty thousand dollars ($60,000), whichever is less.

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:

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Since the sewer facilities provided for by this act are urgently needed for the Porterville State Hospital and other state and federal funds are available for such purposes only if the additional funds appropriated by this act are made available immediately, it is essential that this act go into immediate effect

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CHAPTER 71

An act relating to the maintenance of various codes, as follows:

Food and Agricultural Code

By amending Section 43251

By repealing the heading of Article 3 (commencing with Section 21511) of Chapter 7 of Division 10

Public Resources Code:

By amending Sections 9085, 9138, 9157, 9265, 9272.5, 9273, and 9365

Water Code:

By amending Section 13973

By repealing Article 4.5 (commencing with Section 71905) of Chapter 3 of Part 7 of Division 20.

[Approved by Governor May 30, 1973. Filed with Secretary of State May 30, 1973.]

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

SECTION 1. The heading of Article 3 (commencing with Section 21511) of Chapter 7 of Division 10 of the Food and Agricultural Code is repealed.

SEC. 2. Section 43251 of the Food and Agricultural Code, as amended by Chapter 618 of the Statutes of 1972, is amended to read:

43251. Except as otherwise provided in Section 43900, fruits, nuts, and vegetables of the kinds which are specified in this division, if they are not wrapped or packed, are exempt from the standards which are established in this division when being transported or delivered to the destinations and for the purposes herein set forth, or when prepared, loaded, shipped, or sold under any of the following conditions:

(a) From a packing plant which does not have proper or adequate facilities for processing, grading, packing, or reconditioning, to another packing plant within the state which has such facilities.

(b) To a byproduct plant within the state for commercial processing, preserving, or manufacture of byproducts for resale. Dates, however, are not exempt from the standards which are established by Chapter 20 (commencing with Section 47401) of this division, except while they are being transported or delivered to a distillery for the manufacture of brandy or alcohol or to any person for the production of any product which is not for human

consumption.

(c) To a feedyard within the state for livestock feeding purposes.

(d) To a dumping ground or waste disposal plant within the state for disposal.

(e) From the orchard or field where they were produced to a packing plant within the state for first processing, grading, or packing.

SEC. 3. Section 9085 of the Public Resources Code is amended to read.

9085. In considering such a proposal, the local agency formation commission shall compare the proposed boundaries of the district with those of resource conservation and other districts within the county and shall ascertain the extent to which overlapping or conflicting boundaries may result from the proposal, and may consider any factors that it may regard inimical to the public interest.

SEC. 4. Section 9138 of the Public Resources Code is amended to read:

9138. On the ballots at such election shall be printed a proposition substantially as follows: "Shall the proposed _____ Resource Conservation District be organized?" followed by the words "yes" and "no," with voting space thereafter, together with the names of the candidates for directors.

SEC. 5 Section 9157 of the Public Resources Code is amended to read:

9157. No board of supervisors of any county in which any part of the lands embraced within a district is situated shall allow another resource conservation district to be formed which includes any portion of the lands within an existing district.

SEC. 6. Section 9265 of the Public Resources Code is amended to read:

9265. The directors of any district may cooperate with the directors of any other district in respect to matters of common interest or benefit to the districts. An association of resource conservation districts may be organized to facilitate such cooperation, to provide for the loan of equipment and tools by one district to another, and for the making of investigations and studies and the carrying out of projects of joint interest to the districts participating therein.

SEC. 7. Section 9272.5 of the Public Resources Code is amended to read:

9272.5. Notwithstanding anything to the contrary in Section 9272, the directors may lease district equipment to any other public district for use by such public district for soil conservation purposes on land within the boundaries of a resource conservation district.

SEC. 8. Section 9273 of the Public Resources Code is amended to read:

9273. A sale or conveyance of any property held by a resource conservation district, executed by the president and secretary thereof, in accordance with a resolution of the directors of the

district, when the property is sold for a valuable consideration, shall convey good title to the property so conveyed

SEC 9. Section 9365 of the Public Resources Code is amended to read·

9365. The board of supervisors of each county in which there lies any portion of the district shall, annually, at the time of levying county taxes, levy an assessment on the land exclusive of improvements and mineral rights, within the county and within the district to be known as the "_____ (name of district) Resource Conservation District assessment," sufficient to raise the amount reported to them in the estimate of the directors, provided, however, that no single assessment levied hereunder against any single municipal or public utility landowner shall be in excess of ten dollars ($10) in any year

SEC. 10. Section 13973 of the Water Code is amended to read:

13973. As used in this chapter, and for the purposes of this chapter as used in the State General Obligation Bond Law, the following words shall have the following meanings

(a) "Committee" means the Clean Water Finance Committee, created by Section 13974

(b) "Board" means the State Water Resources Control Board

(c) "Fund" means the State Clean Water Fund.

(d) "Municipality" shall have the same meaning as in the Federal Water Pollution Control Act (33 U.S.C. 1151 et seq.) and acts amendatory thereof or supplementary thereto and shall also include the state or any agency or department thereof

(e) "Treatment works" shall have the same meaning as in the Federal Water Pollution Control Act (33 U.S.C. 1151 et seq.) and acts amendatory thereof or supplementary thereto

(f) "Construction" shall have the same meaning as in the Federal Water Pollution Control Act (33 U.S.C 1151 et seq.) and acts amendatory thereof or supplementary thereto.

(g) "Eligible project" means a project for the construction of treatment works which is all of the following:

(1) Eligible for federal assistance, whether or not federal funds are then available therefor;

(2) Necessary to prevent water pollution;

(3) Certified by the board as entitled to priority over other treatment works, and which complies with applicable water quality standards, policies and plans.

(h) "Federal assistance" means funds available to a municipality either directly or through allocation by the state, from the federal government as grants for construction of treatment works, pursuant to Section 8 of the Federal Water Pollution Control Act, and acts amendatory thereof.

SEC. 11. Article 4.5 (commencing with Section 71905) of Chapter 3 of Part 7 of Division 20 of the Water Code is repealed.

SEC. 12. Any section of any act enacted by the Legislature at its 1973–74 Regular Session, which takes effect on or before January 1,

1974, and which amends, amends and renumbers, or repeals a section amended, amended and renumbered, or repealed by this act, shall prevail over this act whether such act is enacted prior or subsequent to this act

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CHAPTER 72

An act to add Sections 222.5 and 532.2 to the Revenue and Taxation Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 31, 1973. Filed with Secretary of State May 31, 1973.]

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

SECTION 1. Section 222.5 is added to the Revenue and Taxation Code, to read:

222.5. As used in Section 214, "property used exclusively for religious, hospital, scientific or charitable purposes" shall include possessory interests in publicly owned land, used exclusively for the operation of a zoo or for purposes of horticultural display by a zoological society meeting all the requirements of Section 214.

SEC. 2. Section 532.2 is added to the Revenue and Taxation Code, to read:

532.2. No escape assessment nor assessment under Article 3 (commencing with Section 501) of this chapter shall be imposed for any assessment year prior to the 1974–1975 assessment year on a possessory interest in real property which arose from any zoological society operating a zoo and horticultural display on publicly owned land and during such time such society would have met the requirements of Section 214 of this division.

SEC. 3. Section 2 of this act is enacted pursuant to Section 1c of Article XIII of the California Constitution. In the event any tax owed on a possessory interest is not canceled pursuant to Section 2 of this act, Article 2.5 (commencing with Section 270) of Chapter 1 of Part 2 of Division 1 of the Revenue and Taxation Code shall be applicable to such tax.

SEC. 4. Section 2163 of the Revenue and Taxation Code does not apply to the provisions of this act, as Sections 1 and 2 of this act do not involve an actual loss of revenue as the property affected by Sections 1 and 2 of this act was not assessed and taxed as of December 26, 1972.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the real and personal property of certain nonprofit

zoological societies may be exempted from taxation at the earliest possible time, thereby enabling such societies to provide improved services to the public, it is necessary that this act take immediate effect

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CHAPTER 73

An act to amend Sections 9950 and 9952 of, and to repeal Section 9951 of, the Vehicle Code, relating to vehicle sales, and declaring the urgency thereof, to take immediate effect

[Approved by Governor May 31, 1973. Filed with Secretary of State May 31, 1973.]

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

SECTION 1. Section 9950 of the Vehicle Code is amended to read:

9950. Any advertisement, brochure, owner's manual, or sales manual relating to any gasoline-powered motor vehicle of a type subject to registration with a manufacturer's gross vehicle weight rating of under 6,000 pounds of 1972 or later year model which contains any reference to the horsepower of the engine of such vehicle shall state only the Society of Automotive Engineers horsepower rating of such engine, as installed (net), as determined by S.A.E. Standard J245

SEC. 2. Section 9951 of the Vehicle Code is repealed.

SEC. 3. Section 9952 of the Vehicle Code is amended to read:

9952. Any person who publishes, or causes to be published, or offers for sale or sells, or gives to another person, any advertisement, brochure, owner's manual, or sales manual which violates Section 9950 is guilty of an infraction.

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 provisions of this act will revise the requirements regarding the inclusion of certain specified information in advertisements, brochures, and manuals with respect to the horsepower ratings of 1974 or later model gasoline-powered motor vehicles in order to protect the public safety and welfare. Since advertisements, brochures, and manuals are now being prepared for 1974 year model gasoline-powered motor vehicles, it is imperative that this act take effect immediately to avoid an undue burden on such manufacturers and to effectively protect the public safety and welfare.

CHAPTER 74

An act to amend Section 8 of Chapter 1245 of the Statutes of 1972, relating to educational programs, and declaring the urgency thereof, to take effect immediately

[Approved by Governor May 31, 1973 Filed with Secretary of State May 31, 1973]

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

SECTION 1. Section 8 of Chapter 1245 of the Statutes of 1972 is amended to read:

Sec. 8. The Superintendent of Public Instruction shall allow to the school district, to be included in the apportionment made to the district from the State School Fund, the sum of one hundred dollars ($100) per year for each pupil participating on a full-time educational furlough pursuant to this act

For the purpose of any state apportionment to school districts the amount of which is determined on the basis of pupil attendance, a pupil participating in a full-time educational furlough pursuant to this act shall not be counted in calculating the pupil attendance of the district

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

In order to clarify the intent of the Legislature regarding allowances to be made to school districts for participants in the pilot dropout prevention program prescribed by Chapter 1245 of the Statutes of 1972 in time for correct allowances to be made in the 1972–73 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 75

An act to amend Sections 11450 and 15204.1 of the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 31, 1973 Filed with Secretary of State May 31, 1973]

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

SECTION 1. Section 11450 of the Welfare and Institutions Code, as added by Chapter 1406 of the Statutes of 1972, 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	$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 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. Section 15204.1 of the Welfare and Institutions Code is amended 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.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

SEC. 4. This act shall become operative on June 1, 1973.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The provisions of this act are vital to the proper care of children in foster homes, and in order that such children derive the benefits therefrom on and after June 1, 1973, it is essential that it take effect immediately.

CHAPTER 76

An act to add Article 2 (commencing with Section 10401) to Chapter 5 of Division 8 of the Education Code, relating to treatment of animals.

[Approved by Governor June 1, 1973. Filed with Secretary of State June 1, 1973.]

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

SECTION 1. Article 2 (commencing with Section 10401) is added to Chapter 5 of Division 8 of the Education Code, to read:

Article 2. Humane Treatment of Animals

10401. In the public elementary and high schools or in public elementary and high school school-sponsored activities and classes held elsewhere than on school premises, live vertebrate animals shall not, as part of a scientific experiment or any purpose whatever:

(a) Be experimentally medicated or drugged in a manner to cause painful reactions or induce painful or lethal pathological conditions.

(b) Be injured through any other treatments, including, but not limited to, anesthetization or electric shock.

Live animals on the premises of a public elementary or high school shall be housed and cared for in a humane and safe manner.

The provisions of this section are not intended to prohibit or constrain vocational instruction in the normal practices of animal husbandry

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CHAPTER 77

An act relating to the maintenance of the various codes, as follows:

Business and Professions Code:
By amending Sections 2127.1, 2907.5, 4009, 7666, and 10207
By amending the heading of Division 1 (commencing with Section 100) and the heading of Chapter 2 (commencing with Section 150) of Division 1
By repealing Sections 5083.5 and 10153.3

Financial Code:
By amending Sections 7409, 8450, 9004, 14805.6, 17623, and 18818.2

Insurance Code:
By amending Sections 12640.17 and 12640.18

Labor Code:
By amending Section 1720
By repealing Section 80

Unemployment Insurance Code:
By amending Sections 135, 135.7, 605.1, 633.1, 2111, 11527, and 12004

Welfare and Institutions Code:
By amending Sections 11308.7 and 11308.8.

[Approved by Governor June 6, 1973. Filed with Secretary of State June 6, 1973.]

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

SECTION 1. The heading of Division 1 (commencing with Section 100) of the Business and Professions Code is amended to read:

DIVISION 1. DEPARTMENT OF CONSUMER AFFAIRS

SEC. 2 The heading of Chapter 2 (commencing with Section 150) of Division 1 of the Business and Professions Code is amended to read:

CHAPTER 2 THE DIRECTOR OF CONSUMER AFFAIRS

SEC. 3 Section 2127 1 of the Business and Professions Code is amended to read

2127.1. The public member shall be appointed from persons having all of the following qualifications

(a) Be a citizen of this state for at least five years next preceding his appointment

(b) Shall not be an officer or faculty member of any college, school or institution engaged in podiatry instruction

(c) Shall not be a licentiate of the committee or of any board under this division or of any board referred to in Sections 1000 and 3600.

SEC. 4. Section 2907.5 of the Business and Professions Code is amended to read.

2907.5. Nothing in Section 2907 shall be deemed to apply to the acts and practices of a psychological corporation duly certificated 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 Article 9 (commencing with Section 2995) of Chapter 6.6 of Division 2 of this code when the psychological corporation is in compliance with (a) the Moscone-Knox Professional Corporation Act; (b) Article 9 (commencing with Section 2995) of Chapter 6.6 of Division 2 of this code, and (c) all other statutes and all rules and regulations now or hereafter enacted or adopted pertaining to such corporation and the conduct of its affairs.

SEC. 5. Section 4009 of the Business and Professions Code is amended to read:

4009. The board may institute such action or actions as may be provided by law and which, in its discretion, are necessary, to prevent the sale of pharmaceutical preparations and drugs which do not conform to the standard and tests as to quality and strength, provided in the latest edition of the United States Pharmacopoeia or the National Formulary, or which violate any provision of the Sherman Food, Drug, and Cosmetic Law (Division 21 (commencing with Section 26000) of the Health and Safety Code).

SEC 6. Section 5083 5 of the Business and Professions Code is repealed.

SEC. 7. Section 7666 of the Business and Professions Code is amended to read:

7666. (a) The term of apprenticeship shall be two years; provided, however, that if an apprentice after having served his apprenticeship fails to pass the examination for an embalmer's license he may continue for one additional term of apprenticeship, which shall be the maximum apprenticeship permitted and provided further that an apprentice may, upon filing an application therefor, be permitted to continue such apprenticeship for a period not to exceed six months, if approved, for any of the following reasons:

(1) While awaiting the processing of applications submitted to the board.

(2) While awaiting notification of grades of embalmers' examinations given by the board.

(3) While awaiting the commencement of a class of an embalming school or college when such apprentice intends to enroll in such school or college.

Applications filed for an extension of apprenticeship shall be filed by the applicant with the Sacramento office of the board not less than 15 days prior to the date the applicant requests such extension to commence.

(b) Terms of apprenticeship may be served before, after, or divided by the embalming college course at the option of the apprentice; provided, however, that the term of apprenticeship must be completed, excluding time spent in active military service, within five years from the date of original registration, or from the date an apprentice successfully passes the examination for embalmer's license required in Section 7646 of this code, whichever first occurs, and provided further that if the term of apprenticeship is not completed within such five-year period, the board may require that the applicant serve such additional term of apprenticeship, not to exceed two years, and pass such additional examination on the subjects listed in Section 7646 of this code as the board considers necessary.

(c) A student attending an embalming college may register as an apprentice during his college term but shall receive no credit for such apprenticeship on the term required by this code unless he is also a full-time employee of a funeral director.

(d) An apprentice while serving his required term of apprenticeship shall be a full-time employee in the funeral establishment wherein he is employed.

SEC. 8. Section 10153.3 of the Business and Professions Code is repealed.

SEC. 9. Section 10207 of the Business and Professions Code is amended to read:

10207. The amount of the real estate fees prescribed for a license under this chapter is that fixed by the following provisions of this

article. No part of any fee paid in accordance with the provisions of this chapter is refundable. It is deemed earned by the department upon its receipt.

SEC. 10. Section 7409 of the Financial Code is amended to read:

7409. Every association issuing stock may declare dividends on stock at a rate equal to that declared and paid or credited on installment shares. The association may also set aside out of the net profits at each annual distribution, an amount not exceeding 1 percent a year of the average loans in force during such period, or a proportionate amount at each semiannual, quarterly, or other distribution, from which to declare additional dividends on its stock if at least one-tenth of the amount set aside is carried to stock surplus until such surplus amounts to and is maintained at a value of at least 25 percent of the amount set aside as a fixed and permanent capital of the association pursuant to Section 6456.1.

SEC. 11. Section 8450 of the Financial Code is amended to read:

8450. The stockholders of each association are individually liable, equally and ratably, and not one for another, for all contracts, debts, and engagements of such association, including investment certificates and shares, to the extent of the amount set aside from the sale of such stock as a fixed and permanent capital of the association pursuant to Section 6456.1, in addition to the amount invested in the stock.

SEC. 12. Section 9004 of the Financial Code is amended to read:

9004. An appeal from a judgment enjoining the commissioner from further proceedings and directing him to surrender the business, property, and assets to the association does not operate as a stay of the judgment, unless the trial court in its discretion so orders. If an appeal from the judgment is taken by the commissioner no bond need be given. If the judgment dismisses the action an appeal therefrom does not operate as a stay of the judgment but the court rendering such judgment may, in its discretion enjoin the commissioner pending the appeal, from further proceedings and direct him, pending the appeal, to surrender such business, property, and assets to the association, if a bond is given as required by Chapter 2 (commencing with Section 916), Title 13, Part 2 of the Code of Civil Procedure.

SEC. 13. Section 14805.6 of the Financial Code is amended to read:

14805.6. Every credit union may apply for and seek to obtain insurance as provided for by Title II of the Federal Credit Union Act (Title 12 U.S.C., Sec. 1781 and following), for the purpose of insuring its members' share accounts. In seeking and retaining such insurance, a credit union may do all things and assume and discharge all obligations required of it when not in conflict with the laws of this state.

SEC. 14. Section 17623 of the Financial Code is amended to read:

17623. An appeal from a judgment enjoining the commissioner from further proceedings and directing him to surrender the

business, property, and assets to the licensee does not operate as a stay of the judgment, unless the trial court in its discretion so orders. If an appeal from the judgment is taken by the commissioner no bond need be given. If the judgment dismisses the action an appeal therefrom does not operate as a stay of the judgment but the court rendering such judgment may, in its discretion enjoin the commissioner pending the appeal, from further proceedings and direct him, pending the appeal, to surrender such business, property, and assets to the licensee, if a bond is given as required by Chapter 2 (commencing with Section 916), Title 13, Part 2 of the Code of Civil Procedure.

SEC 15. Section 18818.2 of the Financial Code is amended to read:

18818.2. An appeal may be taken from the judgment of the court by the commissioner or by the industrial loan company in the manner provided by law for appeals from the judgment of a superior court. An appeal from the judgment of the court does not operate as a stay of the judgment unless the court, on good cause, so orders. No bond need be given if the appeal be taken by the commissioner but if the appeal be taken by the industrial loan company a bond shall be given as required by Chapter 2 (commencing with Section 916), Title 13, Part 2 of the Code of Civil Procedure as condition to any stay.

SEC 16. Section 12640.17 of the Insurance Code is amended to read:

12640.17. All the applicable provisions of this code and of other statutes of this state, except as the same may be in conflict herewith, shall apply to the operation and conduct of the business authorized by this chapter.

SEC. 17. Section 12640.18 of the Insurance Code is amended to read:

12640.18. The commissioner may adopt, pursuant to the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, such reasonable rules and regulations as may be necessary to carry out the provisions of this chapter, including, but not limited to, appropriate restrictions as to investments, giving full consideration to the desirability of high liquidity.

SEC. 18. Section 80 of the Labor Code is repealed.

SEC. 19. Section 1720 of the Labor Code, as amended by Chapter 717 of the Statutes of 1972, is amended to read:

1720. As used in this chapter "public works" means:

(a) Construction, alteration, demolition or repair work done under contract and paid for in whole or in part out of public funds, except work done directly by any public utility company pursuant to order of the Public Utilities Commission or other public authority.

(b) Work done for irrigation, utility, reclamation and improvement districts, and other districts of this type. "Public work" shall not include the operation of the irrigation or drainage system

of any irrigation or reclamation district, except as used in Section 1778 relating to retaining wages.

(c) Street, sewer or other improvement work done under the direction and supervision or by the authority of any officer or public body of the state, or of any political subdivision or district thereof, whether such political subdivision or district operates under a freeholder's charter or not.

(d) The laying of carpet done under a building lease-maintenance contract and paid for out of public funds.

(e) The laying of carpet in a public building done under contract and paid for in whole or part out of public funds.

SEC. 20. Section 135 of the Unemployment Insurance Code is amended to read:

135. "Employing unit" means any individual or type of organization, including, but not limited to, a joint venture, partnership, association, trust, estate, joint stock company, insurance company, corporation whether domestic or foreign, community chest, fund, foundation, public housing administration agency, whether operated by state or local governmental subdivisions, the State of California with respect to service performed by a blind individual and an otherwise handicapped individual in connection with his employment pursuant to Section 605.5, the State of California (including the Trustees of the California State University and Colleges) and any instrumentality of this state (including the Regents of the University of California) or of this state and one or more other states with respect to service performed for a hospital or institution of higher education located in this state, any instrumentality of the United States required to make payments under this division, and the receiver, trustee in bankruptcy, trustee or successor thereof, and the legal representative of a deceased person, which has in its employ one or more individuals performing services for it within this state. All individuals performing services within this state for any employing unit which maintains two or more separate establishments within this state shall be deemed to be employed by a single employing unit for all the purposes of this division.

SEC. 21. Section 135.7 of the Unemployment Insurance Code is amended to read:

135.7. "Employing unit" also means the Regents of the University of California and the Trustees of the California State University and Colleges for the purpose of Chapter 5.7 (commencing with Section 1471) of this part.

SEC. 22. Section 605.1 of the Unemployment Insurance Code is amended to read:

605.1. "Employment" for the purposes of this part and Parts 3 (commencing with Section 3501) and 4 (commencing with Section 4001) of this division, except as provided by Section 634.5, includes all service performed in the employ of the State of California, or any instrumentality of this state or of this state and one or more other

states, for a hospital or institution of higher education located in this state, if such service is excluded from "employment" under the Federal Unemployment Tax Act solely by reason of paragraph (7) of Section 3306(c) of that act. As used in this section, "State of California", "instrumentality of this state", and "this state" include the Regents of the University of California and the Trustees of the California State University and Colleges. For purposes of this section, "institution of higher education" means an educational institution which is a college or university or which:

(a) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate.

(b) Is legally authorized within this state to provide a program of education beyond high school

(c) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, or offers a program of training to prepare students for gainful employment in a recognized occupation, and

(d) Is a public or other nonprofit institution.

SEC. 23. Section 633.1 of the Unemployment Insurance Code is amended to read:

633.1. Notwithstanding the provisions of Section 633, "employment" includes service for the Regents of the University of California and the Trustees of the California State University and Colleges as specified in Chapter 5.7 (commencing with Section 1471) of this part.

SEC. 24. Section 2111 of the Unemployment Insurance Code is amended to read:

2111. Except as otherwise provided in Section 1094 information obtained in the course of administration of this division is confidential and shall not be published or open to public inspection in any manner. Any director, deputy director, member of the Appeals Board, member of the Job Training, Development and Placement Services Advisory Board or employee of the department who violates this section is guilty of a misdemeanor.

SEC. 25. Section 11527 of the Unemployment Insurance Code is amended to read:

11527. Agencies eligible to receive grants for demonstration public service employment programs shall include all of the following:

(a) State agencies, the California State University and Colleges, and the Regents of the University of California.

(b) Cities, counties, and any city and county.

(c) School districts, including community college districts, and other special purpose districts.

(d) Indian tribes on reservations.

(e) Public and private nonprofit agencies and institutions including community development corporations or other

corporations, partnerships, or other business entities organized to operate a public service employment program or component thereof and owned or operated in substantial part by unemployed or low-income residents of the area to be served.

SEC. 26. Section 12004 of the Unemployment Insurance Code is amended to read:

12004. It is the intent of the Legislature that the board in carrying out career opportunities development programs pursuant to this division shall provide for:

(a) Close coordination between career opportunities development programs and related activities under the Federal Intergovernmental Personnel Act (Public Law 91-648); and,

(b) Clear, direct and systematic involvement by representatives of cities, counties, educational agencies, including but not limited to the California Community Colleges, the California State University and Colleges and the University of California, and lay representatives, especially those which represent low-income and minority persons.

SEC. 27. Section 11308.7 of the Welfare and Institutions Code is amended to read:

11308.7. If the county department determines under Section 11308.6 that a person had good cause for failure to report or refusal to enroll or refusal of employment, the county department shall notify the person. If the county department determines under Section 11308.6 that a person did not have good cause for failure to enroll or refusal to enroll or refusal of employment, the county department shall so notify him by mail or personal service within five days of the determination, stating the reasons for the determination. The notice to the person shall set forth the possible effect of the determination on the person's payments under Chapter 2 (commencing with Section 11200) of Part 3, Division 9, and shall inform him of his right to a fair hearing. He may, within 10 days after the mailing or personal service of the determination, file a request for a hearing with the department in accordance with the provisions of Chapter 7 (commencing with Section 10950) of Part 2, Division 9. The 10-day period may be extended for good cause. A request for a hearing need not be formal, but it shall be in writing.

SEC. 28. Section 11308.8 of the Welfare and Institutions Code is amended to read:

11308.8. Upon notification of the Department of Social Welfare pursuant to Chapter 7 (commencing with Section 10950) of Part 2, Division 9, that a person referred to the Department of Human Resources Development under Section 11300 has without good cause failed to report for enrollment in or refused to enroll in a work incentive program or refused to accept employment, the county department shall discontinue cash aid payments, and shall continue aid under a controlled payment plan in accordance with federal law and the regulations of the department. The allowance for such person's needs shall not be included under a controlled payment

plan, except for the first 60 days if during such time he accepts counseling or other services provided by the county department aimed at persuading him to follow the prescribed program.

SEC. 29. Any section of any act enacted by the Legislature at its 1973–74 Regular Session, which takes effect on or before January 1, 1974, and which amends, amends and renumbers, or repeals a section amended, amended and renumbered, or repealed by this act, shall prevail over this act, whether such act is enacted prior or subsequent to this act.

CHAPTER 78

An act relating to the maintenance of various codes, as follows:

Public Utilities Code:

By amending Sections 24801, 24828, 24884, 25802, 25807, 25903, 26656, and 30008

Revenue and Taxation Code:

By amending Sections 13957, 14533, 16537, 18219, and 23042

Vehicle Code:

By amending Sections 426, 11519, 21103, 22355, 22702, 34022, 34045, 36125, 38010, 38030, and 41401.

[Approved by Governor June 6, 1973. Filed with Secretary of State June 6, 1973.]

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

SECTION 1. Section 24801 of the Public Utilities Code is amended to read:

24801. The government of every district is vested in a board of seven directors, one from each ward, and two at large, together with the other officers mentioned in this part. The directors shall be residents and voters of the respective wards from which they are nominated.

SEC. 2. Section 24828 of the Public Utilities Code is amended to read:

24828. Except as otherwise provided in this part, the provisions of the Elections Code prescribed for independent nominations shall substantially govern as to the manner of appointment of verification deputies, the form of nomination papers and the securing of signatures, the filing of the candidate's affidavit, and all other things necessary to get the name of the candidate upon the ballot; provided, however, that verification deputies may obtain signatures to the nomination paper of any candidate at any time not more than 85 days nor less than 60 days prior to the election, and all nomination papers shall be filed with the secretary of the district not more than 80 nor less than 60 days before the date of the election and shall be examined by him. Each candidate, at least 60 days prior to the

election, shall file a sufficient candidate's affidavit The secretary of the district shall certify the names of all candidates to be placed upon the ballot to the county clerk or county clerks within the territory affected at least 53 days prior to the date of election.

SEC. 3. Section 24884 of the Public Utilities Code is amended to read:

24884. All matters and things necessary for the proper administration of the affairs of the district which are not provided for in this part shall be provided for by the board.

SEC. 4. Section 25802 of the Public Utilities Code is amended to read:

25802. A district may without limitation by any other provisions of this part requiring approval of indebtedness, accept contributions of money, rights-of-way, labor, materials, and any other property for the acquisition, construction, maintenance, and operation of transit facilities, and may without limitation by any other provisions of this part enter into any contracts and cooperate with and accept cooperation from the state, or any department, instrumentality, or agency thereof, or any public agency of the state in the acquisition, construction, maintenance, and operation of, and in financing the acquisition, construction, maintenance, and operation of, any such transit facilities.

SEC. 5. Section 25807 of the Public Utilities Code is amended to read:

25807. The rates and charges for service furnished pursuant to this part shall be fixed by the board and shall be reasonable.

SEC. 6. Section 25903 of the Public Utilities Code is amended to read:

25903. All taxes levied under this part are a lien on the property on which they are levied. Unless the board has by ordinance otherwise provided, the enforcement of the collection of such taxes shall be in the same manner and by the same means provided by law for the enforcement of liens for county taxes, all the provisions of law relating to the enforcement of the latter being made a part of this part, so far as applicable.

SEC. 7. Section 26656 of the Public Utilities Code is amended to read:

26656. Provisions may be made (among other things) for payment of taxes within the territory to be annexed in addition to the taxes elsewhere in this part provided for, the fixing of rates, rentals, and charges differing from those fixed or existing elsewhere within the district, the incurring or assumption of indebtedness, or the making of a payment or payments, or the transfer of property, real and personal, and other assets to the district by the territory proposed to be annexed. The boundaries of the territory proposed to be annexed need not be coterminous with any election precincts. The terms and conditions shall become effective and be binding upon the district and the territory to be annexed when approved in the manner set forth in this chapter.

SEC. 8. Section 30008 of the Public Utilities Code is amended to read:

30008. The district shall obtain and carry, in addition to any other liability insurance which might be carried by the district, insurance insuring its passengers for all sums within the limits specified in Section 16059 of the Vehicle Code which they shall be legally entitled to recover as damages for bodily injury or wrongful death from the owner or operator of an uninsured motor vehicle. Such coverage may not be waived by the district, but shall, in all other respects, be identical to that coverage set forth in Section 11580.2 of the Insurance Code.

SEC. 9. Section 13957 of the Revenue and Taxation Code is amended to read:

13957. The provisions of this section are optional and may be used for the valuation of an estate where applicable. At the request of the executor or administrator of an estate, the inheritance tax referee shall value according to this section.

Any land which is valued pursuant to Section 423 or 423.5 for property tax purposes shall be valued by identical methods for purposes of this part unless there are at least five sales of land qualifying as comparable. In order to be considered comparable, the sales shall be sufficiently near in time to the date of valuation and the properties sold shall be located sufficiently near the property being valued, and shall be sufficiently alike in respect to character, size, situation, usability, and enforceable restrictions to make it clear that the properties sold and the property being valued are comparable in value and that the cash equivalent price realized for the properties sold may fairly be considered as shedding light on the value of the property being valued. If the sold properties are in another county, comparability shall include similar controls of the administration of the open-space enforceable restrictions as the county where the land being valued is located.

SEC. 10. Section 14533 of the Revenue and Taxation Code is amended to read:

14533. If the person cited is ordered and directed to appear before the referee, the latter shall, at the time and place specified in the citation, or at a time and place to which the referee may adjourn the hearing, examine the person cited and any witness whom the referee may subpoena.

SEC. 11. Section 16537 of the Revenue and Taxation Code is amended to read:

16537. The powers given by this article to the Controller are also conferred upon any inheritance tax referee designated by the Controller to appraise the fair market value of any transfer subject to the tax imposed by this part.

SEC. 12. Section 18219 of the Revenue and Taxation Code is amended to read:

18219. (a) (1) Except as otherwise provided in this section, if farmland which the taxpayer has held for less than 10 years is

disposed of during a taxable year beginning after December 31, 1969, the lower of—

(A) The applicable percentage of the aggregate of the deductions allowed under Section 17224 (relating to soil and water conservation expenditures) for expenditures made by the taxpayer after December 31, 1969, with respect to the farmland or

(B) The excess of—

(i) The amount realized (in the case of a sale, exchange, or involuntary conversion), or the fair market value of the farmland (in the case of any other disposition), over

(ii) The adjusted basis of such land,

shall be treated as gain from the sale or exchange of property which is neither a capital asset nor property described in Section 18182. Such gain shall be recognized notwithstanding any other provision of this part, except that this section shall not apply to the extent Section 18220 applies to such gain.

(2) For purposes of this section, the term "farmland" means any land with respect to which deductions have been allowed under Section 17224 (relating to soil and water conservation expenditures).

(3) For purposes of this section—

If the farmland is disposed of—	The applicable percentage is—
Within five years after the date it was acquired	100 percent.
Within the sixth year after it was acquired	80 percent.
Within the seventh year after it was acquired	60 percent.
Within the eighth year after it was acquired	40 percent.
Within the ninth year after it was acquired	20 percent.
Ten years or more years after it was acquired	0 percent.

(b) Under regulations prescribed by the Franchise Tax Board, rules similar to the rules of Section 18211 shall be applied for purposes of this section.

SEC. 13. Section 23042 of the Revenue and Taxation Code is amended to read:

23042. "Income year" means:

(a) For the purposes of the tax imposed under Chapter 2 (commencing with Section 23101) of this part, the calendar year or the fiscal year upon the basis of which the net income is computed. "Income year" means, for the purposes of the tax imposed under Chapter 2 (commencing with Section 23101) of this part, in the case of a return made for a fractional part of a year, the period for which such return is made.

(b) For the purposes of the tax imposed under Chapter 3 (commencing with Section 23501) or Chapter 4 (commencing with Section 23701) of this part, wherever "income year" is used throughout this part, it means "taxable year" as that term is defined in Section 23041 for the purposes of the tax imposed under Chapter 3 (commencing with Section 23501) or Chapter 4 (commencing with Section 23701) of this part

(c) For purposes of the minimum tax on items of tax preference imposed under Chapter 2 5 (commencing with Section 23400) of this part, the same as defined in subdivision (a) with respect to a taxpayer subject to the tax imposed under Chapter 2 (commencing with Section 23101) of this part and the same as defined in subdivision (b) with respect to a taxpayer subject to the tax imposed under Chapter 3 (commencing with Section 23501) or Chapter 4 (commencing with Section 23701) of this part

SEC. 14. Section 426 of the Vehicle Code is amended to read:

426. "New car dealer" is a dealer, as defined in Section 285, who, in addition to the requirements of that section, acquires for resale new and unregistered motor vehicles (excluding motorcycles as defined in Section 400) and new and unregistered trucks from manufacturers or distributors of such motor vehicles and trucks. No distinction shall be made, nor any different construction be given to the definition of "new car dealer" and "dealer" except for the application of the provisions of Chapter 6 (commencing with Section 3000) of Division 2, which chapter shall apply only to new car dealers as defined in this section

SEC. 15 Section 11519 of the Vehicle Code is amended to read:

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

SEC. 16 Section 21103 of the Vehicle Code is amended to read:

21103. No ordinance or resolution enacted under Section 21101 shall be effective until signs giving notice of the local traffic laws are posted at all entrances to the highway or part thereof affected. All signs giving notice of any local traffic laws under subdivision (b) of Section 21101 shall conform to the specifications applicable to stop signs.

SEC 17. Section 22355 of the Vehicle Code is amended to read:

22355. Whenever the Department of Transportation determines upon the basis of an engineering and traffic survey that the safe and orderly movement of traffic upon any state highway which is a freeway will be facilitated by the establishment of variable speed limits, the department may erect, regulate, and control signs upon the state highway which is a freeway, or any portion thereof, which

signs shall be so designed as to permit display of different speed limits at various times of the day or night. Such signs need not conform to the standards and specifications established by regulations of the Department of Transportation pursuant to Section 21400, but shall be of sufficient size and clarity to give adequate notice of the applicable speed limit. The speed limit upon the freeway at a particular time and place shall be that which is then and there displayed upon such sign.

SEC. 18 Section 22702 of the Vehicle Code is amended to read:

22702. (a) Any member of the California Highway Patrol or any regularly employed and salaried deputy sheriff or other employee of the county designated to perform this function by the board of supervisors in which a vehicle is located or any regularly employed and salaried police officer or other employee of the city designated to perform this function by the city council, in which a vehicle is located who has reasonable grounds to believe that the vehicle has been abandoned, may remove the vehicle from a highway or from public or private property

(b) Any member of the California State Police who has reasonable grounds to believe that a vehicle has been abandoned upon property owned by the state, or rented or leased from others by the state, or property of a district agricultural association as to which the California State Police is providing policing services, may remove the vehicle from such property.

(c) Any regularly employed and salaried officer or other employee of the University of California Police Department who has reasonable grounds to believe that a vehicle has been abandoned on or about a campus or in or about other grounds or properties owned, operated, controlled or administered by the Regents of the University of California may remove the vehicle from such property.

(d) Any policeman appointed or employed by the board of directors of a regional park district who has reasonable grounds to believe that a vehicle has been abandoned upon property owned by the regional park district or rented or leased from others by the regional park district, may remove the vehicle from such property.

(e) Any regularly employed and salaried officer or other employee of a California state university or college police department who has reasonable grounds to believe that a vehicle has been abandoned on or about a campus or in or about other grounds or properties owned, operated, controlled or administered by the Trustees of the California State University and Colleges, may remove the vehicle from such property.

(f) Any employee of the Department of Transportation, or a person performing a franchise or contract awarded pursuant to subdivision (b) of Section 22710, may remove a vehicle from a highway or place to which it has been removed pursuant to subdivision (c) of Section 22654 or from public or private property, after a determination by a member of the California Highway Patrol or any regularly employed and salaried deputy or other employee of

the sheriff's office of a county in which such vehicle is located or any regularly employed and salaried officer or other employee of a police department in a city in which such vehicle is located that such vehicle is abandoned.

(g) The public agency employing the officer shall make an appraisal of any such vehicle either prior to or within five days after removal.

(h) A county or city employee, other than an employee of a sheriff's department or a city police department, designated to remove vehicles pursuant to this section may do so only after he has mailed or personally delivered a written report identifying the vehicle and its location to the office of the Department of the California Highway Patrol located nearest to the vehicle.

SEC. 19. Section 34022 of the Vehicle Code is amended to read:

34022. In making the regulations, the State Fire Marshal shall consider as evidence of generally accepted safety standards the publications of the National Fire Protection Association and the United States Department of Transportation

SEC 20. Section 34045 of the Vehicle Code is amended to read:

34045 The original and renewal fee for the registration of a cargo tank for any biennial period shall be twenty-five dollars ($25).

SEC. 21. Section 36125 of the Vehicle Code, as amended by Chapter 176 of the Statutes of 1972, is amended to read:

36125. Owners of cotton trailers, farm trailers as specified in subdivision (a) of Section 36101, vehicles which are farmer-owned and used as provided in subdivision (c) of Section 36101, or motor vehicles which are farmer-owned and operated and used as provided in subdivision (b) of Section 36101, which are exempt from registration, shall, prior to any movement of such vehicles upon a highway, make application to the Department of Motor Vehicles to obtain for display thereon special identification plates of the type provided for implements of husbandry, except that the service charge shall be five dollars ($5) for each vehicle and the photograph provisions are waived. Such plates shall be renewed between the inclusive dates of January 1 through the first Friday of February every three years by application and payment of the five-dollar ($5) service charge. The five-dollar ($5) service charge on original applications for such identification plates shall be decreased by one dollar ($1) for each subsequent year of the three-year cycle.

As used in this section, three years means three calendar years. Any part of the year of first application shall constitute a calendar year.

SEC. 22. Section 38010 of the Vehicle Code is amended to read:

38010. (a) Except as otherwise provided in subdivision (b), every motor vehicle which is not registered under this code, because it is to be operated or used exclusively off the highways, except as provided in this division, shall be issued and display an identification plate or device issued by the department.

(b) The provisions of subdivision (a) shall not apply to any of the

following:

(1) Motor vehicles operated solely on the private property of their owner or on the private property of another, with the express consent of the owner or tenant of such property or used solely upon commercially operated facilities for such use.

(2) Motor vehicles specifically exempted from registration under this code, including but not limited to motor vehicles exempted pursuant to Sections 4006, 4010, 4011, 4012, 4013, 4015, and 4019.

(3) Motor vehicles being operated off the highways in an organized racing or competitive event upon a closed course and which is conducted under the auspices of a recognized sanctioning body, or by permit issued by the local governmental authority having jurisdiction.

(4) Implements of husbandry

(5) Motor vehicles owned by the state, or any county, city, district, or political subdivision of the state, or the United States.

(6) Motor vehicles owned or op rated by, or operated under contract with a utility, whether privately or publicly owned, when used as specified in Section 22512.

(7) Special construction equipment described in Section 565, regardless of whether such motor vehicles are used in connection with highway or railroad work.

(8) A motor vehicle owned or operated by a nonresident of this state, whether or not such vehicle is identified or registered in a foreign jurisdiction. For the purposes of this paragraph, a person who holds a valid driver's license issued by a foreign jurisdiction shall be presumed to be such a nonresident.

SEC. 23. Section 38030 of the Vehicle Code is amended to read:

38030. Notwithstanding the provisions of Section 38020, an unidentified off-highway motor vehicle subject to identification may be left standing upon a highway or public or private property adjacent to the place of business of a dealer of such motor vehicles when done so in connection with the loading and unloading or storage of such vehicles to be used in the dealer's business, unless already prohibited by law.

SEC. 24. Section 41401 of the Vehicle Code is amended to read:

41401. No person shall be prosecuted for a violation of any provision of this code if the violation was required by a law of the federal government, by any rule, regulation, directive or order of any agency of the federal government, the violation of which is subject to penalty under an act of Congress, or by any valid order of military authority.

SEC. 25. Any section of any act enacted by the Legislature at its 1973–74 Regular Session, which takes effect on or before January 1, 1974, and which amends, amends and renumbers, or repeals a section amended, amended and renumbered, or repealed by this act, shall prevail over this act, whether such act is enacted prior or subsequent to this act.

CHAPTER 79

An act to amend Sections 6612 and 6613 of the Elections Code, relating to nonpartisan offices.

[Approved by Governor June 7, 1973 Filed with Secretary of State June 7, 1973]

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

SECTION 1. Section 6612 of the Elections Code is amended to read:

6612 Where no candidate has been elected to a nonpartisan office pursuant to Section 6613, or where the number of candidates elected to a nonpartisan office at a primary election is less than the total number to be elected to that office, the candidates not elected, equal in number to twice the number remaining to be elected to that nonpartisan office, or less, if the total number of candidates not elected is less, who receive the highest number of votes cast on all the ballots of all the voters participating in the primary election for nomination to that office, shall be the candidates for that office at the ensuing election, and their names as candidates for that office shall be placed on the official ballot voted at the ensuing election.

SEC. 2 Section 6613 of the Elections Code is amended to read:

6613. Any candidate for a nonpartisan office who at a primary election receives votes on a majority of all the ballots cast for candidates for that office shall be elected to such office. Where two or more candidates are to be elected to a given office and a greater number of candidates receive a majority than the number to be elected, those candidates shall be elected who secure the highest votes of those receiving such majority, and equal in number to the number to be elected.

Where a candidate has been elected to a nonpartisan office at the primary election, that office shall not appear on the ballot at the ensuing general election, notwithstanding the death, resignation or other disqualification of the candidate at a time subsequent to the primary election.

CHAPTER 80

An act to add Section 7200.5 to the Welfare and Institutions Code, relating to state hospitals.

[Approved by Governor June 7, 1973 Filed with Secretary of State June 7, 1973]

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

SECTION 1. Section 7200.5 is added to the Welfare and Institutions Code, to read:

7200.5. The children's treatment center at Camarillo State Hospital shall be known as the Norbert I. Rieger Children's Treatment Center.

CHAPTER 81

An act to amend Section 4602.5 of the Health and Safety Code, relating to community facilities, and declaring the urgency thereof, to take effect immediately

[Approved by Governor June 11, 1973. Filed with Secretary of State June 11, 1973.]

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

SECTION 1. Section 4602.5 of the Health and Safety Code is amended to read:

4602.5. In cities within a county of the 20th class as defined in Section 28041 of the Government Code, improvement shall also mean the acquisition, construction, maintenance, and operation of any public buildings which would serve as a community center facility, including, but not limited to, an exhibition building, an auditorium, a stadium, and a sports arena; and the acquisition and improvement of any land, rights-of-way, rights of use, or other property needed for any of the improvements described in this section, or for offstreet parking facilities therefor.

For the purposes of this section, at the hearing held pursuant to Section 4611, the governing body may exclude from the proposed district any territory the inhabitants of which would not be benefited by the proposed improvements as finally determined.

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

There is an ambiguity in Section 4602.5 of the Health and Safety Code by reason of the reference to cities within a county of the 19th class as defined in Section 28040 of the Government Code. At the time the section became effective, the county of the 19th class as defined in Section 28040 of the Government Code was Stanislaus County. As a result of the enactment of Chapter 1204 of the Statutes of 1971, which changed the classification of counties to reflect the 1970 federal census, Stanislaus County is now a county of the 20th class as defined in Section 28041 of the Government Code.

In order to make it clear at the earliest possible date that the county referred to in Section 4602.5 of the Health and Safety Code is still Stanislaus County it is necessary that this act take effect immediately.

CHAPTER 82

An act to amend Section 22407 of the Vehicle Code, relating to vehicles.

[Approved by Governor June 12, 1973. Filed with Secretary of State June 12, 1973.]

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

SECTION 1. Section 22407 of the Vehicle Code is amended to read:

22407. Whenever the Department of Transportation or local authority determines upon the basis of engineering studies and a traffic survey that the speed of 55 miles per hour is more than is reasonable or safe for vehicles mentioned in subdivision (a) of Section 22406, which have a manufacturer's gross vehicle weight rating of 10,000 pounds or more, in descending a grade upon any portion of a highway, the department or local authority, with respect to highways under their respective jurisdiction, may determine and declare a speed limit of 50, 45, 40, 35, 30, 25, or 20 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared speed limit shall be effective for such vehicles when appropriate signs giving notice thereof are erected upon the highway.

SEC. 2. Section 22407 of the Vehicle Code is amended to read:

22407. Whenever the Department of Transportation or local authority determines upon the basis of engineering studies and a traffic survey that the speed of 55 miles per hour is more than is reasonable or safe for vehicles mentioned in paragraph (1) of subdivision (a) of Section 22406, which have a manufacturer's gross vehicle weight rating of 10,000 pounds or more, in descending a grade upon any portion of a highway, the department or local authority, with respect to highways under their respective jurisdiction, may determine and declare a speed limit of 50, 45, 40, 35, 30, 25, or 20 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared speed limit shall be effective for such vehicles when appropriate signs giving notice thereof are erected upon the highway.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 1019 are both chaptered and become effective on or before January 1, 1974, both bills amend Section 22407 of the Vehicle Code, and this bill is chaptered after Assembly Bill No. 1019, that the amendments to Section 22407 proposed by both bills be given effect and incorporated in Section 22407 in the form set forth in Section 2

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of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 1019 are both chaptered and become effective on or before January 1, 1974, both amend Section 22407, and this bill is chaptered after Assembly Bill No. 1019, in which case Section 1 of this act shall not become operative.

CHAPTER 83

An act to add Section 53069.85 to the Government Code, relating to projects of local agencies.

[Approved by Governor June 12, 1973 Filed with Secretary of State June 12, 1973]

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

SECTION 1. Section 53069.85 is added to the Government Code, to read:

53069.85. The legislative body of a city, county or district may include or cause to be included in contracts for public projects a provision establishing the time within which the whole or any specified portion of the work contemplated shall be completed. The legislative body may provide that for each day completion is delayed beyond the specified time, the contractor shall forfeit and pay to such agency involved a specified sum of money, to be deducted from any payments due or to become due to the contractor. A contract for such a project may also provide for the payment of extra compensation to the contractor, as a bonus for completion prior to the specified time. Such provisions, if used, shall be included in the specifications upon which bids are received, which specifications shall clearly set forth the provisions.

CHAPTER 84

An act to add Section 2169.2 to the Revenue and Taxation Code, relating to property tax limitations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 12, 1973 Filed with Secretary of State June 12, 1973]

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

SECTION 1. Section 2169.2 is added to the Revenue and Taxation Code, to read:

2169.2. Any garbage disposal district organized pursuant to Chapter 1 (commencing with Section 4100) of Part 2 of Division 5

of the Health and Safety Code and formed prior to January 1, 1973, which depends upon multiyear contracts to carry out the entire purpose of the district may adjust its maximum rate to provide for the cost of any new contract which continues the level of service provided in the prior contract.

In addition the rate may cover an amount for proper overhead charges, a reserve for contingencies not to exceed 10 percent of the annual contract costs and an amount to offset normal tax delinquencies.

Districts covered under this section may also levy a rate to provide sufficient revenues to cover the cost of borrowing required to meet cash needs for the period prior to receipt of revenues.

Such districts may borrow from the treasury of the county in which it is located, and such county may loan, amounts required to meet cash needs when no other source of revenue is available to the district.

Any district which adjusts its maximum tax rate under the provisions of this section is requested to report to the State Director of Finance as to the amount of such increase, the additional revenue to be raised by the increased rate, and the type of contract used to carry out the purpose of the district. The report requested under this section shall be made each October 1 for the 1973–74, 1974–75 and 1975–76 fiscal years only as applicable.

Subdivisions (c) and (d) of Section 2169 shall not apply to any district which adjusts its maximum rate pursuant to this section.

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

In order that certain single purpose districts which have multiyear contracts to provide the services to the district may continue to provide services for the 1973–74 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 85

An act to add and repeal Article 6.5 (commencing with Section 40861) of Chapter 2 of Division 16 of the Food and Agricultural Code, relating to canning tomatoes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 12, 1973 Filed with Secretary of State June 12, 1973]

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

SECTION 1 Article 6.5 (commencing with Section 40861) is added to Chapter 2 of Division 16 of the Food and Agricultural Code, to read:

Article 6.5. Alternate Standards

40861. In order to provide the consumer with a high-quality canning tomato the Legislature hereby finds and declares that it is in the public interest to provide for an alternative maturity and quality standard and testing procedure for one growing season for canning tomatoes.

Notwithstanding any provisions of this chapter to the contrary, the director, taking into consideration the recommendation of the Canning Tomato Advisory Committee and the results of prior research on tomato quality, may, by regulation, permit any producer or processor to use the comminuted sampling procedure with an alternative maturity and quality standard for canning tomatoes, which he may hereby prescribe, if he finds that. (1) such procedure more accurately reflects the quality of the product and will provide a more objective method of determining maturity and quality standards for canning tomatoes, and (2) the regulation will provide the consumer with an acceptable commodity.

Any load of tomatoes which is offered for delivery to a canner shall be rejected and turned back to the grower if it fails to meet the prescribed standards.

This article shall remain in effect only until December 1, 1973, and as of that date is repealed.

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

The harvest and marketing season for canning tomatoes will begin before the normal effective date of legislation enacted at this session of the Legislature. In order to meet the needs of this year's harvest and marketing season of canning tomatoes, it is necessary that the provisions of this act become effective immediately.

CHAPTER 86

An act to amend Sections 1277.5 and 2629 of the Unemployment Insurance Code, relating to unemployment disability compensation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 12, 1973 Filed with Secretary of State June 12, 1973]

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

SECTION 1. Section 1277.5 of the Unemployment Insurance Code is amended to read:

1277.5. In determining, under Section 1277, whether a new claim is valid, if the individual had some work during the 52-week period immediately following the effective date of the previous valid claim, then twice the amount which an individual was entitled to receive under Part 2 (commencing with Section 2601) of this division or under Division 4 (commencing with Section 3201) of the Labor Code, or under any workmen's compensation law, employer's liability law, or disability insurance law of any other state or of the federal government, during the 52-week period immediately following the effective date of the previous valid claim, shall be considered as wages paid to the individual during that 52-week period for purposes of meeting the eligibility requirements of subdivision (a) of Section 1281. The amounts so included shall not be considered wages for the purpose of computing the weekly benefit amount of the individual under Section 1280

SEC. 2. Section 2629 of the Unemployment Insurance Code is amended to read:

2629. (a) Except as provided in this section, an individual is not eligible for disability benefits under this part for any day of unemployment and disability for which he has received, or is entitled to receive "other benefits" in the form of cash payments.

(b) "Other benefits" as used in this section means:

(1) Temporary disability indemnity under a workmen's compensation law of this state or of any other state or of the federal government.

(2) Temporary disability benefits under any employer's liability law of this state or of any other state or of the federal government.

(c) If such "other benefits" are less than the amount an individual would otherwise receive as disability benefits under this part, he shall be entitled to receive, for such day, if otherwise eligible, disability benefits under this part reduced by the amount of such "other benefits." If after receipt of, or determination of entitlement to receive, such other benefits, a claim for disability benefits under this part is filed during the same continuous period of disability, because of a disability for which a claim for such other benefits was made, the maximum amount of disability benefits payable under this part during the disability benefit period thereby established shall be reduced by the amount of such "other benefits" which the claimant has received or has been determined to be entitled to receive.

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

In order for maritime workers to be eligible for full unemployment disability compensation benefits as soon as possible, this act must take effect immediately.

CHAPTER 87

An act to add Article 3.5 (commencing with Section 27400) to Chapter 5 of Division 12 of the Vehicle Code, relating to vehicles.

[Approved by Governor June 12, 1973 Filed with Secretary of State June 12, 1973]

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

SECTION 1. Article 3.5 (commencing with Section 27400 is added to Chapter 5 of Division 12 of the Vehicle Code, to read:

Article 3.5 Headsets and Earplugs

27400. No person, except law enforcement personnel when on duty, operating any motor vehicle shall wear any headset covering, or any earplugs in, both ears.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 88

An act to amend Section 24010 of the Vehicle Code, relating to vehicle rentals.

[Approved by Governor June 12, 1973 Filed with Secretary of State June 12, 1973]

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

SECTION 1. Section 24010 of the Vehicle Code is amended to read:

24010. No person engaged in the rental of any vehicle, for periods of 30 days or less, shall rent, lease or otherwise allow the operation of such vehicle unless all necessary equipment required by this code and regulations adopted hereunder for the operation of such vehicle upon a highway has been provided or offered to the lessee for his use. The contract or rental agreement shall include the name of the person from whom the vehicle is rented, leased or obtained, the address of his place of business in this state where it is rented, leased or delivered, and a statement of any required equipment refused by the person to whom the vehicle is rented, leased, or delivered.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that

may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 89

An act to amend Section 21713 of the Vehicle Code, relating to vehicles.

[Approved by Governor June 12, 1973 Filed with Secretary of State June 12, 1973]

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

SECTION 1. Section 21713 of the Vehicle Code is amended to read:

21713 No person shall operate on any highway any privately owned armored car unless a license to operate such car has first been obtained from the commissioner in accordance with Chapter 2.5 (commencing with Section 2500) of Division 2

Violation of this section is a misdemeanor and upon conviction is punishable by a fine not exceeding five hundred dollars ($500) or by imprisonment in the county jail for not to exceed six months or by both such fine and imprisonment

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CHAPTER 90

An act to amend Section 3708 of the Public Utilities Code, relating to highway carriers.

[Approved by Governor June 12, 1973 Filed with Secretary of State June 12, 1973]

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

SECTION 1. Section 3708 of the Public Utilities Code is amended to read:

3708. Any farmer who is exempt from the provisions of this chapter pursuant to subdivision (a) of Section 3511 shall keep available an account of each time he transports farm products of neighboring farmers and the compensation received therefor. The account of transportation performed and compensation received may be any simple method of recordkeeping. Where recordkeeping practices are such that reports upon truck operations are reported at the end of the operating season, such end-of-the-season reports are adequate for the purposes of this section.

CHAPTER 91

An act to amend Sections 20020 and 20021.5 of the Government Code, relating to the Public Employees' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 15, 1973. Filed with Secretary of State June 15, 1973.]

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

SECTION 1. Section 20020 of the Government Code, as amended by Chapter 560 of the Statutes of 1972, is amended to read:

20020. "Local policeman" means any officer or employee of a police department of a contracting agency, except one whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise and whose functions do not clearly fall within the scope of active law enforcement service even though such an employee is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law enforcement service, but not excepting persons employed and qualifying as patrolmen or equal or higher rank irrespective of the duties to which they are assigned.

"Local policeman" does not include persons employed to perform identification or communication duties, other than males in such employment on the effective date of the amendments to this section at the 1972 Regular Session who elect within 90 days thereafter to be local safety members. A contracting agency may elect to include as "local policeman" all persons who were employed to perform identification or communication duties on August 4, 1972, and who elect within 90 days after the operative date of the act adding these amendments to this section at the 1973–74 Regular Session to be local safety members. Such election shall apply to the person's past as well as future service in the employment held on the effective date but shall not apply to service following any subsequent acceptance of appointment to a position other than that held on such effective date. This paragraph shall not apply to persons employed and qualified as patrolmen or equal or higher rank

SEC. 2. Section 20021.5 of the Government Code, as amended by Chapter 560 of the Statutes of 1972, is amended to read:

20021.5. "County peace officer" means the sheriff and any officer or employee of a sheriff's office of a contracting agency, except one whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise, and whose functions do not clearly come within the scope of active law enforcement service even when such an employee is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law enforcement service, but not excepting persons employed and qualifying as deputy sheriffs or equal or higher rank irrespective of the duties to which they are

assigned. Any other provision in this part of the Government Code to the contrary notwithstanding, "county peace officers" shall also include and mean any inspector, investigator, detective, or person with a comparable title, in any district attorney's office of a contracting agency whose principal duties are to investigate crime and criminal cases and who receives compensation for such service.

"County peace officer" does not include persons employed to perform identification or communication duties other than males in such employment on the effective date of the amendments to this section at the 1972 Regular Session who elect within 90 days thereafter to be local safety members A contracting agency may elect to include as "county peace officer" all persons who were employed to perform identification or communication duties on August 4, 1972, and who elect within 90 days after the operative date of the act adding these amendments to this section at the 1973–74 Regular Session to be local safety members Such election shall apply to the person's past as well as future service in the employment held on the effective date but shall not apply to service following any subsequent acceptance of appointment to a position other than that held on such effective date. This paragraph shall not apply to persons employed and qualified as deputy sheriffs or equal or higher rank.

SEC. 3. This act shall become operative on the first of the month following the month in which it is effective.

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:

All employees in local law enforcement agencies employed to perform identification and communication duties were not extended equal retirement benefits under Chapter 560 of the Statutes of 1972 which became effective on August 4, 1972. It is essential to the morale of these public employees and the effective performance of local law enforcement functions that the status of the employees be clarified immediately.

CHAPTER 92

An act to amend Section 30308 of the Education Code, relating to California Educational Facilities Authority, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 15, 1973 Filed with Secretary of State June 15, 1973]

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

SECTION 1. Section 30308 of the Education Code, as added by Chapter 1432 of the Statutes of 1972, is amended to read:

30308. The authority shall maintain an office in the City of Sacramento.

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

The Legislature has determined that the most suitable location for the office of the California Educational Facilities Authority is within the City of Sacramento, the State Capitol. In order to forestall the location of the office in any other place and to avoid the costs attendant upon thereafter relocating the office in the City of Sacramento, it is essential that this act take effect immediately.

CHAPTER 93

An act to amend Section 7 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598 of the Statutes of 1953), relating to the San Benito County Water Conservation and Flood Control District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 15, 1973 Filed with Secretary of State June 15, 1973]

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

SECTION 1. Section 7 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598 of the Statutes of 1953) is amended to read:

Sec. 7. The board shall have the power, in any year:

1. To levy ad valorem taxes or assessments in the district:

(a) To provide a fund which may be used by the district for emergencies and to pay the costs and expenses of studies, reports, surveys, engineering and all other work convenient or necessary to the establishment of a zone or zones within said district, provided that funds so used are replenished from funds derived from taxes or assessments levied pursuant to subdivision 2 of this section within the zone or participating zones benefited within 20 years immediately following the use of said funds, and provided further that the maximum permissible taxes or assessments pursuant to subdivision 2 of this section be levied in the zone or participating zones benefited until the funds so used are replenished.

The assets of the fund so established shall not, at any time, exceed the sum of seventy-five thousand dollars ($75,000) and once the assets of said fund shall have attained the value of seventy-five thousand dollars ($75,000) the district shall not thereafter levy any

taxes or assessments pursuant to this paragraph.

Interest accrued and received on the cash assets of the fund so established shall be credited to the fund until the value of all assets of the fund shall attain the value of seventy-five thousand dollars ($75,000) and then to the general fund of the district, provided, however, that the interest so credited to the general fund of the district during any calendar year shall be applied against the taxes or assessments levied pursuant to paragraph (b) of subdivision 1 of this section for the next fiscal year or years.

Taxes or assessments may be levied for the purposes of this paragraph by any of the following means:

(1) By a levy or assessment upon all real property within the district, including land, improvements thereon and personal property, but in no event shall said taxes exceed an amount of ten cents ($0.10) per hundred dollars ($100) of assessed valuation; or

(2) By a levy or assessment upon all real property within the district, including both land and improvements thereon, but in no event shall said taxes exceed an amount of ten cents ($0.10) per hundred dollars ($100) of assessed valuation of land and improvements thereon; or

(3) By a levy or assessment upon all real property within the district, but in no event shall said taxes exceed an amount of ten cents ($0.10) per hundred dollars ($100) of assessed valuation of land.

(b) To pay the general operating and administrative costs and expenses to carry out any of the objects and purposes of this act of common benefit to the district.

Taxes or assessments may be levied for the purposes of this paragraph by any of the following means:

(1) By a levy or assessment upon all property within the district, including the land, improvements thereon, and personal property, but in no event shall said taxes exceed an amount of three cents ($0.03) per hundred dollars ($100) of assessed valuation; or

(2) By a levy or assessment upon all real property within the district, including both land and improvements thereon, but in no event shall said taxes exceed an amount of three cents ($0.03) per hundred dollars ($100) assessed valuation of land and improvements thereon; or

(3) By a levy or assessment upon all real property within the district, but in no event shall said taxes exceed an amount of three cents ($0.03) per hundred dollars ($100) of assessed valuation of land.

2. To levy taxes or assessments in each or any of said zones and participating zones, to pay the cost of carrying out any of the objects or purposes of this act performed or to be performed on behalf of said respective zones, including, but not limited to, the constructing, maintaining, operating, extending, repairing or otherwise improving any or all works of improvements established or to be established within or on behalf of said respective zones, according to the benefits derived or to be derived by said respective zones, by either of the following methods:

(a) In any zone created for flood control purposes, said taxes shall not exceed an amount of twenty-five cents ($0.25) per hundred dollars ($100) of assessed valuation of land and improvements thereon, except that the maximum amount of such taxes may be increased to forty cents ($0.40) per hundred dollars ($100) of assessed valuation of land and improvements thereon in any zone created for flood control purposes if a majority of the voters voting thereon at a special election held within such zone and called by the board for such purpose approve such an increase in the maximum amount of taxes for such zone, or

(b) In any zone created for water conservation purposes, said taxes shall not exceed an amount of thirty-five cents ($0.35) per hundred dollars ($100) of assessed valuation of land taxed.

It is declared that for the purposes of any tax or assessment levied under this subdivision, the property so taxed or assessed within a given zone is equally benefited.

3. To levy taxes or assessments, in addition to the taxes or assessments levied pursuant to subdivisions 1 and 2 of this section, for administrative purposes as provided in Section 17 of this act, which shall not exceed ten cents ($0 10) per hundred dollars ($100) of assessed valuation of the property taxed; to levy taxes or assessments, to make payments under contracts with other governmental bodies as provided in Section 17 of this act; and to levy taxes or assessments for the service of bonds as provided in Section 22 of this act.

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

Unusually heavy rains have created an acute flood danger in the San Benito County Water Conservation and Flood Control District. In order to provide adequate flood protection for certain zones of the district, it is necessary that additional funding be made available for such purposes as soon as possible. In order, therefore, to provide flood protection urgently needed for the health and safety of residents of the district, it is necessary that this act go into immediate effect.

CHAPTER 94

An act making an appropriation to the Emergency Fund in augmentation of Item 85, Budget Act of 1972, to take effect immediately, usual current expenses.

[Approved by Governor June 15, 1973 Filed with Secretary of State June 15, 1973]

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

SECTION 1. The sum of seven million five hundred thousand dollars ($7,500,000) is hereby appropriated for the Emergency Fund in augmentation of and upon the same terms and conditions as the appropriation made by Item 85, Budget Act of 1972.

SEC. 2. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 95

An act to amend Section 894 of the Education Code, relating to physically handicapped pupils, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 15, 1973 Filed with Secretary of State June 15, 1973]

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

SECTION 1. 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), (f), (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. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that county superintendents of schools will, on or before the commencement of the 1973–1974 school year, be authorized to provide education for physically handicapped pupils pursuant to

contract with a school district or another county superintendent, as authorized by this act, it is necessary that this act take effect immediately.

CHAPTER 96

An act to amend Section 19700.61 of the Education Code, relating to state school building aid and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 15, 1973. Filed with Secretary of State June 15, 1973.]

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

SECTION 1. Section 19700.61 of the Education Code is amended to read:

19700.61. The Department of Education shall provide the following services to school districts making applications for apportionments under this article:

(a) It shall assist school districts in organizing a comprehensive planning effort. It shall guide a planning process through its appropriate steps and, when requested by a school district, it shall provide the school district with sources of expertise, either public or private, which may be able to contribute to the development of plans to find solutions for specific problems a school district may have.

(b) It shall provide continuing research in relation to all phases of educational programs and the school facilities that are required to implement these educational programs.

(c) It shall provide a review and evaluation service to school districts to assure the effectiveness of the facilities that have been provided in accommodating educational programs.

(d) It shall provide communication media through publications and seminars, and prepare planning guides and procedures containing recommendations, which guides shall be used to disseminate educational planning information to all school districts.

Unless specifically exempted by the State Allocation Board, each school district which files an application for an apportionment of funds under this article after July 1, 1973, shall prepare and submit to the board either, (1) a long-range comprehensive master plan justifying the application, prepared in accordance with acceptable planning procedures, or (2) a certification to the effect that replacement school buildings for which application has been made will all be located on existing school sites containing a school building or buildings, or (3) a certification that the applicant school maintains only one school. Specific information relating to the following factors must be included in the master plan:

(a) A statement of the educational programs and goals of the

district in relation to its programs, both current and future.

(b) A comprehensive evaluation and report of the utilization of the school facilities now existing in the district together with preliminary plans of the facilities to be reconstructed or replaced under this article, prepared in accordance with the requirements of Section 15459

(c) A comprehensive demographic study of the district, as it currently exists and as projected into the future.

(d) A policy statement regarding actual or potential human problems.

(e) A policy statement as to the priority in which the district proposes to solve its school housing problems.

(f) A policy statement regarding cooperation with other local public agencies to achieve total community development.

(g) A policy to insure continuous review so that plans will be kept up to date and changing conditions will be reviewed and accommodated by appropriate revision of plans.

The director shall review the long-range master plan and project development plan and shall report his findings and recommendations thereon to the board. The board shall in no instance approve an application or make an apportionment therefor until it has determined to its satisfaction that the facility for which the apportionment is sought is justified by an appropriate estimate of average daily attendance and location within the district.

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

In order that school districts may begin needed replacement or reconstruction of inadequate school facilities at the earliest possible time, it is necessary that this act, which revises procedures to be utilized after July 1, 1973, by school districts applying for state funds for such projects, go into effect immediately.

CHAPTER 97

An act to add Section 4157 to the Food and Agricultural Code, relating to the Del Mar Race Track, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 19, 1973. Filed with Secretary of State June 19, 1973.]

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

SECTION 1. Section 4157 is added to the Food and Agricultural Code, to read:

4157. The Director of Finance may enter into an agreement prior to December 31, 1973, with the State Race Track Leasing Commission and the 22nd District Agricultural Association to commit the state to advance to the Architecture Revolving Fund a sum of not to exceed one million three hundred thousand dollars ($1,300,000), if needed, for the construction of improvements at Del Mar Race Track as described in Work Order AK 22-022 of the Office of Architecture and Construction. Any such commitment shall be deemed, with respect to the project for which it is made, to constitute a deposit of funds available for expenditure by the Department of General Services for the purposes of Section 14957 of the Government Code. The Director of Finance, to the extent necessary to honor such commitment, shall authorize by executive order the withdrawal of an amount or amounts from the General Fund in the State Treasury not to exceed one million three hundred thousand dollars ($1,300,000) for transfer to the Architecture Revolving Fund. Any amount so transferred shall be used solely for the project for which the commitment was made and shall not exceed the amount necessary for the project, after deducting from the commitment the amount of all funds in the Del Mar Capital Improvement Account. Any sums so transferred shall be repaid to the General Fund, with simple interest at the average rate earned by the Pooled Money Investment Account for the month in which the transfer is made, from the first moneys placed in the Del Mar Capital Improvement Account (created by lease agreement of January 8, 1969, between the State Race Track Leasing Commission and the Del Mar Thoroughbred Club) not needed for the project for which the commitment was given; provided, that, in any case, such repayment in full with interest as specified shall be made from funds in such improvement account prior to October 1, 1975.

SEC. 2. There is hereby appropriated from the General Fund in the State Treasury to the Director of Finance the sum of one million three hundred thousand dollars ($1,300,000), or as much thereof as may be necessary, for the purpose of Section 4157 of the Food and Agricultural Code.

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:

Improvements to the Del Mar Race Track, which is leased by the State Race Track Leasing Commission, are urgently needed. Although it is anticipated that subsequently there will be ample funds in the Del Mar Capital Improvement Account to finance the same as the work progresses, in order to allow the call for bids and other contract procedures to commence on approximately May 1, 1973, so that the same may culminate in construction immediately following the 1973 Del Mar racing meet, it is necessary that this act

go into effect immediately.

CHAPTER 98

An act to amend Sections 18502 and 18503 of the Health and Safety Code, relating to trailer parks, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 19, 1973 Filed with Secretary of State June 19, 1973]

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

SECTION 1. Section 18502 of the Health and Safety Code is amended to read:

18502. Fees as applicable shall be submitted for permits.

(a) Fees for a permit to conduct any construction subject to this part as determined by the schedule of fees adopted by the commission.

(b) Plan checking fees equal to one-half of the construction, mechanical and electrical permit fees, except that the minimum fee shall be ten dollars ($10).

(c) Except for a temporary trailer park, annual operating permit fee of twenty-five dollars ($25) and an additional one dollar ($1) per lot or one dollar ($1) per camping party for the maximum number of camping parties to be accommodated at any one time in an incidental camping area.

(d) Temporary trailer park operating permit fee of twenty-five dollars ($25), with no additional fee for the lots.

(e) Change-in-name fee or transfer of ownership or possession fee of ten dollars ($10).

(f) Duplicate permit fee or amended permit fee ten dollars ($10).

SEC. 2. Section 18503 of the Health and Safety Code is amended to read:

18503. (a) Except as otherwise provided in subdivision (b), the commission by administrative rule and regulation shall establish a schedule of fees relating to construction permits for construction, mechanical and electrical installations. The fees shall apply to and be paid to the enforcement agency. Fees established for construction, mechanical and electrical installations shall be reasonably consistent with the current edition of the Uniform Building Code as published by the International Conference of Building Officials, the Uniform Plumbing Code as published by the Internation Association of Plumbing and Mechanical Officials and the Uniform Electrical Code as published by the Pacific Coast Electrical Bureau.

(b) Fees for construction, mechanical, and electrical installations in temporary trailer parks shall be determined by the enforcement agency for each such project, based on the cost of administration and

enforcement, including the cost of determining the amount of fees to be charged.

SEC. 3. The Legislature hereby determines that this legislation does not result in reimbursable local government costs under the provisions of Section 2164.3 of the Revenue and Taxation Code, since additional fees have been provided to cover such costs in subdivision (b) of Section 18503 of the Health and Safety Code, as amended by Section 2 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:

During the forthcoming camp convention of the National Campers and Hikers Association, scheduled for July, 1973, in Los Banos, between 4,000 and 5,000 campsites will be occupied by trailers or self-contained mobilehomes. The state fee for an operative permit for a temporary trailer park, which will be required for this special camp convention, would make it economically unfeasible to hold the camp convention in California. In order that this fee may be reduced in the manner provided by this act before the camp convention, it is imperative that this act take effect immediately.

CHAPTER 99

An act to amend Sections 31621.11 and 31639.26 of the Government Code, relating to county retirement.

[Approved by Governor June 20, 1973 Filed with Secretary of State June 20, 1973]

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

SECTION 1. Section 31621.11 of the Government Code, as added by Chapter 997 of the Statutes of 1972, is amended to read:

31621.11. Instead of the normal rates of contribution required by Section 31621, 31621.1, or 31621.2 the board may, upon actuarial advice, establish a single rate of contributions applicable to all persons becoming members after this section is made operative in that county by the board. However, this rate shall be such as to provide the average annuity described in Section 31621, 31621.1, or 31621.2.

SEC. 2. Section 31639.26 of the Government Code, as added by Chapter 997 of the Statutes of 1972, is amended to read:

31639.26. Instead of the normal rates of contribution required by Section 31639.25 the board may, upon actuarial advice, establish a single rate of contributions applicable to all persons becoming members after this section is made operative in that county by the board. However, this rate shall be such as to provide the average

annuity described in Section 31639.25.

CHAPTER 100

An act to amend Section 1 and Section 2 of Chapter 966 of the Statutes of 1970, relating to public schools.

[Approved by Governor June 20, 1973 Filed with Secretary of State June 20, 1973]

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 Sections 17507 and 17507.5 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.

SEC. 2. Section 2 of Chapter 966 of the Statutes of 1970 is amended to read:

Sec. 2. The certificated employees of a school which, pursuant to Section 1 of this act, has been granted an exemption from the minimum class size standards of Sections 17507 and 17507.5 of the Education Code, shall not be subject to the provisions of Section 13506 of the Education Code which require certificated employees to be classified on the salary schedule on the basis of uniform allowances for years of training and years of experience. In lieu of such classification, the governing board of the district may establish salary schedules pursuant to which the salaries of such certificated employees are determined by job specifications rather than training and experience.

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 pilot programs involving differentiated staffing

patterns in schools may become operational beginning with the 1973–74 school year, and in order that they may at that time extend to the kindergarten level, it is necessary that this act go into immediate effect.

CHAPTER 101

An act to add Section 987.3 to the Penal Code, relating to court-appointed counsel

[Approved by Governor June 20, 1973 Filed with Secretary of State June 20, 1973]

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

SECTION 1. Section 987.3 is added to the Penal Code, to read:

987.3. Whenever in this code a court-appointed attorney is entitled to reasonable compensation and necessary expenses, the judge of the court shall consider the following factors, no one of which alone shall be controlling:

(a) Customary fee in the community for similar services rendered by privately retained counsel to a nonindigent client.

(b) The time and labor required to be spent by the attorney.

(c) The difficulty of the defense.

(d) The novelty or uncertainty of the law upon which the decision depended.

(e) The degree of professional ability, skill, and experience called for and exercised in the performance of the services.

(f) The professional character, qualification, and standing of the attorney.

CHAPTER 102

An act to amend Sections 1, 3, and 4 of Chapter 1704 of the Statutes of 1971, relating to school attendance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 1973 Filed with Secretary of State June 20, 1973]

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

SECTION 1. Section 1 of Chapter 1704 of the Statutes of 1971 is amended to read:

Section 1. The Superintendent of Public Instruction may, with the approval of the State Board of Education, authorize not more than five school districts to develop pilot programs to determine the

feasibility of extending greater flexibility to students in a class where outside experience in the community would be directly related to their studies. He may authorize the school districts to receive credit for the attendance of pupils under the pilot programs even if they are not under the immediate supervision and control of an employee of the district as required by subdivision (a) of Section 11251 of the Education Code, so long as each such student is a full-time student, enrolled for the minimum schoolday as defined in Section 11052 or 11055, and is participating in an independent study program. For purposes of computing average daily attendance, a pupil shall not be credited with more than one day of attendance for any schoolday in which he participates in a program pursuant to this act regardless of the length of time during that day in which he has been active therein.

SEC. 2. Section 3 of Chapter 1704 of the Statutes of 1971 is amended to read:

Sec. 3. The Superintendent of Public Instruction shall evaluate the programs conducted pursuant to this act and shall report thereon to the Legislature by February 1, 1976.

SEC. 3. Section 4 of Chapter 1704 of the Statutes of 1971 is amended to read:

Sec. 4. Sections 1 and 2 of this act shall cease to be operative on June 30, 1975.

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 additional pilot programs may commence prior to the 1973–1974 school year to make possible further studies as to the educational benefits of extending greater flexibility to students in a class where outside experience in the community would be directly related to their studies, it is necessary that this act go into immediate effect.

CHAPTER 103

An act relating to archaeological investigation by the Department of Parks and Recreation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 1973. Filed with Secretary of State June 20, 1973.]

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

SECTION 1. The Department of Parks and Recreation shall, as soon as possible after the effective date of this act, conduct an archaeological exploration of site 4-Sac-99 designated in the

University of California Archaeological Survey Record. If any human skeletal remains are found at the site, upon completion of the archaeological exploration such remains shall be reburied in a proper location but not under presently planned future structures.

SEC. 2. The sum of one hundred ten thousand dollars ($110,000) is hereby appropriated from the General Fund to the Department of Parks and Recreation for the purpose of conducting an archaeological exploration in accordance with Section 1 of this act.

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

Site 4-Sac-99 designated in the University of California Archaeological Survey Record is a very large prehistoric village site that occupies the area of the proposed location for the new Governor's Mansion. Once construction of the mansion has begun, the value of this archaeological resource will be largely destroyed, because archaeological excavation of the site would be incompatible with the development of the mansion.

Therefore, in order to prevent conflict with any construction plans for the mansion and to acquire the invaluable archaeological data that this site possesses, it is necessary that this act go into immediate effect.

CHAPTER 104

An act making an appropriation to pay the claim of David Anderson and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 1973 Filed with Secretary of State June 20, 1973]

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

SECTION 1. The sum of three hundred thousand dollars ($300,000) is hereby appropriated from the General Fund to the Department of Justice for settlement of the claim of David Anderson against the State of California.

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 settle, out of court, an action against the state for personal injury, thereby terminating a lengthy court procedure and ending a hardship to the injured person as quickly as possible, it is necessary for this act to take effect immediately.

CHAPTER 105

An act to repeal and add Section 3149.5 of the Education Code, relating to school district organization, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20 1973 Filed with Secretary of State June 20, 1973]

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

SECTION 1. Section 3149.5 of the Education Code is repealed.

SEC. 2. Section 3149.5 is added to the Education Code, to read:

3149.5. (a) The county counsel, or if there is no county counsel, the district attorney, may provide legal services to the county committee.

(b) In the event that the county counsel, or if there is no county counsel, the district attorney, is unable to provide legal services, the board of supervisors may provide the county committee with private legal counsel to be selected by the committee.

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 county committees on school district organization may utilize the urgently needed services of private legal counsel after June 30, 1973, it is necessary that this act, which deletes the termination date of, and revises, existing statutory authorization for such services, take effect immediately.

CHAPTER 106

An act to amend Sections 2892, 2892.1, 2892.3, and 2895 of the Business and Professions Code, relating to vocational nurses and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 1973 Filed with Secretary of State June 20, 1973]

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

SECTION 1. Section 2892 of the Business and Professions Code is amended to read:

2892. Licenses issued under this chapter prior to January 1, 1974, shall, unless renewed, expire on the last day of the month following the month in 1974 in which the licensee's birthday occurs and at two-year intervals thereafter on the last day of the month following the month in which the licensee's birthday occurs. Licenses issued under this chapter on or after January 1, 1974, shall, unless renewed,

expire at two-year intervals on the last day of the month following the month in which the licensee's birthday occurs, beginning with the second birthday following the date on which the license was issued. To renew an unexpired license, the licensee shall, on or before each of the dates on which it would otherwise expire, apply for renewal on a form prescribed by the board and pay the renewal fee prescribed by this chapter.

The board shall give written notice to a licensee 30 days in advance of the renewal date and, 90 days in advance of the expiration of the fifth year that a renewal fee has not been paid, shall give written notice to the licensee informing him in general terms of the provisions of Section 2892.4.

SEC. 2. Section 2892.1 of the Business and Professions Code is amended to read:

2892.1. Except as provided in Sections 2892.3 and 2892.5, an expired license may be renewed at any time within five years after its expiration on filing of application for renewal on a form prescribed by the board, and payment of the renewal fee in effect on the date the application for renewal is filed.

If the license is renewed more than 30 days after its expiration, the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee is paid, whichever last occurs. If so renewed, the license shall continue in effect through the date provided in Section 2892 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

SEC. 3. Section 2892.3 of the Business and Professions Code is amended to read:

2892.3. A revoked license is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the licensee, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the date the application for reinstatement is filed, plus the delinquency fee, if any, accrued at the time of its revocation.

SEC. 4. Section 2895 of the Business and Professions Code is amended to read:

2895. The amount of the fees prescribed by this chapter in connection with the issuance of licenses under its provisions is that fixed by the following schedule:

(a) The fee to be paid upon the filing of an application shall be fixed by the board, with the approval of the director, at not more than fifteen dollars ($15) nor less than five dollars ($5).

(b) The fee for any examination after the first is five dollars ($5).

(c) The renewal fee shall be fixed by the board with the approval of the director at no more than fifteen dollars ($15) nor less than two dollars ($2). No further fee shall be required for a license or a

renewal thereof other than as prescribed by this chapter.

(d) The delinquency fee for failure to pay the renewal fee is three dollars ($3).

(e) The initial license fee is an amount equal to the renewal fee in effect on the date the application for the license is filed, except that, if the license is issued less than one year before the date on which it will expire, then the initial license fee is 50 percent of such renewal fee. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

SEC. 5. This act shall become operative on January 1, 1974.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Distributing the renewal workload of the Board of Vocational Nurse and Psychiatric Technician Examiners over a two-year period, rather than having it concentrated in a single period every other year, will result in more efficient and economical administration of the renewal process and assist the board in discharging its responsibilities relating to licensees' continuing education. In order for these benefits to be realized at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 107

An act to amend Section 20498 of, to add Sections 22201.7 and 22215 to, and to repeal Sections 22215 and 22216 of, the Government Code, relating to the Public Employees' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 1973 Filed with Secretary of State June 20, 1973]

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

SECTION 1. Section 20498 of the Government Code is amended to read:

20498. If the effective date of coverage under the federal system of members who are employees of a contracting agency under the Public Employees' Retirement System is prior to the time employee federal contributions are first deducted from the salaries and wages of such employees and a reduced benefit is provided with respect to service from and after said effective date of coverage, member contributions shall be transferred in the manner and to the extent provided in this section to the Old Age and Survivors' Insurance Revolving Fund and applied to payment of employee federal contributions for the period prior to such deductions.

There shall be transferred from the member's accumulated contributions an amount equal to employee federal contributions due for such member. The amount so transferred shall not exceed the difference between the total normal contributions of the member and the normal contributions which would have been credited to his account had the reduced rate of contribution provided in the amended contract with the public agency been in effect from and after the effective date of coverage, assuming that contributions in any year were made in equal monthly installments.

The amount by which such retroactive employee contributions due for a member exceeds the amount transferred from the employee account shall be transmitted to such fund by the contracting agency and constitute an indebtedness of the member to the employer and a lien on any salary or wages payable to such employee or on his account.

Notwithstanding Sections 20654, 20932, and 20935, the amount of contributions under any election to deposit contributions for service described in subdivisions (a), (b), and (c) of Section 20930 or redeposit contributions under this part with respect to service for which retroactive employee contributions are transferable under this section and which election is then not fully paid or is made thereafter, shall be adjusted so that the total accumulated contributions in the member's account upon completion of the deposit will equal the total accumulated contributions which would be in the member's account had the deposit or redeposit been completed when amounts became transferable from the member's account under this section. Such adjustment shall be accomplished by whichever of the following means is appropriate under the facts and the provisions of this section: (1) transfer of amounts deposited where retroactive employee contributions on account of the member have not been paid, (2) reduction of the amount to be deposited under the election, or (3) refund to the member of the adjustment in his account.

If said contract is or has been amended to provide for the transfer of retroactive employee contributions in the manner provided in this section the amount by which (1) the total normal contributions of each member for the period subsequent to the effective date of coverage under the federal system less the total normal contributions which would have been credited to the account of such member had the reduced rate of contribution provided in the amended contract with the public agency been in effect from and after the aforesaid date of coverage exceed (2) the employee federal contributions for such member for the period after said date of coverage shall be paid to such member.

SEC. 2. Section 22201.7 is added to the Government Code, to read:

22201.7. The board shall upon the request of the legislative or governing body of any public agency, other than a school district, made after affirmative vote of a majority of the eligible employees

of the public agency in the class to be excluded, execute a modification to the agreement in conformity with federal law and regulations to exclude from coverage in any coverage group of such agency service in any class or classes of part-time positions.

SEC. 3. Section 22215 of the Government Code is repealed.

SEC. 4. Section 22215 is added to the Government Code, to read:

22215. All acts and proceedings heretofore taken under this part by or on behalf of the state or any other public agency for inclusion of its employees in the federal system and all modifications to the agreement executed by the board pursuant to such acts and proceedings are hereby confirmed, validated and declared legally effective. This provision shall operate to supply such legislative authorization as may be necessary to validate such acts, proceedings, and modifications based thereon as the Legislature could have provided for inclusion of such employees in the federal system.

SEC. 5. Section 22216 of the Government Code is repealed.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Amendments to the Federal Social Security Act enacted in 1972 permits amendment, at the state's option, to the Federal-State Social Security Agreement to exclude service in any class or classes of part-time positions. Such amendment must be accomplished prior to January 1, 1974. In order that public agencies and their employees may take advantage of this provision, this act must take effect immediately.

CHAPTER 108

An act to amend Section 27463.5 of the Government Code, relating to coroners.

[Approved by Governor June 20, 1973 Filed with Secretary of State June 20, 1973]

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

SECTION 1. Section 27463.5 of the Government Code is amended to read:

27463.5. In lieu of the "coroner's register," the coroner may keep an official file for each deceased person containing all of the information required by Section 27463. At any time more than three years after the last entry in the file, the coroner may photograph or microphotograph the contents of the file in accordance with the provisions of Section 26205 and when the photographs or microphotographs are placed in conveniently accessible files and provision is made for preserving, examining and using the same the

original file may be destroyed.

CHAPTER 109

An act relating to the Ripon Unified School District of San Joaquin County, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 1973 Filed with Secretary of State June 20, 1973]

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

SECTION 1. The Legislature hereby ratifies, validates, confirms and declares legally effective for all purposes the validity of the sale of the following surplus school sites by the Ripon Unified School District of San Joaquin County·

(a) The River School site on River Road.

(b) The Atlanta School site on French Camp Road.

(c) The San Joaquin School site on Austin Road.

SEC. 2. The Legislature finds and declares that the sale of each surplus school site set forth in Section 1 was in substantial compliance with the Education Code and each such sale is valid for any and all purposes.

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 title to the lands disposed of by the Ripon Unified School District may be settled expeditiously so as to enable the school district to receive the urgently needed proceeds from the sale of such lands, it is necessary that this act go into effect immediately.

CHAPTER 110

An act to add Section 22201.7 to the Government Code, relating to retirement, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 1973. Filed with Secretary of State June 20, 1973]

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

SECTION 1. Section 22201.7 is added to the Government Code, to read:

22201.7. The board shall upon the request of the legislative or

governing body of any public agency, other than a school district, made after affirmative, secret vote of a majority of the eligible employees of the public agency in the class to be excluded, execute a modification to the agreement in conformity with federal law and regulations to exclude from coverage in any coverage group of such agency service in any class or classes of part-time positions.

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:

Amendments to the federal Social Security Act enacted in 1972 permit amendment, at the state's option, to the federal-state Social Security agreement to exclude service in any class or classes of part-time positions. Such amendment must be accomplished prior to January 1, 1974. In order that public agencies and their employees may take advantage of this provision, this act must take effect immediately.

CHAPTER 111

An act to amend Section 12603 of the Education Code, relating to continuation education.

[Approved by Governor June 25, 1973 Filed with Secretary of State June 25, 1973]

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

SECTION 1. Section 12603 of the Education Code, as added by Chapter 1265 of the Statutes of 1972, is amended to read:

12603. (a) Any person subject to compulsory continuation education may request to have his proficiency in basic subject matter skills verified by the school district based upon criteria established by the Department of Education.

The State Board of Education shall award a "certificate of proficiency" to pupils who demonstrate such proficiency. The certificate of proficiency shall be equivalent to a high school diploma.

(b) The Department of Education shall develop standards of competency in basic skills in public high schools and shall prepare and make available to school districts means to verify the attainment of such competency in order to measure eligibility for exemption from compulsory continuation attendance as provided in subdivision (e) of Section 12601 no later than January 1, 1975.

Subdivision (a) of this section shall become operative September 1, 1975, or at such earlier time as may be fixed by the Department of Education following its development of criteria for verification of the proficiency in basic subject matter skills of any person subject to compulsory continuation education.

CHAPTER 112

An act to amend Section 2105 of the Food and Agricultural Code, to amend Section 27205 of the Education Code, and to amend Section 2008 of the Streets and Highways Code, relating to county officers.

[Approved by Governor June 25, 1973 Filed with Secretary of State June 25, 1973]

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

SECTION 1. Section 2105 of the Food and Agricultural Code is amended to read:

2105. Prior to entering upon his duties, the commissioner shall file the usual oath, and he shall be required to file an official bond in an amount determined by the board of supervisors, unless he is covered by a master bond pursuant to Section 1481 of the Government Code.

SEC. 2. Section 27205 of the Education Code is amended to read:

27205. The county librarian shall, prior to entering upon his duties, file the usual oath, and he shall be required to file an official bond in an amount determined by the board of supervisors, unless he is covered by a master bond pursuant to Section 1481 of the Government Code.

SEC. 3. Section 2008 of the Streets and Highways Code is amended to read:

2008. The board of supervisors shall fix the salary of the road commissioner. It shall be chargeable against the one thousand six hundred sixty-seven dollars ($1,667) monthly apportionment to the county under subdivision (a) of Section 2104. Such road commissioner shall be required to file an official bond in an amount determined by the board of supervisors, unless he is covered by a master bond pursuant to Section 1481 of the Government Code.

CHAPTER 113

An act to add Section 20980.7 to the Water Code, relating to irrigation districts.

[Approved by Governor June 26, 1973 Filed with Secretary of State June 26, 1973]

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

SECTION 1. Section 20980.7 is added to the Water Code, to read:

20980.7. The Beaumont Irrigation District may change its name pursuant to this chapter to the Beaumont Water District.

SEC. 2. The Legislature finds and declares that the term "irrigation district" is no longer descriptive of the actual functions

performed by the Beaumont Irrigation District and the proper functioning of the district may require that the name of the district be changed to the Beaumont Water District. The problem is not common to other districts governed under the Irrigation District Law. It is necessary, therefore, that the provisions of this act be made applicable only to the Beaumont Irrigation District.

CHAPTER 114

An act to add Sections 13300 and 13301 to, and to repeal Sections 14612 and 14626 of, the Government Code, relating to state accounting systems, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 26, 1973 Filed with Secretary of State June 26, 1973]

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

SECTION 1. Section 13300 is added to the Government Code, to read:

13300. The department shall devise, install, supervise, and at its discretion revise and modify a modern and complete accounting system for each agency of the state permitted or charged by law with the handling of public money or its equivalent, to the end that all revenues, expenditures, receipts, disbursements, resources, obligations, and property of the state be properly, accurately, and systematically accounted for and that there shall be obtained accurate and comparable records, reports, and statements of all the financial affairs of the state. This system may include a program cost accounting system as considered necessary. Such system and the accounts maintained by the several agencies of the state shall be coordinated with the central accounts maintained by the State Controller, and shall provide the State Controller with all information necessary to the maintenance by the State Controller of a comprehensive system of central accounts for the entire state government. The State Controller or the Director of Finance may submit to the State Board of Control and the Board of Control shall consider and adopt any rule or regulation required to implement this section.

SEC 2. Section 13301 is added to the Government Code, to read:

13301. For the purpose of administering Section 13300 of this code the director may appoint and prescribe the duties and fix the salaries of such number of skillful accountants or assistants as he deems necessary. Each such appointee is a civil executive officer.

Before entering upon the discharge of the duties of his office each such appointee shall execute to the state an official bond conditioned upon the faithful performance of his duties in such penal sum as the

director prescribes, but not less than five thousand dollars ($5,000).

SEC. 3. Section 14612 of the Government Code is repealed.

SEC. 4 Section 14626 of the Government Code is repealed.

SEC. 5. This act shall become operative on July 1, 1973.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the Department of Finance to diligently pursue the installation of an accounting system necessary to support program budget presentations and to provide that the positions necessary to accomplish this purpose will be available by July 1, 1973, it is necessary that this act go into effect immediately.

CHAPTER 115

An act to amend Section 7152 of the Business and Professions Code, relating to the registration of home improvement salesmen, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 26, 1973 Filed with Secretary of State June 26, 1973]

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

SECTION 1 Section 7152 of the Business and Professions Code is amended to read:

7152. "Home improvement salesman" is a person employed by a contractor licensed under this chapter, to solicit, sell, negotiate or execute home improvement contracts under which home improvements may be performed by the contractor. Officers of corporations licensed pursuant to this chapter, persons who qualify under Section 7068.1, sales persons whose sales are all made pursuant to prior negotiations between the parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale, and sales persons whose sales are all made pursuant to negotiations between the parties initiated by the prospective buyer at or to such business establishment shall not be considered home improvement salesmen

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:

Section 7152 of the Business and Professions Code literally interpreted requires immediate registration of sales persons who were not intended to be registered. Unless the ambiguity and scope is clarified immediately, the confusion will result in needless litigation, disciplinary proceedings and administrative action. This

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act will avoid the problem, reaffirm the original intent and bring certainty into the law. Therefore, it is necessary that this act go into immediate effect

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CHAPTER 116

An act to amend Section 13590.1 of the Education Code, relating to school classified employees.

[Approved by Governor June 26, 1973 Filed with Secretary of State June 26, 1973]

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

SECTION 1. Section 13590.1 of the Education Code is amended to read:

13590.1. The workweek of a classified employee, as defined in Section 13581 or Section 13712, shall be 40 hours. The workday shall be eight hours. These provisions do not restrict the extension of a regular workday or workweek on an overtime basis when such is necessary to carry on the business of the district. Nothing in this section shall be deemed to bar the district from establishing a workday of less than eight hours or a workweek of less than 40 hours for all or any of its classified positions.

Notwithstanding the provisions of this section and Section 13590.2, a governing board may, with the approval of the personnel commission, where applicable, exempt specific classes of positions from compensation for overtime in excess of eight hours in one day, provided that hours worked in excess of 40 in a calendar week shall be compensated on an overtime basis. Such exemption shall be applied only to those classes which the governing board and personnel commission, where applicable, specifically find to be a subject to fluctuations in daily working hours not susceptible to administrative control, such as security patrol and recreation classes, but shall not include food-service and transportation classes.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

CHAPTER 117

An act to amend Section 24105 of the Government Code, relating to county offices.

[Approved by Governor June 26, 1973 Filed with Secretary of State June 26, 1973]

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

SECTION 1. Section 24105 of the Government Code is amended to read:

24105. If the office of any of the county officers enumerated in Section 24000 of this code is vacant the duties of such office may be temporarily discharged by a chief deputy, assistant or deputy of such officer, as the case may be, next in authority to such county officer in office at the time the vacancy occurs, with like authority and subject to the same obligations and penalties as such county officer, until the vacancy in the office is filled in the manner provided by law; provided that if the vacancy occurs in the office of sheriff, the duties of such office shall be discharged by the undersheriff, or if that position is vacant, by the assistant sheriff, or if that position is also vacant, by the chief deputy next in line of authority.

CHAPTER 118

An act to amend Section 11656.6 of the Insurance Code, relating to group workmen's compensation policies, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1973. Filed with Secretary of State June 29, 1973.]

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

SECTION 1. Section 11656.6 of the Insurance Code, as amended by Chapter 318 of the Statutes of 1972, is amended to read:

11656.6. An insurer may issue a workmen's compensation policy insuring an organization or association of employers as a group if such organization or association complies with the following conditions:

(a) Files with the commissioner or a licensed workmen's compensation rating organization designated by him:

(1) A copy of its articles of incorporation and bylaws or its agreement of association and rules and regulations governing the conduct of its business, all certified by the custodian of the originals thereof;

(2) A statement setting forth its reasons for desiring insurance as a group;

(3) A statement certifying that at least 75 percent of its regular membership is engaged in a common trade or business, and an agreement that such percentage of membership will be maintained during such time as a group workmen's compensation policy issued to such organization or association is in force;

(4) An agreement that only those members who are engaged in a common trade or business shall be named by the organization or association in any statement to the commissioner, a licensed

workmen's compensation rating organization or insurer as eligible for insurance as a member of the group, and an agreement that it will immediately notify its insurer if any member of such organization fails to remain a member in good standing in accordance with the basic law, rules and regulations of such organization or association;

(5) A statement in writing undertaking to establish and maintain a safety committee which by education and otherwise will seek to reduce the incidence and severity of accidents.

(6) An agreement in writing duly executed guaranteeing that, if the insurer notifies the organization or association of the nonpayment of a premium by an insured member of the organization or association within 60 days after the premium was due, the organization or association will pay to the insurer the amount of any past due premium which does not exceed the amount of the dividends that are due to the organization or association or its members from the insurer. The organization or association shall promptly notify the insurer of the known insolvency of any member of the group plan, and shall request upon learning of such insolvency, removal of the member from the group plan. A copy of the resolution of the governing board of such organization or association authorizing the execution of the guarantee agreement shall be filed with the commissioner or a licensed workmen's compensation rating organization designated by him and with any insurer issuing a group policy.

(b) "Common trade or business" as used in this article shall mean:

(1) In agricultural enterprises, operations in which the principal payroll of the employer develops under any combination of the classifications of the Manual of Rules, Classifications and Basic Rates of Workmen's Compensation Insurance approved by the Insurance Commissioner as applicable to farms; nurserymen; cultivating or gardening of flowers; and classifications embracing such other operations as may be conducted by a nonprofit cooperative association composed of producer members and combinations of nonprofit cooperative agricultural marketing associations having a central organization composed of member associations.

(2) In the building and construction industry, operations in the construction or repair of commercial or residential buildings or in general engineering construction in which the principal payroll develops under any combination of the classifications applicable to such construction or repair as they appear in the Manual of Rules, Classifications and Basic Rates for Workmen's Compensation Insurance approved by the Insurance Commissioner. Commercial buildings as defined in this subsection shall mean any nonresidential buildings.

(3) In the transportation and warehousing industry, operations in which the principal payroll of the employer develops under any combination of the classifications of the Manual of Rules, Classifications and Basic Rules of Workmen's Compensation Insurance approved by the Insurance Commissioner as applicable to

for-hire motor carriers and warehousemen subject to regulation by the California Public Utilities Commission.

(4) In the timber and lumber industry, operations in which the principal payroll of the employer develops under any combination of the classifications of the Manual of Rules, Classification and Basic Rules of Workmen's Compensation Insurance approved by the Insurance Commissioner as applicable to land clearing; logging or lumbering; log, chip, and lumber hauling; planing or molding mills; sawmills or shingle mills, veneer or veneer products manufacturing; box or box shook manufacturing; cabinet works; door, door frame or sash manufacturing and wood fiber preparation. However, no classification applicable to for-hire motor carriers under the provisions of paragraph (3) of this subdivision shall be included in any combination of classifications authorized by this paragraph.

(5) For all other enterprises, operations in which the principal payroll develops under a single manual classification.

(c) "Principal payroll," for the purpose of this section, means not less than 51 percent of the total payroll for the preceding policy year or in the case of an employer who has no preceding full year's payroll, not less than 51 percent of his estimated annual payroll.

SEC. 2. The amendments made to Section 11656.6 of the Insurance Code by this act shall apply only to those policies of group workmen's compensation which are issued, amended, or renewed on or after the effective date of this act.

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

If this act does not become effective before January 1, 1974, the result will be a continued excessively high accident frequency and high degree of human suffering to the timber industry and its workers which might otherwise have been reduced for such workers and the industry, had this act become effective prior to such date. Therefore, in order that such workers and industry receive the greatest possible protection, it is necessary that this act take effect immediately.

CHAPTER 119

An act to amend Sections 34301 and 34303 of the Government Code, relating to new cities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1973 Filed with Secretary of State June 29, 1973]

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

SECTION 1. Section 34301 of the Government Code is amended to read.

34301. "Qualified owner," as used in this chapter, means the owner of an interest in fee, whether community or otherwise, of land situated within the limits of the city proposed to be incorporated, except where such land is subject to a written agreement to buy, in which event the purchaser or any one or more of the purchasers under such written agreement shall be deemed the "qualified owner." In the case of a corporate owner of an interest in fee, "qualified owner" means an officer of the corporation duly authorized, by the bylaws or resolution of the board of directors of such corporation, to act for and on behalf of the corporation.

SEC 2. Section 34303 of the Government Code is amended to read:

34303. Proceedings are initiated by filing with the board of supervisors at a regular meeting a petition signed by either at least 25 percent of the registered voters residing in the area to be incorporated or at least 25 percent of the qualified owner(s), representing at least 25 percent of the assessed value of the land included in the proposed city limits, as such value is shown on the last equalized assessment roll of the county. Where there is more than one qualified owner with respect to a parcel, the signature of any one qualified owner(s) shall be sufficient to include the entire assessed value of the parcel. The petition shall, opposite the signer's name show his address if he is a registered voter residing in the area to be incorporated, or, if he is a qualified owner, identify the property owned by the signer by setting forth the street address of the property or the legal description as shown on the most recent tax bill, or other information sufficient to identify the property.

The signatures on any petition filed pursuant to this section shall be obtained within a period of 120 days following the date on which the notice of intention to circulate a petition was filed. The board of supervisors may grant additional successive periods of 30 days each in which a petition may be circulated and signatures obtained.

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:

Incorporation proceedings are now being initiated in various areas of the state and it is necessary that constitutionally valid petition requirements be immediately provided.

CHAPTER 120

An act to amend Sections 34211.1, 65302, 65563, 65860 and 65910 of, and to add Sections 65361 and 65862 to, the Government Code, relating to planning and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1973 Filed with Secretary of State June 29, 1973]

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

SECTION 1. Section 34211 1 of the Government Code is amended to read:

34211.1. In connection with its responsibilities under Section 34211, the council shall develop and adopt guidelines for the preparation and content of the mandatory elements required in city and county general plans by Article 5 (commencing with Section 65300) of Chapter 3 of Title 7. Such guidelines shall take into account different geographic, demographic and other relevant characteristics among the various cities and counties. The guidelines shall be adopted as soon as possible, and, in any event shall be adopted by September 1, 1973. For purposes of this section the guidelines prepared pursuant to Section 37041 of the Health and Safety Code shall be the guidelines for the housing element required by Section 65302. In the event that additional elements are hereafter required in city and county general plans by Article 5 (commencing with Section 65300) of Chapter 3 of Title 7, the council shall adopt guidelines with respect to such elements within six months of the effective date of legislation requiring such additional elements.

The council may request from each state department and agency, as it deems appropriate, and such department or agency shall provide, technical assistance in preparing the guidelines.

Upon adopting the guidelines, the council shall transmit copies thereof to every city and county. Such guidelines shall be advisory to each city and county in order to provide assistance in preparing and maintaining their respective general plans.

The council shall provide for regular review and revision of the guidelines established pursuant to this section.

SEC. 2. Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land-use element which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste

disposal facilities, and other categories of public and private uses of land. The land-use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan The land-use element shall also identify areas covered by the plan which are subject to flooding and shall be reviewed annually with respect to such areas

(b) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land-use element of the plan.

(c) A housing element, to be developed pursuant to regulations established under Section 37041 of the Health and Safety Code, consisting of standards and plans for the improvement of housing and for provision of adequate sites for housing. This element of the plan shall make adequate provision for the housing needs of all economic segments of the community.

(d) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies which have developed, served, controlled or conserved water for any purpose for the county or city for which the plan is prepared. The conservation element may also cover:

(1) The reclamation of land and waters.

(2) Flood control.

(3) Prevention and control of the pollution of streams and other waters.

(4) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.

(5) Prevention, control, and correction of the erosion of soils, beaches, and shores.

(6) Protection of watersheds.

(7) The location, quantity and quality of the rock, sand and gravel resources.

The conservation element shall be prepared and adopted no later than December 31, 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 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.

SEC. 3. Section 65361 is added to the Government Code, to read:

65361. No mandatory element of a general plan shall be amended more frequently than three times during any calendar year, which amendment or amendments may occur at any time as determined by the legislative body. This section shall not apply to the adoption of any element to the general plan.

SEC. 4. Section 65563 of the Government Code is amended to read:

65563. On or before December 31, 1973, every city and county shall prepare, adopt and submit to the Secretary of the Resources Agency a local open-space plan for the comprehensive and long-range preservation and conservation of open-space land within its jurisdiction. Every city and county shall by August 31, 1972, prepare, adopt and submit to the Secretary of the Resources Agency, an interim open-space plan, which shall be in effect until December 31, 1973, containing, but not limited to, the following:

(a) The officially adopted goals and policies which will guide the preparation and implementation of the open-space plan; and

(b) A program for orderly completion and adoption of the open-space plan by December 31, 1973, including a description of the methods by which open-space resources will be inventoried and conservation measures determined.

SEC. 5. Section 65910 of the Government Code is amended to read:

65910. Every city and county by December 31, 1973, shall prepare and adopt an open-space zoning ordinance consistent with the local open-space plan adopted pursuant to Article 10.5 (commencing with Section 65560) of Chapter 3 of this title.

SEC. 6. Section 65860 of the Government Code is amended to read:

65860. (a) County or city zoning ordinances shall be consistent with the general plan of the county or city by January 1, 1974. 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 January 1, 1974, 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. 7. Section 65860 of the Government Code is amended to read:

65860. (a) County or city zoning ordinances shall be consistent with the general plan of the county or city by January 1, 1974. 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 January 1, 1974, 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.

(c) In the event that a zoning ordinance becomes inconsistent with a general plan by reason of amendment to such a plan, or to any element of such a plan, such zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended.

SEC. 8. Section 65862 is added to the Government Code, to read:

65862. No hearing held pursuant to Section 65854 or 65856 for the purpose of bringing zoning into consistency with the general plan in the sense of Section 65860 shall be held within two weeks of the date on which a general plan, or any element thereof, has been recommended for adoption or amendment, or adopted or amended, by the planning commission or legislative body, as the case may be, pursuant to the provisions of Article 6 (commencing with Section 65350 of Chapter 3 of Title 7, when such recommendation, adoption, or amendment is the action from which inconsistency arises.

SEC. 9. Sections 3, 7, and 8 of this act shall become operative on January 1, 1974. Section 6 of this act shall remain in effect only until December 31, 1973.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Postponement of the required date of adoption of these requirement elements of city and county general plans must become effective immediately in order to allow cities and counties adequate time for study and preparation of plans, including compliance with requirements of the California Environmental Quality Act of 1970, prior to their adoption.

SEC. 11. There are no state-mandated local costs that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 121

An act to add and repeal Article 2 (commencing with Section 14999) to Chapter 2 of Part 5.7 of Division 3 of Title 2 of the Government Code, relating to the Commission for Economic Development, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1973 Filed with Secretary of State June 29, 1973]

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

SECTION 1. The Legislature finds and declares that the existence of the Commission for Economic Development created by Chapter 1230 of the Statutes of 1971 in Article 4 (commencing with Section 13500) of Chapter 5 5 of Part 3 of Division 3 of Title 2 of the Government Code was not affected by the repeal of said Chapter 5.5 in Chapter 618 of the Statutes of 1972.

Chapter 618 of the Statutes of 1972 was an act to maintain various codes without substantive change. Since it was based on a report compiled in 1971 before the enactment of Chapter 1230, it did not provide for the disposition of sections of law relating to the Commission for Economic Development and the Legislature did not intend by its enactment to affect the provisions added by Chapter 1230 of the Statutes of 1971.

SEC. 2. Article 2 (commencing with Section 14999) is added to Chapter 2 of Part 5.7 of Division 3 of Title 2 of the Government Code, to read:

Article 2. Commission for Economic Development

14999. The Commission for Economic Development, hereinafter referred to as the commission, is continued in existence. The purpose of the commission is to provide continuing bipartisan legislative, executive branch and private sector support and guidance for the best possible overall economic development of the state.

14999.1. The commission replaces the existing 15-member Industry and World Trade Commission and the 15-member Tourism and Visitor Services Commission, and shall consist of 17 members appointed as follows:

Three Members of the Senate, appointed by the Senate Rules Committee.

Three Members of the Assembly, appointed by the Speaker of the Assembly.

The Members of the Legislature appointed to the commission shall serve at the pleasure of the appointing power and shall participate in the activities of the commission to the extent that such participation is not incompatible with their respective positions as Members of the Legislature. For the purposes of this article, such Members of the Legislature shall constitute a joint investigating committee on the subject of this article and as such shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

Ten members appointed by the Governor after consultation with business, industry, and labor organizations, with no more than six members registered from the same political party. These 10 members shall include persons from the economic development fields of manufacturing, tourism, world trade and such other fields as may be appropriate. The terms of these 10 members shall be for four years. The terms of the members first appointed shall be as follows: four shall expire January 1, 1973; four January 1, 1974; and two

January 1, 1975.

The Lieutenant Governor shall serve as chairman of the commission. The Governor shall appoint an executive secretary, and he shall be the appointing authority for other commission personnel. The Director of the Department of Commerce shall attend meetings of the commission in an advisory capacity. Vacancies in the commission shall be filled in the same manner as the original appointments.

14999.2. The commission may select from its membership such officers, other than chairman, that it deems necessary. The commission may contract for studies and other special services for purposes of this article.

14999.3. The commission shall appoint advisory committees from outside its membership to represent the aerospace, manufacturing, maritime, tourism and world trade segments of the state's economy, and such other advisory committees as it deems necessary for the purpose of carrying out its responsibilities as set forth in this article. Such committees shall serve at no cost to state government.

14999.4. Members of the commission shall serve without compensation, but shall be reimbursed for actual necessary expenses incurred in the performance of their duties, as authorized by the commission chairman, excepting those members representing the Senate and Assembly who shall receive reimbursement from their legislative funds.

14999.5. A majority of the members shall constitute a quorum for the transaction of business for the commission.

14999.6. The commission may act at any regular or special meeting. Regular meetings shall be held once during each three-month period and special meetings may be called by the chairman at any time he deems it is necessary to handle special or emergency matters. The commission may act without a meeting if a majority of the members approve of the action taken in writing. Any member who misses attending three consecutive meetings without good cause, may be replaced.

14999.7. The commission may adopt such rules and regulations as it deems advisable with respect to the conduct of its own affairs.

14999.8. The commission shall advise the Department of Commerce in carrying out its functions and responsibilities. The commission shall also consider programs to further the economic development of the state. The commission shall study the laws and programs of other states relating to economic development and the encouragement of business and industry, and shall confer with governmental officials and representatives of business and industry and any other persons or organizations interested in the promotion of economic development. The commission shall make recommendations concerning legislation affecting the economic development of the state.

14999.9. The commission shall make a report of its activities, findings and recommendations to the Governor and the Legislature

not later than February 1 of each year.

14999.10. This article shall remain in effect until January 1, 1976, and on that date is repealed.

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

The fact that most 1971 statutes did not take effect until two months after the commencement of the 1972 session gave rise to problems in the preparation and passage of legislation which has resulted in confusion as to the effect to be given certain overlapping statutes.

In order to clarify legislative intent and thus remove any question as to the continued existence of the Commission for Economic Development, as created by Chapter 1230 of the Statutes of the 1971 Regular Session, it is essential that this act take immediate effect.

CHAPTER 122

An act to amend Sections 101 and 2701 of, and to amend and repeal Sections 101 and 2701 of, the Business and Professions Code, to amend Section 6 of Chapter 1137 of the Statutes of 1970, to add Section 603 to Chapter 1593 of the Statutes of 1971, and to repeal Section 5 of Chapter 847 of the Statutes of 1972, Section 13 of Chapter 749 of the Statutes of 1972, and Section 54 of Chapter 1396 of the Statutes of 1972, relating to California state government, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1973 Filed with Secretary of State June 29, 1973]

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

SECTION 1. Section 101 of the Business and Professions Code, as amended by Section 1 of Chapter 749 of the Statutes of 1972, is repealed.

SEC. 2. Section 101 of the Business and Professions Code, as added by Section 2 of Chapter 749 of the Statutes of 1972, is repealed.

SEC. 2.2. Section 101 of the Business and Professions Code, as amended by Section 2 of Chapter 1396 of the Statutes of 1972, 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 Home Furnishings.
(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 until July 1, 1977, and on such date is repealed.

SEC. 2.4. Section 101 of the Business and Professions Code, as added by Section 3 of Chapter 1396 of the Statutes of 1972, is amended to read:

101. The department is comprised of:
(a) The State Board of Accountancy.
(b) The California State Board of Architectural Examiners.
(c) The State Board of Barber Examiners.
(d) The State Board of Registration for 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 Home Furnishings.
(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 July 1, 1977.

SEC. 3. Section 2701 of the Business and Professions Code, as amended by Section 1 of Chapter 847 of the Statutes of 1972, is amended to read:

2701. The Board of Nurse Examiners of the State of California, consisting of seven members, is continued in existence in the Department of Consumer Affairs as the California Board of Nursing Education and Nurse Registration

Within the meaning of this chapter, board, or the board, refers to the California Board of Nursing Education and Nurse Registration. Any reference in state law to the Board of Nurse Examiners of the State of California shall be construed to refer to the California Board of Nursing Education and Nurse Registration.

This section shall remain in effect until July 1, 1977, and on such date is repealed.

SEC. 4. Section 2701 of the Business and Professions Code, as added by Section 2 of Chapter 847 of the Statutes of 1972, is amended to read:

2701. The Board of Nurse Examiners of the State of California, consisting of seven members, is continued in existence in the State Department of Health as the California Board of Nursing Education and Nurse Registration.

Within the meaning of this chapter, board, or the board, refers to the California Board of Nursing Education and Nurse Registration. Any reference in state law to the Board of Nurse Examiners of the State of California shall be construed to refer to the California Board of Nursing Education and Nurse Registration.

This section shall become operative on July 1, 1977.

SEC. 5. Section 6 of Chapter 1137 of the Statutes of 1970 is amended to read:

Sec. 6. If this bill is enacted and the provisions of the Governor's Reorganization Plan No. 1 of the 1970 Regular Session, which transfers the Board of Chiropractic Examiners, the Board of Dental Examiners, the Board of Medical Examiners, the Board of Nursing Education and Nurse Registration, the Board of Optometry, the Board of Osteopathic Examiners, the Board of Pharmacy, the Board of Examiners in Veterinary Medicine, the Board of Vocational Nurse and Psychiatric Technician Examiners, and the Board of Social

Worker and Marriage Counselor Qualifications Board, from the Department of Consumer Affairs to the State Department of Health (Part 5 of the plan), becomes operative, Sections 4 and 5 of this act shall become operative on July 1, 1977, and on that date shall supersede the Governor's Reorganization Plan No. 1 of the 1970 Regular Session, and Sections 3910 and 3915.5 of the Business and Professions Code as added by Section 1 of this act are repealed on July 1, 1977.

SEC. 6. Section 603 is added to Chapter 1593 of the Statutes of 1971, to read:

603 Notwithstanding any other provision of law, the amendments made to Sections 555, 1601, 2100, 2718, 2841, 3010, 3148, 3151, 4000, 4006, 4360, 4800, 9001, and 9007 of the Business and Professions Code by Sections 24, 26, 27, 29, 32, 34, 35, 36, 37, 38, 42, 43, 45, and 46 of this act, and the Section 101.5 added to the Business and Professions Code by Section 23.2 of this act shall become operative on July 1, 1977.

SEC. 7. Section 13 of Chapter 749 of the Statutes of 1972 is repealed.

SEC. 8. Section 5 of Chapter 847 of the Statutes of 1972 is repealed.

SEC. 9. Section 54 of Chapter 1396 of the Statutes of 1972 is repealed.

SEC. 10. Notwithstanding any other provision of law, including Chapter 1434 of the Statutes of 1970, and Chapter 1217 of the Statutes of 1971, the provisions of the Governor's Reorganization Plan No. 1 of 1970 which transfer the Board of Chiropractic Examiners, the Board of Dental Examiners, the Board of Medical Examiners, the Board of Nursing Education and Nurse Registration, the Board of Optometry, the Board of Osteopathic Examiners, the Board of Pharmacy, the Board of Examiners in Veterinary Medicine, the Board of Vocational Nurse and Psychiatric Technicians Examiners, and the Board of Social Worker and Marriage Counselor Qualifications Board, from the Department of Consumer Affairs to the State Department of Health (Part 5 of the plan), shall not become operative until July 1, 1977.

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

The Governor's Reorganization Plan No. 1 of the 1970 Regular Session is to become operative on July 1, 1973. If the portion of the plan which transfers the healing arts boards from the Department of Consumer Affairs to the State Department of Health is to be delayed until July 1, 1977, it is necessary that this act take effect immediately.

CHAPTER 123

An act to add Section 54921 to the Government Code, relating to school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1973 Filed with Secretary of State June 29, 1973]

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

SECTION 1. Section 54921 is added to the Government Code, to read:

54921. Notwithstanding Sections 54902 and 54903.1, any change of boundaries or location of any school district, or formation of any type of new school district, pursuant to Division 5 (commencing with Section 1601) of the Education Code, as the result of a unification election held on June 6, 1972, and whose formation was completed on or before July 1, 1973, shall be effective for assessment and taxation purposes for the 1973–74 fiscal year if the required statements and map or plat are filed on or before June 30, 1973.

SEC. 2. Any school district electing to file documents pursuant to the provisions of this act shall reimburse any local government for the costs incurred by such local government by reason of the provisions of this act.

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

In order that certain new school districts which have recently unified will be able to levy taxes within the district for the 1973–74 fiscal year for services to be provided to the district, it is necessary that this act take effect immediately.

CHAPTER 124

An act to amend Section 19594 of, and to add Section 19700.78 to, the Education Code, relating to state school building aid, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1973 Filed with Secretary of State June 29, 1973]

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

SECTION 1. Section 19594 of the Education Code is amended to read:

19594. Whenever a conditional apportionment has, prior to January 1, 1974, been made to an applicant school district pursuant

to this chapter and thereafter the county superintendent of schools of the county having jurisdiction over such district has certified to the board and the State Controller that at an election called, held and conducted in the district for that purpose, two-thirds of the qualified electors of the district voting thereat authorized the governing board of the applicant school district to accept, expend and repay an apportionment under the provisions of this chapter, and whenever thereafter said county superintendent of schools has certified to the board and the State Controller that the amount of bonds, if any, required by the board, as a condition to the apportionment becoming final, have been issued and sold and the proceeds thereof made available for the purposes of the application and the board has certified to the State Controller that the apportionment to the applicant school district has become final, such final apportionment is hereby confirmed, ratified, and validated, and any expenditure of money from the State School Building Aid Fund according to the terms of such final apportionment is hereby confirmed, ratified, and validated

SEC. 2. Section 19700.78 is added to the Education Code, to read:

19700.78. Whenever a conditional apportionment has, prior to January 1, 1974, been made to an applicant school district pursuant to this chapter and thereafter the county superintendent of schools of the county having jurisdiction over such district has certified to the board and the State Controller that at an election called, held and conducted in the district for that purpose, two-thirds of the qualified electors of the district voting thereat authorized the governing board of the applicant school district to accept, expend and repay an apportionment under the provisions of this chapter, and whenever thereafter said county superintendent of schools has certified to the board and the State Controller that the amount of bonds, if any, required by the board, as a condition to the apportionment becoming final, have been issued and sold and the proceeds thereof made available for the purposes of the application and the board has certified to the State Controller that the apportionment to the applicant school district has become final, such final apportionment is hereby confirmed, ratified, and validated, and any expenditure of money from the State School Building Aid Fund or the School Building Safety Fund according to the terms of such final apportionment is hereby confirmed, ratified, and validated.

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 facilitate the efficient administration of the processing of apportionments under the state school building aid law as soon as is reasonably possible, and to permit needed school construction to commence at the earliest possible time, it is necessary that this act take effect immediately.

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CHAPTER 125

An act to amend Section 10203 4 of the Insurance Code, relating to group life insurance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1973 Filed with Secretary of State June 29, 1973]

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

SECTION 1. Section 10203.4 of the Insurance Code is amended to read:

10203.4. Insurance under any group life insurance policy issued pursuant to Sections 10202, 10202.7, 10202.8, 10203, 10203.1, and 10203.7 may, if 75 percent of the insured employees elect, be extended to insure the dependents, or any class or classes thereof, of each insured employee who so elects, in amounts in accordance with some plan which precludes individual selection and which shall not be in excess of 50 percent of the insurance on the life of such insured employee or one thousand five hundred dollars ($1,500), whichever is less; provided, however, in the case of a dependent whose age at death is under six months, the amount shall not be in excess of one hundred dollars ($100).

"Dependent" includes the member's spouse and all unmarried children from birth through 20 years of age, or through age 22, if the dependent child is attending an educational institution. The premiums for the insurance on such dependents may be paid by the employer or by the employee or by the employer and the employee jointly.

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 Department of Insurance for the State of California has advised the Legislature that approval will not be given any forms submitted to the department pursuant to Section 10203.4 of the Insurance Code which have the age of 23 instead of age 21 limit for dependents. In order to correct this situation at the earliest possible time and provide proper insurance coverage for dependents, it is necessary that this act take effect immediately.

CHAPTER 126

An act relating to planning and zoning and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1973 Filed with Secretary of State June 29, 1973]

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

SECTION 1. Notwithstanding any other provision of law, any city incorporated after April 1, 1971, but before May 31, 1971, in a county of the 10th class as designated pursuant to Section 28020 of the Government Code, shall not be subject to the provisions of Section 65302, 65563, 65860, or 65910 of the Government Code until June 30, 1974.

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

Postponement of the mandatory date of adoption of general plans and open-space plans by newly incorporated cities must become effective immediately so as to allow such cities sufficient time to properly and thoroughly prepare such general and open-space plans without impairing the validity of zoning ordinances necessary for orderly and reasoned urban development.

CHAPTER 127

An act to repeal and add Chapter 24 (commencing with Section 48351) to Division 17 of the Food and Agricultural Code, relating to fruit standards, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1973. Filed with Secretary of State June 29, 1973.]

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

SECTION 1. Chapter 24 (commencing with Section 48351) of Division 17 of the Food and Agricultural Code is repealed.

SEC. 2. Chapter 24 (commencing with Section 48351) is added to Division 17 of the Food and Agricultural Code, to read:

CHAPTER 24. NECTARINES

Article 1. Exceptions for Nectarines for Manufacturing Use

48351. This chapter does not prohibit any person, under a permit which is issued pursuant to this article, from transporting nectarines out of state, if the following requirements are complied with:

(a) Such permit is issued for, and is attached to, each load or lot transported.

(b) The nectarines are loose in containers which are not closed.

(c) The nectarines shall meet the quality standards of Article 2 (commencing with Section 48361) of this chapter or the quality

standards adopted by the director, by regulations, when authorized by the Legislature, except they shall not be required to meet the quality standards of subdivision (b) of Section 48361 relating to split pits.

48352. A permit may be issued by the commissioner of the county from which the nectarines are to be transported if such commissioner has satisfactory verification by a like officer of the state or country of destination that the nectarines are to be transported to a purchaser for commercial processing, preserving, or manufacturing on the premises of the purchaser.

48353. The verification shall include a statement that such official will report to the commissioner who issued the permit as to the commercial processing, preserving, or manufacturing use to which the nectarines transported under the permit were actually put by the purchaser of the nectarines.

Article 2. Standards

48361. Nectarines shall be mature, but not overripe, and free from any of the following defects:

(a) Insect injury which has penetrated or damaged the flesh.

(b) Split pits which are open at the stem end.

(c) Mold, brown rot, and decay which has affected the edible portion.

(d) Serious damage which is due to skin breaks or cuts, growth cracks, bruises, or other causes.

Damage to any one nectarine is not serious unless it causes a waste of 10 percent, by weight, of the individual nectarine.

48362. Nectarines shall not be considered mature unless at the time of picking they comply with one of the following:

(a) An aggregate area of at least one inch in diameter of the surface of the individual fruit has broken from green or dark green to a distinct flecking of light green or a light green which indicates equivalent maturity.

(b) The shoulders and suture are well developed and filled out.

48363. Except in the case of nectarines which are affected by split pits that are visible, not more than 10 percent, by count, of the nectarines in any one container or bulk lot may be below the requirements which are prescribed by this article, but not to exceed one-half of this tolerance shall be allowed for any one cause.

In the case of nectarines which are affected by split pits that are visible, an additional tolerance of not more than 10 percent, by count, of the nectarines in any one container or bulk lot shall be allowed.

Article 3. Fees

48371. The board of supervisors of the county from which the nectarines are to be transported pursuant to the provisions of this chapter shall establish a schedule of fees, which shall be based upon

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the cost to the county in carrying out the provisions of this chapter, to be paid by any person who requests a permit under this chapter. Such fees shall be deposited in a county fund and be used for carrying out the provisions of this chapter.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act, since a schedule of fees is provided in Article 3 (commencing with Section 48371) of Chapter 24 of Division 17 of the Food and Agricultural Code, which shall be based upon the cost to the county in carrying out the provisions 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 harvest season for nectarines will begin before the normal effective date of legislation passed at this session of the Legislature. In order to meet the needs of the current marketing season of nectarines, it is necessary that the provisions of this act become effective immediately

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CHAPTER 128

An act to amend Section 12 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944 (Second Extraordinary Session)), relating to the Ventura County Flood Control District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1973 Filed with Secretary of State June 29, 1973.]

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

SECTION 1. Section 12 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944 (Second Extraordinary Session)) is amended to read:

Sec. 12. The board of supervisors of said district shall have power, in any year:

1. To levy an ad valorem tax or assessment upon all taxable property in the district to pay the costs and expenses of said Ventura County Flood Control District and to carry out any of the objects or purposes of this act of common benefit to the district as a whole, and

2. To levy an ad valorem tax or assessment upon all taxable property in each or any of said zones, according to the benefits derived or to be derived by said respective zones, to pay the cost and expenses of carrying out any of the objects or purposes of this act of

special benefit to said respective zones, including the constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements within said respective zones. It is declared that all property within a given zone is equally benefited under this act.

Said taxes or assessments shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues derived from said taxes shall be paid into the county treasury to the credit of said district, and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of subdivision 2 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone except as provided in Section 14 hereof; and provided further, however, that the aggregate taxes or assessments levied under this act for any one fiscal year shall not exceed thirty-eight cents ($0.38) on each one hundred dollars ($100) of the assessed valuation of the taxable property in zone 1 until July 1, 1975, and thereafter shall not exceed twenty cents ($0.20) on each one hundred dollars ($100) of the assessed valuation on the taxable property in zone 1, shall not exceed forty cents ($0.40) on each one hundred dollars ($100) of the assessed valuation of the taxable property in zones 2 and 4, shall not exceed twenty-seven cents ($0.27) on each one hundred dollars ($100) of the assessed valuation of the taxable property in zone 3, and shall not exceed one dollar ($1) on each one hundred dollars ($100) of the assessed valuation of the taxable property in any special zone in addition to the aggregate taxes or assessments levied for zone 1, 2, 3 or 4 and exclusive of any tax or assessment levied to pay the cost and expenses of any project or facility for importing water into the district or to meet any bonded indebtedness of said zones or district and the interest thereon.

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

In order that the Ventura County Flood Control District may provide vital flood control services to the district and meet increased demands due to extensive flood damage and excessive runoff from national forest lands for the 1973–74 fiscal year and thereafter, it is necessary that this act take effect immediately.

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CHAPTER 129

An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1973 Filed with Secretary of State June 30, 1973]

I object to the following appropriations in Assembly Bill No 110

Item 17—For support of Supreme Court of California, Courts of Appeal, Judicial Council of California and Commission on Judicial Qualifications. I reduce this item from $11,033,249 to $10,627,872

I am approving this item as originally submitted as well as $504,666 of the $910,043 added by the Legislature. The balance of $405,377 is disapproved pending a report by a special task force which I am appointing to study the appellate court workload

Item 47—For support of contribution to counties for providing legal assistance to indigents I reduce this item from $2,428.955 to $775,000

I am eliminating the augmentation provided by the Legislature in view of the enactment of Chapter 1406/72 which provides that the state shall reimburse local governments for added costs resulting from state mandated new programs or increases in the level of existing programs This new law will greatly assist local governments as will federal revenue sharing Accordingly, the budget level of support which has been the appropriated level for many years is considered to be adequate

Item 57—For support of Board of Equalization I reduce this item from $28,486,525 to $28,376,621 by reducing paragraph (a) Personal Services from $30,753,156 to $30,653,243 and paragraph (b) Operating Expenses and Equipment from $7,138,607 to $7,128,616

I am eliminating from this item $109,904 which was added to increase the Board's intercounty equalization program There remains in this item sufficient funds for the Board to meet its responsibilities in this area

Item 60—For support of Secretary of State I reduce this item from $2,635,784 to $2,526,817 by reducing paragraph (a) Personal Services from $1,707,115 to $1,609,610 and paragraph (b) Operating Expenses and Equipment from $650,767 to $639,305

I am reducing this item to a level of expenditure that provides for an augmentation of 9 4 positions to the Secretary of State's original budget in the Corporate Filing and Uniform Commercial Code Divisions Coupled with the 5 proposed new positions in the original budget, this represents a 21 percent increase in the staff of these two divisions This amount will enable the department to meet its responsibilities

Item 70—For support of Public Utilities Commission I reduce this item from $7,652,847 to $7,622,847 by reducing paragraph (b) Operating Expenses and Equipment from $2,466,908 to $2,436,908

I am eliminating the funds added for Consulting Services for BART

The Commission has assured me that the budget contains sufficient funds to provide an adequate review of BART safety operations without augmentation

Item 86—For support of Augmentation for Salary Increase—Increase in Statutory Salaries I reduce this item from $92,121,000 to $92,083,000 by reducing the proposed salary increase specified therein for state officers whose salaries are specified by statute and whose compensation is paid from the General Fund, from 15.9 percent to 12 5 percent.

The increase of 15 9 percent was originally suggested to the Legislature by the administration to keep the two-year increase in statutory salaries level with increases granted the vast majority of state employees The administration later revised its request to 12 5 percent, approximately the average level of increases for state employees for the coming year The request to reduce the salary increase for statutory officers was received by the Legislature too late to act upon and I am accordingly

reducing this item to 12 5 percent which I consider to be adequate

Item 87—For support of Augmentations for Salary Increase—Increase in Statutory Salaries I reduce this item from $58,575,000 to $58,564,000 by reducing the proposed salary increase specified therein for state officers whose salaries are specified by statute and whose compensation is paid from special funds, from 15 9 percent to 12 5 percent

The increase of 15 9 percent was originally suggested to the Legislature by the administration to keep the two-year increase in statutory salaries level with increases granted the vast majority of state employees The administration later revised its request to 12 5 percent, approximately the average level of increases for state employees for the coming year The request to reduce the salary increase for statutory officers was received by the Legislature too late to act upon and I am accordingly reducing this item to 12 5 percent which I consider to be adequate.

Item 88—For support of Augmentations for Salary Increase—Increase in Statutory Salaries. I reduce this item from $32,844,000 to $32,831,000 by reducing the proposed salary increase specified therein for state officers whose salaries are specified by statute and whose compensation is paid from nongovernmental cost funds, from 15 9 percent to 12 5 percent

The increase of 15 9 percent was originally suggested to the Legislature by the administration to keep the two-year increase in statutory salaries level with increases granted the vast majority of state employees The administration later revised its request to 12 5 percent, approximately the average level of increases for state employees for the coming year. The request to reduce the salary increase for statutory officers was received by the Legislature too late to act upon and I am accordingly reducing this item to 12 5 percent which I consider to be adequate

Item 92—For Claim of the Secretary of the State Board of Control I reduce this item from $133,388 to $123,388

The claim of Computer Mailing, Inc. and Tsuruda and Reed in the amount of $10,000 is currently before the courts and I do not believe it advisable to include the claim in the Budget Act at this time

Item 118 1—For support of Department of Consumer Affairs, Division of Consumer Services I eliminate this item

I am eliminating this General Fund support item because the Division of Consumer Services serves the Special Fund constituent boards, bureaus and commissions of the Department and should be supported by special fund assessments rather than the General Fund

Item 122—For support of Bureau of Automotive Repair, Department of Consumer Affairs I reduce this item from $2,634,502 to $2,424,139 by reducing paragraph (a) Personal Services from $1,182,765 to $972,402

I am reducing this item to the level originally submitted since there are sufficient funds budgeted to handle the projected workload and meet the important program needs of the Bureau.

Item 154 1—For support of the Uninsured Employers Fund. I eliminate this item

I am eliminating this augmentation from the General Fund for transfer to the Uninsured Employers Fund. Legislation which set up the latter fund was signed with the anticipation that the Uninsured Employers Fund would be self-supporting It was never expected to be a burden on the General Fund and I am asking the department to seek legislation which will make possible the original concept of a wholly self-supporting activity

Item 194—For support of the Tahoe Regional Planning Agency I reduce this item from $100,000 to $50,000

I am reducing this item to the amount proposed in the budget I submitted in January which I believe will be adequate for the state to meet its own commitment to supplement the support of the planning agency.

Item 195 5—For support of the California Coastal Zone Conservation Commission and Regional Coastal Zone Conservation Commission I eliminate this item

I am eliminating this item because I believe the continuing appropriation made

from the Bagley Conservation Fund by Proposition 20 is sufficient to meet the needs of the Commission during the 1973–74 fiscal year It will be appropriate to review the total operational program of the Commission at the time the 1974 budget is reviewed

Item 197—For support of the Environmental Protection Program, Resources Agency and Business and Transportation Agency I reduce this item from $2,092,820 to $1,712,820

I am eliminating the $30,000 for the Joice Island walkway, $250,000 for Conservation Education, and $100,000 for a study of kelp as unnecessary augmentations of programs that already are adequately provided for in the budget. With respect to the proposed $250,000 augmentation for Conservation Education, I believe it is premature, since the administrators of the Program and the Department of Education are now negotiating toward a coordinated funding of conservation education efforts by the Department and the Program I expect to propose such coordinated funding on behalf of the Program in my budget message next year

Item 197 8—To Department of Education for School District Environmental Land Acquisition I eliminate this item

I have eliminated this item because there already are sufficient funds for this purpose in Item 197 of this Budget Act

Item 214—For support of State Lands Division, State Lands Commission, Department of Conservation I reduce this item from $2,468,177 to $2,374,600 by reducing paragraph (a) Personal Services from $2,964,753 to $2,874,970 and paragraph (b) Operating Expenses and Equipment from $650,852 to $647,058

I am reducing this item because most of the inventory of state lands which this amount provides for is being accomplished without the need for an augmentation, and funds for the remaining work should be available in the budget of the state department which will receive the services I am, however, still allowing a total augmentation of $517,000 to the original budget I submitted

Item 215—For support of Department of Fish and Game I reduce this item from $22,188,029 to $21,514,121 by reducing paragraph (a) Personal Services from $14,845,307 to $14,486,624 and paragraph (b) Operating Expenses and Equipment from $8,034,162 to $7,923,062, paragraph (d) Minor capital outlay from $372,600 to $307,600, paragraph (c) Pittman-Robertson program from $2,711,200 to $2,643,100, paragraph (f) Dingell-Johnson program from $916,500 to $909,500, paragraph (h) Anadromous Fish Act program from $697,300 to $456,600, and paragraph (m) Federal reimbursements from $3,311,675 to $3,135,000

I am reducing this item because there are insufficient funds in the Fish and Game Preservation Fund to fully finance the department's approved programs together with these additions We requested the Legislature to make this reduction on March 1, 1973, a request which was not acted upon I am now reducing the item to maintain the financial integrity of the fund

Item 227—For support of Department of Parks and Recreation I reduce this item from $24,520,537 to $24,470,537 by reducing paragraph (b) Operating Expenses and Equipment from $8,420,205 to $8,370,205

I am eliminating the funds provided to employ an outside consultant for an independent review of acquisition practices These practices already are well defined and have been subject to review to such an extent that any further expenditure of funds for such a purpose would be nonproductive

Item 227 2—For support of Department of Parks and Recreation for feasibility study of a park site at Baldwin Hills Dam I eliminate this item.

I am eliminating this item because additional staff resources have been provided to adequately meet the needs of the department The additional staff will enable the department to develop the necessary feasibility studies

Item 237 5—For support of Child Development Programs and Child Care Services, Office of Educational Liaison, Health and Welfare Agency I eliminate this item

The Federal funds available and allocated for child development programs and child care services are sufficient to allow for planned expansion of these programs

Item 243—I eliminate the subschedule set forth under Schedule (a) The

subschedule infringes upon my constitutional and statutory authority to organize, reorganize, classify and arrange the fuctions of officers and employees of a state agency under Section 3 of Article III and Section 6 of Article V of the State Constitution and Section 11152 of the Government Code, as such, the subschedule constitutes a subject of legislation outside the scope of the Budget Act

In addition, the subschedule infringes upon my constitutional authority to eliminate or reduce specific budget items, impairs the state's ability to utilize available federal funds, would severely limit current programs and would make compliance with federal law impossible

For these and other reasons, I eliminate the subschedule as invalid language and surplusage

Item 251—For support of Board of Medical Examiners I reduce this item from $2,246,190 to $2,096,190

I am reducing this item for Mexican medical student scholarships by $150,000 Because mexican student enrollment is not as great as was previously expected, the Legislature's budget augmentation will not be needed

Item 262 2—For support of Department of Health—Citizens' Advisory Council I eliminate this item.

The Citizens' Advisory Council provides advice and assistance to the Director of Health The Department of Health can provide staff as needed to support the work of the council Therefore I am eliminating the item

Item 264—For transfer of the Health Care Deposit Fund to provide for Medical Assistance Program expenditure I reduce this item from $621,728,766 to $603,184,575

I have reduced the funds for caseload expenditures by $18,544,191 in accordance with the revised estimates of the Department of Health, as reported to the Legislature in May of this year

Item 270 5—For support of Human Resources Development, Migrant Day Care I eliminate this item

The federal funds already available and allocated for Migrant Day Care programs are sufficient to allow for the continuation of this service and there is no need for any additional General Fund monies Therefore, I am eliminating the item

Item 277—For support of Department of Social Welfare—Unmet Shelter Needs I reduce this item from $1,500,000 to $750,000

I have reduced this item by $750,000 because the pending implementation of federal legislation (HR 1) makes this expenditure unnecessary The remaining $750,000 will adequately fund the program until it is taken over by the federal government on January 1, 1974

Item 278—For support of Department of Social Welfare—Homemakers' Services I reduce this item from $16,863,125 to $13,868,200

I have reduced the funds for caseload expenditures by $2,994,925 in accordance with the revised estimates of the Department of Social Welfare as reported to the Legislature in May of this year

Item 281—For support of Department of Corrections I reduce this item from $135,699,642 to $134,721,317

I am eliminating a $250,000 augmentation for the Inmate Welfare Fund because the current method of providing recreational equipment and supplies is both adequate and satisfactory

In addition, I am reducing the item by another $728,325 for inmate release funds because an increase in the minimum release funds, from $68 to $200, will still be permitted for each inmate who leaves prison

Item 281 1—For support of Department of Corrections I reduce this item from $500,000 to $100,000

I am reducing the augmentation for contracting with private agencies to provide correctional services to inmates by $400,000 until present programs may be identified and evaluated for their effectiveness The amount of $100,000 is adequate to seek and evaluate new programs to assist inmates

Item 281 2—For support of Department of Corrections I eliminate this item

The Department of Corrections currently operates four community correctional centers which are supported by state funds A fifth center was recently opened under a federal grant for research and evaluation. Additional centers should not be established until results of the federal study are known Therefore, I am eliminating this augmentation of $600,000

Item 281 3—For support of Department of Corrections I eliminate this item

I am eliminating the augmentation of $300,000 for employment of additional correctional counselors pending evaluation of the usage of correctional program supervisors recently introduced to institutions

Item 285 1—For support of Department of the Youth Authority I reduce this item from $300,000 to $100,000

I am reducing the augmentation for contracting with private agencies for correctional services to wards and parolees by $200,000 until programs may be identified and evaluated for effectiveness This remaining $100,000 augmentation, plus currently available funds, is adequate to seek and evaluate new programs to assist wards and parolees

Item 285 2—For support of Department of the Youth Authority I eliminate this item

The Department is presently operating several structured residential programs There is no clearly demonstrated need for additional funds Therefore, I am eliminating this $400,000 item

Item 285 3—For support of Department of the Youth Authority I eliminate this item

I am eliminating this augmentation of $500,000 because there is insufficient data available to support the contention that reduced caseloads for parole officers contribute significantly to public safety Until such research has been completed, existing parole agent caseloads should be maintained

Item 297—For support of Department of Education I reduce this item from $7,682,263 to $7,655,263 by reducing paragraph (a) Personal Services from $18,164,124 to $18,146,124 and paragraph (b) Operating Expenses and Equipment from $11,172,181 to $11,163,181.

I have eliminated the school nurse consultant and related expenses There is no evidence that increased consultation or technical assistance from the state is needed

Item 297 1—For augmentation of Department of Education, Superintendent of Public Instruction and State Board of Education I reduce this item from $2,101,559 to $1,500,000 by reducing paragraph (a) Personal Services from $1,398,450 to $1,000,000, and paragraph (b) Operating Expenses and Equipment from $700,792 to $497,683

The intention of this augmentation was to replace federal funding under ESEA Title V There are many worthwhile programs, such as evaluation of year-round schools, statewide testing and Mexican-American liaison funded through this money, and I am approving sufficient funds to be sure that all the highest priority services will not be discontinued if federal funds are withdrawn However, I have reduced the total by $601,559 because I do not believe the state can assume every program which will no longer be federally funded I believe the department must eliminate programs of lowest priority and strive for greater economy

Item 302—For support of Division of Libraries, Department of Education and Board of Library Examiners. I reduce this item from $2,294,760 to $2,097,198 by reducing paragraph (a) Personal Services from $2,240,073 to $2,127,091 and paragraph (b) Operating Expenses and Equipment from $6,869,657 to $6,785,077

The workload of the interlibrary loan, handicapped unit, does not justify the augmented amount in this item However, four additional positions are needed to perform necessary services Therefore, I am reducing this item only by the amount of the excess augmentation

Item 307—Compensatory education, special teacher employment programs, demonstration programs in reading and mathematics and professional development and program improvement, Department of Education I reduce this item from

$11,138,000 to $10,818,000

I have eliminated funding for the Research and Teacher Education Projects at the University of California, Los Angeles My agreement to continue funding of this project in 1972–73 did not anticipate that the project would be continued in 1973–74.

I also have eliminated the $220,000 augmentation for an Urban-Bilingual Professional Development Center project Sufficient funding and flexibility were included in the Department's support budget submitted to the Legislature in January to allow the Department to fund this project on a priority basis

Item 308 1—For the support of Chapter 638, Statutes of 1972, Department of Education I reduce this item from $515,000 to $355,000

I have included sufficient funding in this item for the continuation of this project through 1973–74, at which time a final evaluation will be completed and the project will be discontinued as a state-funded program

Funds remaining in the item provide for.

a Continuation of the 50 classes which are now being evaluated

b Evaluation, including a formal interim report in January 1974 and a final report in June 1974

c Continuation of 20 classes which are not now being evaluated

Item 308 2—For pilot cooperative improvement and dropout prevention programs I eliminate this item

This appears to be a program more properly funded in the Department of Youth Authority I therefore have asked the Department to begin negotiations for the pilot project from their support budget

Item 309.5—For Children's Centers Programs, Department of Education I reduce this item from $23,113,233 to $5,828,550 by eliminating paragraph (a) Children's Centers ($6,750,000) and paragraph (c) campus children's centers ($2,025,000), and reducing paragraph (b) Preschool education from $14,338,233 to $5,828,550

The federal funds available and allocated for child development programs are sufficient to allow for the planned expansion in the children's center programs and there is no need for General Fund contingency funding

New federal regulations are likely to cause large funding reductions in the Preschool Education Program It is not my intention for the state to automatically assume financial responsibility for previously federally funded programs without a thorough revi

F 's which remain in this item, together with state funds in Item 309(c), will allow the Preschool Education Program to continue for six months while this administration studies the program and develops stronger regulations through the legislative process

Item 310—For assistance to public libraries, Division of Libraries, Department of Education I reduce this item from $1,355,000 to $1,000,000.

I cannot support the full augmentation suggested by the Legislature, but I am leaving $200,000 in this item over and above the amount originally proposed in my budget submitted in January As proposed by the Legislative Analyst, I believe that a revised allocation system could provide for more effective use of the taxpayers' money

Item 316—For support of University of California. I reduce this item from $399,365,749 to $397,890,749

I reduce this item for the following reasons

Price Increase . . . . . —$350,000

I am approving an augmentation of $1,650,000 for this purpose

Extended Opportunity Program . . . . . —$1,000,000

The University has a successful Educational Opportunity Program Existing resources are sufficient to finance over eight percent of its undergraduate enrollment in the program which, I believe, is sufficient.

Residencies for Primary Care . . —$125,000

The University originally intended to admit 104 additional residencies for the 1973–74 year However, they have currently enrolled 78 and it does not appear that this number will substantially increase by September I am therefore proportionately reducing this item

Item 316 4—For support of University of California instructional programs in health sciences affected by Federal budget reductions I reduce this item from $1,834,000 to $1,031,000

I have accepted that part of the augmentation suggested by the Legislature which would fund the two highest priorities in this item, $820,000 for programs in the field of public health and $211,000 for the program in family practice medicine at Sonoma and the special program to train nurse practitioners at UCLA In addition, the University has over $470,000 in carryover funds from the current year available for funding of these items The remaining lower priority items which I have deleted may be funded from the University's support budget if they are deemed of higher priority than other currently supported activities

Item 316 5—For replacement of Federal Fund Reductions, University of California I reduce this item from $1,098,000 to $600,000 by reducing paragraph (a) Bankhead-Jones Funds from $166,000 to $91,000, paragraph (b) Hatch Act and McIntire-Stennis Act Funds from $404,000 to $228,000, paragraph (c) Smith-Lever Act Funds from $146,000 to $81,000 and paragraph (d) Sea Grant College Program from $182,000 to $0

I am reducing this item by $498,000 because I believe there will be sufficient funds to maintain the 1972–73 Universitywide student-faculty ratio in those programs receiving funding from a through c above and to finance the operation of the research ship The Administration is supporting legislation, already introduced, which would provide substantial money for sea grants. If passed, a portion of this money would be available to the University.

Item 316 12—For research in mosquito control, University of California I eliminate this item

The budget as originally submitted contained $300,000 for mosquito research In addition I am approving another $100,000 for this purpose in Item 316 I believe this will provide ample funds for this purpose

Item 323—For support of Trustees of the California State University and Colleges and the California State University and Colleges I reduce this item from $407,156,252 to $405,647,372 by reducing paragraph (a) Personal Services from $402,254,625 to $402,206,052 and paragraph (b) Operating Expenses and Equipment from $89,842,549 to $88,382,242

I am reducing this item for the following reasons

Replacement Equipment $1,000,000

Funds to accomplish replacement of equipment can be made available by the trustees without approval of the Department of Finance from excess salary savings, as provided in Section 28 7 (a) of the Budget Act

Educational Opportunity Programs. 428,880

Of the $1,408,880 legislative augmentation to this program, I am approving $980,000 in the budget This will provide $580,000 in grants for 2,416 third- and fourth-year students and $400,000 in grants and related staffing needs to increase the number of lower division students covered to 4,220 (fulltime equivalent) students.

Planning Funds for Year-Round Operation . . 50,000

Substantial amounts have been spent in previous years on planning for year-round operations at California State University, San Francisco With the decline in the level of enrollment growth in the California State University and College System, these additional planning funds are not needed

San Diego Educational Television 30,000

Sufficient funds already are provided in the budget to cover operations for instructional programs on the campus The funding for this station will be reviewed thoroughly during 1973–74 with the goal of developing reasonable funding formulas which can be put into use beginning in 1974–75

Item 327—For support of Board of Governors, California Community Colleges I

reduce this item from $1,137,299 to $1,087,839 by reducing paragraph (a) Personal Services from $1,587,596 to $1,541,095 and paragraph (b) Operating Expenses and Equipment from $543,570 to $540,611

I am reducing this item which would have added an architect and a specialist to the staff of the Chancellor's Office Such capabilities already exist in that organization and can be utilized to meet systemwide facility planning objectives

Item 328—For Community College extended opportunity programs, Board of Governors of the California Community Colleges I reduce this item from $7,360,000 to $6,170,500

The Legislature's proposed funding for this program would have increased community college EOP funds by more than 50 percent over the current year At present, the community colleges expend 52 percent of these funds for administration and counseling A large number of economically deprived high school graduates—minority and other—have, despite their handicaps, achieved at a normal or better than normal level in their high schools These students would need only ordinary support services in the community colleges and are too often overlooked when selecting for EOP grants Many of the economically disadvantaged are unable to continue their education I am thinking of these students when I accept $1,056,000 of the suggested augmentation I want to make the strongest plea that these dollars be used solely for grants and for the achieving minority and poor students

Item 331 1—For support of Department of General Services for working drawings, State building, San Jose I eliminate this item

Information provided by the Department of General Services indicates that a state-constructed building in San Jose cannot be economically justified at this time

Item 337—I delete from Item 337 the words "or less" Fire, safety, and public health needs cannot be forecast to the exact penny A maximum limitation is acceptable, an identical minimum is artificial and unworkable The executive department is best able to determine those minimum needs I believe that any language which mandates such spending is unreasonable and lacks constitutional authority

Item 360—For capital outlay, University of California I reduce this item from $12,970,000 to $12,922,000 by eliminating paragraph (30) Working drawings for College No 8 Academic Unit, Santa Cruz Campus ($48,000)

I am eliminating this item because the proper size of the campus at the University of California, Santa Cruz, is still under study Until the future size of this campus and the pattern of total enrollments in the universities is clarified, I believe it is premature to commence an additional college on this campus

Item 361—For capital outlay, Trustees of the California State University and Colleges I reduce this item from $26,922,000 to $23,967,000 by eliminating paragraph (49) State College, Bakersfield, Construct Science building II ($2,955,000)

I am eliminating this project because it is not of sufficiently high priority in the building program as specified by the Trustees of the California State University and Colleges

Sec 32 5—For support of public assistance programs, Department of Social Welfare I reduce this section from $680,332,600 to $664,286,700

I have reduced the estimates for caseload expenditures by $16,045, 900 in accordance with the revised estimates of the Department of Social Welfare as reported to the Legislature in May of this this year

With the above deletions and reductions, I hereby approve Assembly Bill No 110

RONALD REAGAN, Governor

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

SECTION 1. This act shall be known and may be cited as the "Budget Act of 1973."

SEC. 2. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1973–74 fiscal year beginning July 1, 1973, and ending June 30, 1974. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purposes to the extent only of the amount herein appropriated, unless otherwise stated herein, or authorized pursuant to Section 11006 of the Government Code

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

GENERAL GOVERNMENT

LEGISLATIVE

Item	Amount
1—For salaries of Senators	$784,000
2—For mileage of Lieutenant Governor, Senators and statutory officers of the Senate	1,800
3—For expenses of Members of the Senate	393,600
4—For contingent expenses of the Senate, including personal services for officers, clerks and all other employees, and legislative committees thereof composed in whole or in part of Members of the Senate, to be transferred by the State Controller to the Senate Contingent Fund	9,992,503
5—For salaries of Assemblymen	1,582,000
6—For mileage of Assemblymen and statutory officers of the Assembly	3,600
7—For expenses of Members of the Assembly	787,200
8—For contingent expenses of the Assembly including personal services for officers, clerks, and all other employees, and legislative committees thereof composed in whole or in part of Members of the Assembly, to be transferred by the State Controller to the Assembly Contingent Fund	17,276,186

Item		Amount
9	For expenses of Joint Legislative Committee for the Revision of the Penal Code	159,729
10	For payment of the state's proportionate share of the expenses of the National Conference of Legislative Leaders to be transferred by the State Controller in equal amounts to the Senate and Assembly Contingent Funds.	1,000
11	For legislative printing, binding, mailing and other necessary expenses; and in addition thereto, any amounts received from the sale of legislative publications Notwithstanding any other provision of Section 2 of this act, this appropriation shall be available without regard to fiscal years; provided further, that funds appropriated by this item shall not be expended for the purpose of providing the compilation of any California code or portion thereof in computer usable form, except as expressly authorized in writing by the Joint Rules Committee.	4,550,000
12	For the expenses of joint committees and their members and for any charges, expenses, or claims they may incur, to be transferred by the State Controller to the Contingent Funds of the Assembly and Senate, available without regard to fiscal years, to be paid on certification of chairmen of the committees to which allocations have been made by statute or concurrent resolution or by resolution of the Joint Rules Committee	5,800,000
13	For support of Legislative Counsel Bureau	2,781,691
14	For support of California Law Revision Commission	191,511
15	For support of California Commission on Uniform State Laws	23,100
16	For state's contribution to the Legislators' Retirement Fund, in accordance with Section 9358 of the Government Code	654,171
	JUDICIAL	
17	For support of Supreme Court of California, Courts of Appeal, Judicial Council of California and Commission on Judicial Qualifications provided, that $72,000 of the funds appropriated in this item shall not be expended unless legislation is enacted during the 1973–74 Regular Session establishing an additional judgeship in the Third	11,033,249

Item	Amount
Appellate District of the Courts of Appeal; and provided further, that the funds appropriated in this item may be allocated or reallocated between them by order of the Judicial Council subject to being reported to the Director of Finance.	
18—For support of Judicial Council, for implementing uniformity and consistence of procedure in traffic courts, payable from the Motor Vehicle Account, State Transportation Fund	23,972
19—For state's share of salaries of judges of superior courts as provided by Section 68206 of the Government Code ..... provided, that any funds which are unexpended due to vacancies in judgeships may be expended by the Judicial Council for extra compensation, expenses and staff for judges assigned by the Chairman of the Judicial Council.	13,031,961
20—For transfer by the State Controller to the Judges' Retirement Fund.....	394,039
EXECUTIVE	
21—For support of Governor and of Governor's office (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code)	2,198,484
22—For support of Governor's residence (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code)	17,400
23—For rental of Governor's residence ..... provided, that funds appropriated by this item shall be expended in amounts of not to exceed $1,250 each month to be made available until such time as the state provides a new residence for the Governor.	15,000
24—For special contingent expenses, Governor's office (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code)	15,000
25—For support of the Governor's office, for printing of the Governor's Budget, and, in addition thereto, any amounts received from the sale of publications	300,000
28—For support of Agriculture and Services Agency	370,244
29—For support of Business and Transportation Agency, payable from the Motor Vehicle Account, State Transportation Fund	268,823
30—For support of Business and Transportation Agency	12,405

Item		Amount
to be transferred to the Motor Vehicle Account, State Transportation Fund, in augmentation of Item 29 of this act.		
31—For support of Health and Welfare Agency ..... provided that, any rule or regulation adopted by the Secretary of the Health and Welfare Agency during the 1973–74 fiscal year which results in additional cost to the state shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance. Provided further, that no funds appropriated in this act may be transferred to and in augmentation of this item; and provided further, that Section 28 of this act does not apply to this item.		367,239
32—For support of Resources Agency		326,745
32.5—For support of Resources Agency to assist in carrying out an international conference on geothermal resources to be held in California ..... provided, that this appropriation shall be contingent upon the availability of federal grants or other resources which shall be available for expenditure in carrying out the provisions of this item; provided further, that this appropriation shall be available until June 30, 1975.		50,000
34—For support of Office of Information Services in the Governor's office ..... Schedule:		0
(a) Support	210,595	
(b) Reimbursements	–210,595	
35—For support of Office of Emergency Services, California Emergency Council and advisory committees ..... and in addition, any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.		1,637,396
Schedule:		
(a) Personal services	1,894,723	
(b) Operating expenses and equipment	2,561,589	
(c) Federal reimbursements	–845,299	
(d) Federal grants	–1,973,617	
36—For support of Office of Planning and Research		369,159
Schedule:		
(a) Personal services	507,243	
(b) Operating expenses and equipment	868,600	

Item		Amount
	(c) Federal grants ..... -1,000,184	
	(d) Reimbursements ..... -6,500	
	and in addition thereto, any amounts received from federal grants or other sources. Provided, that the state clearinghouse shall forward copies of all state agencies' comments on proposed federal regulations to the Chairman of the Joint Legislative Budget Committee or his designee, and the chairman of the committee in each house which considers appropriations. Provided further, that the Office of Intergovernmental Management shall transmit a report to the Legislature by December 1, 1973, assessing the impact of the Federal Model City Program in California and its effectiveness in solving community problems.	
37—For support of Lieutenant Governor		401,912
	Schedule:	
	(a) Personal services 299,355	
	(b) Operating expenses and equipment 102,557	
38—For support of Commission of the Californias.....		43,848

GENERAL ADMINISTRATION

39—For support of Department of Justice		31,065,034
	Schedule:	
	(a) Personal services 28,141,717	
	(b) Operating expenses and equipment 9,552,359	
	(c) Consolidated data center..... 3,547,203	
	(d) Reimbursements ..... -9,146,425	
	(e) Amount payable from tort liability (Item 48) ..... -796,086	
	(f) Amount payable from Motor Vehicle Account, State Transportation Fund (Item 40) ..... -3,252,181	
	(g) Federal grants ..... -579,267	
	(h) Special projects 3,597,714	
	Provided, that the funds appropriated in subitem (c) may be allocated by the Department of Justice to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Law Enforcement Consolidated Data Center, Item 41, Budget Act of 1973.	
40—For support of Department of Justice, to be trans-		

Item		Amount
ferred to and in augmentation of Item 39, Budget Act of 1973, payable from the Motor Vehicle Account, State Transportation Fund		3,252,181
41—For support of the Law Enforcement Consolidated Data Center, Department of Justice		0
Schedule:		
(a) Support	3,547,203	
(b) Transfers from other items	-3,547,203	
42—For support of Commission on Peace Officer Standards and Training, payable from the Peace Officers' Training Fund		1,821,944
Schedule:		
(a) Personal services	1,248,572	
(b) Operating expenses and equipment	1,121,058	
(c) Reimbursements	-297,686	
(d) Federal grants	-250,000	
43—For allocation to cities, counties, and cities and counties, pursuant to Section 13523 of the Penal Code, and for payment of contracts pursuant to Section 13503(c) of the Penal Code, Commission on Peace Officer Standards and Training, payable from the Peace Officers' Training Fund		12,650,000
44—For support of California Council on Criminal Justice		106,790
Schedule:		
(a) Personal services	772,033	
(b) Operating expenses and equipment	542,304	
(c) Federal grants	-1,207,547	
Provided, that funds appropriated in this item shall not be encumbered or expended after December 31, 1973.		
45—For expenditure by California Council on Criminal Justice for the state's cash match for federal grants made by the Law Enforcement Assistance Administration, to be allocated by the Department of Finance		4,748,933
provided, that the money appropriated by this item shall be available for expenditure until June 30, 1976.		
46—For support of the California Crime Technological Research Foundation		107,670
Schedule:		
(a) Personal services	330,364	
(b) Operating expenses and equipment	2,927,059	
(c) Reimbursements	-450,000	

Item	Amount
(d) Federal grants	-2,699,753
47—For contribution to counties for providing legal assistance to indigents in accordance with Section 987.6 of the Penal Code	2,428,955
48—For the administration, investigation, adjustment, defense and payment of tort liability claims, settlements, compromises and judgments against the state, its officers, servants and employees, for expenditure by the Department of Finance in its discretion in respect to, or for allocation by the Department of Finance in its discretion to, state agencies, departments, boards, bureaus or commissions supported from the General Fund; or for the purchase of insurance protecting the state, its officers, servants and employees against such tort liability claims, including the defense of such claims whether or not liability exists, Department of Finance ..... and in addition thereto, there is hereby appropriated from each fund, other than the General Fund, an amount sufficient to pay the cost of administration, investigation, adjustment, defense, and payment of tort liability claims, settlements, compromises and judgments against the state or the state agency supported from such fund, arising from activities of such state agency, or for the purchase of insurance protecting the state, its officers, servants and employees of such state agency against tort liability claims and for the defense of such claims whether or not liability exists; provided, that no expenditures from any such appropriation from a fund other than the General Fund for payment of tort liability claims shall be made unless approved by the Department of Finance in its discretion; and provided further, that any funds appropriated herein may be expended for either, or any combination, of the purposes specified herein as may be approved by the Department of Finance.	1,110,000
49—For the administration, investigation, adjustment, defense and payment of tort liability claims, settlements, compromises and judgments against the state, its officers, servants and employees, for expenditure by the Department of Finance in its discretion in respect to, or for allocation by the Department of Finance in its discretion to, state agencies, departments, boards, bureaus, or com-	

Item		Amount
	missions supported from the General Fund; or for the purchase of insurance protecting the state, its officers, servants and employees against such tort liability claims, including the defense of such claims whether or not liability exists, Department of Finance	201,500
	Schedule:	
	(a) Claims 201,500	
50	For the payment of claims and Attorney General services pursuant to Chapter 5 (commencing with Section 13960) of Part 4 of Division 3 of Title 2 of the Government Code, State Board of Control	1,250,000
	Schedule:	
	(a) Claims 1,102,000	
	(b) Attorney General services 150,000	
	(c) Transfer from Item 51 -2,000	
51	For transfer to and in augmentation of Item 50, from the Indemnity Fund, pursuant to Section 13964 of the Government Code, State Board of Control	2,000
52	For support of State Controller	8,771,281
	Schedule:	
	(a) Personal services 8,093,283	
	(b) Operating expenses and equipment 3,022,142	
	(c) Consolidated data center 167,193	
	(d) Reimbursements -1,125,704	
	(e) Amount payable from the Motor Vehicle Transportation Tax Account, Transportation Tax Fund (Item 53) -89,272	
	(f) Amount payable from the Motor Vehicle Fuel Account, Transportation Tax Fund (Item 54) -1,021,614	
	(g) Amount payable from the State School Building Aid Fund (Item 55) -197,198	
	(h) Amount payable from the Aeronautics Account, State Transportation Fund (Item 56) -77,549	
	The appropriation made by this item shall be in lieu of any allocation made pursuant to subdivision (b) of Section 30462 of the Revenue and Taxation Code during the 1973–74 fiscal year and no funds shall be allocated to the State Controller pursuant to Section 30462 during the 1973–74 fiscal year.	
	Provided, that the funds appropriated in	

Item		Amount
	subitem (c) may be allocated by the State Controller to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 79, Budget Act of 1973.	
53	For support of State Controller, payable from the Motor Vehicle Transportation Tax Account, Transportation Tax Fund	89,272
54	For support of State Controller, payable from the Motor Vehicle Fuel Account, Transportation Tax Fund	1,021,614
55	For support of State Controller, the sum of $197,198 is appropriated from the State School Building Aid Fund	(197,198)
56	For support of State Controller, payable from the Aeronautics Account, State Transportation Fund	77,549
57	For support of State Board of Equalization	28,486,525
	Schedule:	
	(a) Personal services	30,753,156
	(b) Operating expenses and equipment	7,138,607
	(c) Consolidated data center.	583,012
	(d) Reimbursements	-7,555,534
	(e) Amount payable from the Motor Vehicle Transportation Tax Account, Transportation Tax Fund (Item 58)	-818,279
	(f) Amount payable from the Motor Vehicle Fuel Account, Transportation Tax Fund (Item 59)	-1,614,437
	Provided, that the funds appropriated in subitem (c) may be allocated by the State Board of Equalization to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Revenue Consolidated Data Center, Item 80, Budget Act of 1973.	
58	For support of State Board of Equalization, payable from the Motor Vehicle Transportation Tax Account, Transportation Tax Fund	818,279
59	For support of State Board of Equalization, payable from the Motor Vehicle Fuel Account, Transportation Tax Fund	1,614,437
60	For support of Secretary of State	2,635,784
	Schedule:	

Item		Amount
(a) Personal services	1,707,115	
(b) Operating expenses and equipment	650,767	
(c) Consolidated data center	281,902	
(d) Minor capital outlay	25,000	
(e) Reimbursements	-29,000	

Provided, that the funds appropriated in subitem (c) may be allocated by the Secretary of State to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 79, Budget Act of 1973.

Provided, further, that notwithstanding any provisions of law to the contrary including Sections 27 and 28 of this act, no funds added by this act for the Corporate Filing and Uniform Commercial Code functions or the Administration program funds added to support the above functions of the Secretary of State shall be expended, transferred or otherwise used for any other such function or for any other purpose.

60.1—For support of Secretary of State in augmentation of Item 60 for the purpose of preparing and distributing the "corporate checklist" 3,000

61—For printing constitutional amendments and other ballot measures, Secretary of State 282,500

62—For support of California Heritage Preservation Commission 800

63—For support of State Treasurer 1,322,432

Schedule:

(a) Personal services	996,859	
(b) Operating expenses and equipment	428,815	
(c) Consolidated data center	111,000	
(d) Reimbursements	-214,242	

Provided, that the funds appropriated in subitem (c) may be allocated by the State Treasurer to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 79, Budget Act of 1973.

64—For support of Department of Finance 4,999,467

Schedule:

Item		Amount
(a) Personal services	4,120,978	
(b) Operating expenses and equipment	813,283	
(c) Consolidated data center	205,756	
(d) Reimbursements	-140,550	
Provided, that the funds appropriated in subitem (c) may be allocated by the Department of Finance to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 79, Budget Act of 1973.		
65—For support of Commission on California State Government Organization and Economy		110,192
66—For support of California Commission on Interstate Cooperation		110,730
67—For support of Military Department		5,258,640
Schedule:		
(a) Personal services	6,155,515	
(b) Operating expenses and equipment	3,561,386	
(c) Minor capital outlay	57,900	
(d) Reimbursements	-69,623	
(e) Federal grants	-4,446,538	
provided, that no expenditures shall be made from this appropriation as a substitution for personnel, equipment, facilities, or other assistance, or for any portion thereof, which in the absence of such expenditure, or of this appropriation, would be available to the Commanding General of the State Military Forces, the California National Guard or the California National Guard Reserve from the federal government.		
68—For payment of military retirements, in accordance with the provisions of Sections 228 and 256 of the Military and Veterans Code, Military Department		503,181
69—For support of California Cadet Corps		110,762
Schedule:		
(a) Personal services	59,854	
(b) Operating expenses and equipment	50,908	
70—For support of Public Utilities Commission		7,652,847
Schedule:		
(a) Personal services	11,795,476	

Item		Amount
(b) Operating expenses and equipment	2,466,908	
(c) Consolidated data center	135,000	
(d) Reimbursements	-140,000	
(e) Federal reimbursements	-111,000	
(f) Amount transferred from the Transportation Rate Fund (Item 71)	-6,493,537	
Provided, that the funds appropriated in subitem (c) may be allocated by the Public Utilities Commission to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 79, Budget Act of 1973.		
71—For support of Public Utilities Commission, payable from the Transportation Rate Fund		6,493,537
MISCELLANEOUS		
72—For support of Commission on the Status of Women		78,440
Schedule:		
(a) Personal services	43,595	
(b) Operating expenses and equipment	34,845	
73—For support of Intergovernmental Board on Electronic Data Processing		54,756
Provided, that in addition to the basic responsibilities assigned the board by law, the funds available to the board shall be used to the fullest extent possible to develop the best possible communications between state and local governmental units in the development and implementation of coordinated data-processing systems to achieve the maximum amount of interchangeability between the various levels of government.		
74—For support of California Arts Commission		247,181
75—For support of California Horse Racing Board, payable from the Fair and Exposition Fund		470,638
Schedule:		
(a) Personal services	350,038	
(b) Operating expenses and equipment	120,600	

Item			Amount
76—For support of Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun, payable from the Board of Pilot Commissioners' Special Fund			43,904
77—For the state's contribution for the cost of a basic health benefits plan, for annuitants and other employees, in accordance with Sections 22828 and 22829 of the Government Code, which is not chargeable to any other appropriation			5,157,933
78—For refunding of payments of taxes, licenses, fees and other receipts which have been erroneously collected and deposited in the General Fund for the refund of which no other provision is made by law, for refunding of amounts withheld and deposited in a fund in the State Treasury to any person who is determined to be liable to a taxpayer by reason of withholding and transmitting payments of taxes, interest, and penalties for the refund of which no other provision is made by law, and for payment of prior judgments, liens or encumbrances pursuant to Section 12516 of the Government Code			30,000
provided, that expenditures made under this item shall be charged to the year in which the warrant is issued by the State Controller.			
79—For support of the Stephen P. Teale Consolidated Data Center, Business and Transportation Agency Schedule:			0
(a) Support	7,300,000		
(b) Transfers from other items	-4,379,000		
(c) Reimbursements	-2,921,000		
79.1—To be allocated by the Department of Finance to the Stephen P. Teale Consolidated Data Center, Business and Transportation Agency; in augmentation of Item 79 for support of the Stephen P. Teale Consolidated Data Center, Business and Transportation Agency, to be paid from the several funds, in accordance with the following schedule			4,300,000
Schedule:			
(a) General Fund	1,900,000		
(b) Motor Vehicle Account, State Transportation Fund	2,400,000		
(c) State Highway Account, State Transportation Fund	2,400,000		
(d) Expenditure limitations	-2,400,000		
provided, that the combined amounts appropriat-			

Item		Amount
	ed in subitem (b) and (c) may not have expenditures incurred against them in excess of $2,400,000 in combined total.	
	Provided further, that none of the funds appropriated in this item may be encumbered, expended or transferred until the Director of Finance certifies in writing to the State Controller that all provisions of Section 4 of this act and all requirements concerning electronic data processing in the Supplementary Report of the Committee on Conference on the Budget Act of 1973 have been fully complied with; and provided further, that no expenditures or encumbrances shall be made from the funds appropriated for electronic data processing equipment in this item unless, with respect to any electronic data processing mainframe lease, lease-purchase or purchase, two bidders bidding on mainframes manufactured by different companies have been determined to be qualified for contract award.	
	PROPERTY TAX RELIEF	
81	—For providing property tax assistance to claimants, in accordance with the provisions of the Senior Citizens Property Tax Assistance Law, Part 10.5 (commencing at Section 19501), of Division II of the Revenue and Taxation Code, Franchise Tax Board	62,000,000
82	—For reimbursement to local taxing authorities for revenue lost 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; State Controller	208,000,000
	The appropriation made by this item shall be in lieu of the appropriation for the same purpose contained in subdivision (a) of Government Code Section 16100 as added by Chapter 1, Statutes of 1971, First Extraordinary Session.	
82.5	—For reimbursement to the local taxing authority, the Metropolitan Water District of Southern California, for Revenue lost by reason of the reduction of the property tax for fiscal years 1969–70 and 1970–71 on property within public agencies elect-	

Item		Amount
ing in those years to pay all or a stated percentage of such district's taxes for such years out of such agencies' funds, other than funds derived from ad valorem taxes, affected by the following provisions of the Revenue and Taxation Code		176,705
Schedule:		
(1) Business inventories under Section 219	148,326	
(2) Motion pictures under Section 988	28,379	
83—For providing reimbursement to local taxing authorities for revenue lost by reason of the assessment of open-space lands under Sections 423 and 423.5 of the Revenue and Taxation Code, and in accordance with the provisions of Chapter 3 (commencing with Section 16140) of Part 1 of Division 4 of Title 2 of the Government Code, State Controller		18,000,000
The appropriation made by this item shall be in lieu of the appropriation for the same purpose contained in Section 16100 or 16140 of the Government Code, and may not be augmented.		
84—For reimbursement to local taxing authorities for revenue lost by reason of the homeowners' property tax exemption granted pursuant to Section 1d of Article XIII of the Constitution		647,250,000
85—For transfer as needed to the Personal Income Tax Fund by the State Controller for the purpose of providing refunds to renters as required by Section 17053.5 of the Revenue and Taxation Code as added by Section 25 of Chapter 1406, Statutes of 1972, Franchise Tax Board		40,000,000
The appropriation from the General Fund made by this item shall be in lieu of any appropriation for the same purpose from the Personal Income Tax Fund pursuant to Section 32 of Chapter 1406 of the Statutes of the 1972 Regular Session of the Legislature.		
UNALLOCATED		
86—For Salary Increase Fund, to be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts (a) as will make sufficient money available to be paid each state officer or employee in the state		

Item		Amount
	service exclusive of personnel in the University of California and in the California State University and Colleges, whose compensation, or portion thereof, is chargeable to the General Fund, the increase in compensation provided for in any increased salary range or rate including staff benefits established on or after July 1, 1973 by the State Personnel Board or other salary-fixing authority; and, (b) with respect to state officers whose salaries are specified by statute, make sufficient money available to augment by 15.9 percent the amount of salaries received by such officers as of June 30, 1973, during the 1973–74 fiscal year, pursuant to Section 11569 of the Government Code	92,121,000
	Provided, that increases in compensation provided by this item for increased salary ranges for positions established for the 1973–74 fiscal year shall not result in total annual salary increases, including staff benefits, of more than $92,121,000. Before any increased salary range or rate established for any position for the 1973–74 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money either is available in funds authorized for the agencies or may be made available from the appropriation in this item, to meet the cost of such increases.	
	Notwithstanding any other provision of this item, any increases in compensation for officers and employees of the California Coastal Zone Conservation Commission or regional coastal zone commissions during the 1973–74 fiscal year shall be made entirely from the amounts appropriated by this item.	
87—For Salary Increase Fund, for state officers and employees whose compensation including staff benefits, or portion thereof, is payable from special funds, there is hereby appropriated from each special fund from which such officers and employees are paid (a) an amount sufficient to provide the increase in compensation provided for in any increased salary range or rate including staff benefits established on or after July 1, 1973, by the State Personnel Board or other salary-fixing authority; and, (b) with respect to state officers whose salaries are specified by statute, an amount sufficient to augment by 15 9 percent the amount		

Item		Amount
	of salaries received by such officers as of June 30, 1973, during the 1973–74 fiscal year, pursuant to Section 11569 of the Government Code	58,575,000
	which amount is to be made available by executive order of the Department of Finance in augmentation of their respective appropriations for support or for other purposes.	
	Provided, that increases in compensation provided by this item for increased salary ranges for positions established for the 1973–74 fiscal year shall not result in total annual salary increases, including staff benefits, of more than $58,575,000.	
	Before any increased salary range or rate established for any position for the 1973–74 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money is available in funds authorized for the agencies to meet the cost of such increases.	
88	—For Salary Increase Fund, for state officers and employees whose compensation including staff benefits, or portion thereof, is payable from nongovernmental cost funds, there is hereby appropriated from each nongovernmental cost fund from which such officers and employees are paid (a) an amount sufficient to provide the increase in compensation provided for in any increased salary range or rate including staff benefits established on or after July 1, 1973, by the State Personnel Board or other salary-fixing authority; and, (b) with respect to state officers whose salaries are specified by statute, an amount sufficient to augment by 15.9 percent the amount of salaries received by such officers as of June 30, 1973, during the 1973–74 fiscal year, pursuant to Section 11569 of the Government Code	(32,844,000)
	which amount is to be made available by executive order of the Department of Finance in augmentation of their respective appropriations for support or for other purposes.	
	Provided, that increases in compensation provided by this item for increased salary ranges for positions established for the 1973–74 fiscal year shall not result in total annual salary increases, including staff benefits, of more than $32,844,000.	

Item	Amount
Before any increased salary range or rate established for any position for the 1973–74 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money is available in funds authorized for the agencies to meet the cost of such increases.	
89—For allocation by executive order of the Department of Finance to the several courts, state agencies, and counties, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will defray the state's share of the cost of the increases in compensation for judges, justices and related classes as provided in Section 68203 of the Government Code.....	600,000
89.1—For allocation by executive order of the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will make sufficient money available to fund during the 1973–74 fiscal year the 1-percent salary increases granted by the State Personnel Board on January 24, 1973 in completion of the 1972 pay program.....	6,624,000
89.2—For allocation by executive order of the Department of Finance to the several state offices, departments, boards, bureaus, commissions and other state agencies, whose employees are paid in whole or in part from special funds, there is hereby appropriated from each special fund from which employees are paid an amount sufficient to fund, during the 1973–74 fiscal year, the 1-percent salary increases granted by the State Personnel Board on January 24, 1973 in completion of the 1972 pay program	4,816,000
89.3—For allocation by executive order of the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, whose employees are paid in whole or in part from nongovernmental cost funds, there is hereby appropriated from each nongovernmental cost fund from which employees are paid an amount sufficient to fund, during the 1973–74 fiscal year, the 1-percent salary increases granted by the State Personnel Board on January 24, 1973 in completion of the 1972 pay program	(2,612,000)
90—For Emergency Fund, to be expended only on	

Item		Amount
	written authorization of the Department of Finance for emergencies	1,500,000
		(1,500,000)

and in addition, $1,500,000 is appropriated for loans that may be made from the Emergency Fund to state agencies which derive their support from the General Fund or from sources other than the General Fund, upon such terms and conditions for repayment as may be prescribed by the Department of Finance and any sum so loaned shall, if ordered by the Department of Finance, be transferred by the State Controller to the fund from which the support of the agency is derived. Emergencies within the meaning of this provision are hereby defined as contingencies for which no appropriation, or insufficient appropriation, has been made by law and which in the judgment of the Director of Finance constitute cases of actual necessity, but these shall be limited to purposes which have been specifically approved by the Legislature in budget acts or other legislation, except that not more than $100,000 of this item may be expended for emergencies for which no such prior authorization exists.

Provided, that the Director of Finance shall file with the Joint Legislative Budget Committee within 10 days after approval, copies of all executive orders and allotment promises for allocations from the Emergency Fund stating the reasons for, and the amount of, all such executive orders and allotment promises for allocations.

Provided further, that any augmentation from this item to any program in excess of 10 percent of the amount authorized for expenditure in the 1973–74 fiscal year for such program shall become effective no sooner than 30 days after notification in writing to the Joint Legislative Budget Committee or no sooner than such lesser time as the committee, or its designee, may in each instance determine, except that no such limit shall apply if the Director of Finance states in writing to the Chairman of the Joint Legislative Budget Committee the necessity and urgency for the allocation which, in the judgment of the director, makes prior approval impractical.

90.1—For allocation by executive order of the Department of Finance to various state agencies, in augmentation of their respective appropriations for

Item	Amount
support or for other purposes, in such amounts as will defray their costs incurred by moving from the California State Office Building ("Old State Office Building") in Los Angeles, and for remodeling of new quarters	150,000
90.2—For allocation by executive order of the Department of Finance to various state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will defray their costs incurred by moving from the West Wing of the State Capitol Building in Sacramento, and for remodeling of new quarters	250,000
91—For loans to be made by the Department of Finance pursuant to and in accordance with the conditions set forth in A.B. 126 of the 1973–74 Regular Session, provided no such loans shall be made from funds appropriated by this item unless such bill is enacted on or before January 1, 1974, from the Fair and Exposition Fund	(1,000,000)
92—For claim of the Secretary of the State Board of Control	133,388
92.5—For claims of the Secretary of the State Board of Control, payable from the Department of Agriculture Fund	1,658
92.8—For claim of the Secretary of the State Board of Control, payable from the Architecture Public Building Fund	8
93—For claim of the Secretary of the State Board of Control, payable from the State Highway Account, State Transportation Fund	8,320
94—For claim of the Secretary of the State Board of Control, payable from the Motor Vehicle Account, Transportation Tax Fund	4,194
95—For claim of the Secretary of the State Board of Control, payable from the Motor Vehicle License Fee Account, Transportation Tax Fund	20,588
97—For claim of the Secretary of the State Board of Control, payable from the Fish and Game Preservation Fund	158
98—For claim of the Secretary of the State Board of Control, payable from the State Fair Fund	31
99—For claim of the Secretary of the State Board of Control, the sum of $548 is appropriated from the San Francisco-Oakland Bay Bridge Toll Revenue Fund	(548)
100—For claim of the Secretary of the State Board of Control, the sum of $300 is appropriated from the Unemployment Compensation Disability Fund	(880)

Item		Amount
100.5—For claim of the Secretary of the State Board of Control, the sum of $3,042 is appropriated from the Unemployment Administration Fund		(3,042)
101—For claim of the Secretary of the State Board of Control, the sum of $254 is appropriated from the Correctional Industries Revolving Fund		(254)
101.5—For claims of the Secretary of the State Board of Control, the sum of $2,869 is appropriated from the Harbors and Watercraft Revolving Fund		(2,869)
102—For claim of the Secretary of the State Board of Control, the sum of $7,750 is appropriated from the Service Revolving Fund		(7,750)
103—For claim of the Secretary of the State Board of Control, the sum of $98 is appropriated from the State Water Quality Control Fund		(98)
104—For claim of the Secretary of the State Board of Control, the sum of $5,165 is appropriated from the Water Resources Revolving Fund		(8,768)
105—For claim of the Secretary of the State Board of Control, the sum of $14 is appropriated from the Teachers' Retirement Fund		(14)
106—For claim of the Secretary of the State Board of Control, the sum of $4,043 is appropriated from the Health Care Deposit Fund		(4,043)
108—For claim of the Secretary of the State Board of Control, the sum of $100 is appropriated from the Special Deposit Fund, Unemployment Insurance Account		(100)
109—For claim of the Secretary of the State Board of Control, the sum of $2,149 is appropriated from the Unclaimed Property Fund		(2,149)
110—For the administration of tax relief, to be allocated by the Director of Finance in such amounts as will defray necessary transfers specified in Section 16170, Government Code		1,202,907
Schedule:		
(a) Resources Agency	30,000	
(b) Department of Finance	25,000	
(c) State Board of Equalization	50,000	
(d) Franchise Tax Board	471,607	
(e) State Controller	90,000	
(f) Department of Finance	262,300	
(g) State Controller	274,000	
Provided, that the appropriation made by this item shall be in lieu of all transfers authorized by Section 16170 of the Government Code.		

Item		Amount
	AGRICULTURE AND SERVICES	
111—For support of Department of Food and Agriculture		14,307,536
Schedule:		
(a) Personal services	20,811,028	
(b) Operating expenses and equipment	7,690,849	
(c) Consolidated data center	329,120	
(d) Reimbursements	-4,883,446	
(e) Amount payable from the Department of Agriculture Fund (Item 112)	-9,329,531	
(f) Amount payable from the Fair and Exposition Fund (Item 113)	-310,484	
Provided, that the funds appropriated in subitem (c) may be allocated by the Department of Food and Agriculture to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Revenue Consolidated Data Center, Item 80, Budget Act of 1973.		
Provided further, that $50,928 appropriated to support the department's public information office shall be used exclusively for consumer education purposes.		
112—For support of Department of Food and Agriculture, payable from the Department of Agriculture Fund		9,329,531
113—For support of Department of Food and Agriculture, payable from the Fair and Exposition Fund		310,484
114—For salaries of county agricultural commissioners or compensation for services performed for county agricultural departments, Department of Food and Agriculture, to be expended in accordance with the provisions of Section 2224 of the Agricultural Code		171,600
115—For payments to cities and counties for lands under contract as agricultural preserves on July 1 of the 1973–74 fiscal year, Department of Food and Agriculture, to be expended in accordance with the provisions of Section 51260 of the Government Code		446
116—For furnishing of workmen's compensation to disaster service workers and their dependents, in accordance with the provisions of Sections 3201 through 6002 of the Labor Code, including the		

Item		Amount
reimbursing of the State Compensation Insurance Fund for the cost of services as adjusting agent, Governor's office, Office of Emergency Services		76,800
The State Compensation Insurance Fund may draw from the State Treasury out of the appropriation made by this item, without at the time presenting vouchers and itemized statements, any portion of the appropriation contained in this item, to be used as a cash revolving fund. Expenditures made from the revolving fund in payment of claims for workmen's compensation and adjusting services are excepted from the operation of Section 925.6 of the Government Code. Reimbursement of the revolving fund for such expenditures shall be made upon presentation to the State Controller of an abstract or statement of such expenditures. Such abstract or statement shall be in such form as the State Controller requires.		
117—For support of Department of Commerce		751,861
Schedule:		
(a) Personal services	323,936	
(b) Operating expenses and equipment	427,925	
provided that:		
(1) None of these funds be used to fund the positions authorized in Section 14984 of the Government Code—Deputy Director for Industry and Trade, Deputy Director for Tourism, and Chief Economist.		
(2) The Director of Commerce submit quarterly reports during fiscal year 1973–74 (in addition to any statutorily required annual reports) to the Joint Legislative Budget Committee and chairmen of the legislative fiscal committees. Each report shall include the following: a description of the activities and programs of the department; comments on the progress made in meeting goals and objectives of each program, with specific reference to the contribution of department staff; output or workload data; and specific comments on progress and expenditures of economic adjustment program described in subsection (2).		
118—For support of Museum of Science and Industry, Department of Commerce		1,217,530
Schedule:		
(a) Personal services	1,291,182	
(b) Operating expenses and equipment	226,348	

Item		Amount
(c) Minor capital outlay	100,000	
(d) Reimbursements	–400,000	
118.1—For support of Department of Consumer Affairs		279,397
I. For support of Division of Administration, payable from the Consumer Affairs Fund	(1,183,869)	
Schedule:		
(a) Personal services	965,658	
(b) Operating expenses and equipment	774,523	
(c) Reimbursements	–556,312	
II. For support of Division of Consumer Services	279,397	
Schedule:		
(a) Personal services	194,760	
(b) Operating expenses and equipment	84,637	
III. For support of building maintenance and operation, payable from the Consumer Affairs Fund	(845,841)	
IV. For support of Division of Investigation, payable from the Consumer Affairs Fund	(2,412,812)	
Schedule:		
(a) Personal services	1,843,547	
(b) Operating expenses and equipment	621,601	
(c) Reimbursements	–52,336	
119—For support of State Board of Accountancy, payable from the Accountancy Fund		535,441
120—For support of California State Board of Architectural Examiners, payable from the California State Board of Architectural Examiners' Fund		183,752
Schedule:		
(a) Support	178,058	
(b) Consolidated data center	5,694	
Provided, that the funds appropriated in subitem (b) may be allocated by the California State Board of Architectural Examiners to subitem (a) above and expended therefrom for electronic data processing; provided, further, that the Director of Finance may transfer the unencumbered balance of subitem (b) to the Revenue Consolidated Data Center, Item 80, Budget Act of 1973.		
121—For support of State Athletic Commission		213,486

Item		Amount
122—For support of the Bureau of Automotive Repair, Department of Consumer Affairs, payable from the Automotive Repair Fund		2,634,502
Schedule:		
(a) Personal services	870,701	
(b) Operating expenses and equipment	1,763,801	
123—For support of State Board of Barber Examiners, payable from the State Board of Barber Examiners' Fund		448,539
124—For support of Cemetery Board, payable from the Cemetery Fund		92,261
125—For support of Bureau of Collection and Investigative Services, Department of Consumer Affairs, payable from the Collection Agency Fund		238,176
126—For support of Bureau of Collection and Investigative Services, Department of Consumer Affairs, payable from the Private Investigator and Adjuster Fund		215,897
127—For support of Contractors' State License Board, payable from the Contractors' License Fund		4,127,850
Schedule:		
(a) Personal services	2,627,151	
(b) Operating expenses and equipment	1,430,395	
(c) Consolidated data center	70,304	
Provided, that the funds appropriated in subitem (c) may be allocated by the Contractors' State License Board to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Revenue Consolidated Data Center, Item 80, Budget Act of 1973.		
128—For support of State Board of Cosmetology, payable from the Board of Cosmetology's Contingent Fund		938,030
Schedule:		
(a) Personal services	271,927	
(b) Operating expenses and equipment	630,913	
(c) Consolidated data center	35,190	
Provided, that the funds appropriated in subitem (c) may be allocated by the State Board of Cosmetology to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance		

Item		Amount
	may transfer the unencumbered balance of subitem (c) to the Revenue Consolidated Data Center, Item 80, Budget Act of 1973.	
129—For support of State Board of Dry Cleaners, payable from the Dry Cleaners' Fund		436,435
	Notwithstanding the provision of Section 14660.5 of, and Sections 16346 to 16350, inclusive, of the Government Code, or any other provisions of law, any money in the Dry Cleaners' Fund not appropriated for administering and enforcing the provisions of Chapter 18 (commencing with Section 9500) of Division 3 of the Business and Professions Code, or augmentations under Section 11006 of the Government Code, shall remain in such fund and shall not be used for any other purpose.	
130—For support of Bureau of Employment Agencies, Department of Consumer Affairs, payable from the Bureau of Employment Agencies Fund		286,057
131—For support of State Board of Funeral Directors and Embalmers, payable from the State Funeral Directors and Embalmers Fund		154,126
132—For support of State Board of Registration for Geologists, payable from the Geology Fund		49,060
133—For support of State Board of Guide Dogs for the Blind		10,160
134—For support of Bureau of Home Furnishings, Department of Consumer Affairs, payable from the Bureau of Home Furnishings Fund		502,354
135—For support of California State Board of Landscape Architects, payable from the State Board of Landscape Architects Fund		50,531
136—For support of Nurses' Registry, payable from the Nurses' Registry Fund		11,405
137—For support of State Board of Registration for Professional Engineers, payable from the Professional Engineers' Fund		768,702
	Schedule:	
	(a) Personal services 460,057	
	(b) Operating expenses and equipment 308,645	
138—For support of Bureau of Repair Dealer Services, Department of Consumer Affairs, payable from the Repair Services Fund		484,454
139—For support of Certified Shorthand Reporters Board, payable from the Shorthand Reporters' Fund		69,508
140—For support of Structural Pest Control Board, payable from the Structural Pest Control Fund		566,755

Item		Amount
Schedule:		
(a) Personal services	202,820	
(b) Operating expenses and equipment	363,099	
(c) Consolidated data center	836	
Provided, that the funds appropriated in subitem (c) may be allocated by the board to subitem (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Revenue Consolidated Data Center, Item 80, Budget Act of 1973.		
141—For support of State Board of Control		170,633
142—For support of California Exposition and Fair Executive Committee, Department of General Services, and for payment of principal and interest on revenue bonds to meet the provisions of Government Code Section 15849, to be transferred by the State Controller to Item 143, Budget Act of 1973		1,882,991
Schedule:		
(a) Support	752,991	
(b) Payment of interest and principal on revenue bonds	1,130,000	
provided, that no more than the amount actually needed to pay any deficit in principal and interest on the revenue bonds shall be made available for expenditure from category (b) of this item.		
143—For support of California Exposition and Fair Executive Committee, Department of General Services, and for payment of principal and interest on revenue bonds to meet the provisions of Government Code Section 15849, payable from the State Fair Fund		0
Schedule:		
(a) Support	3,378,280	
(b) Payment of interest and principal on revenue bonds	1,130,000	
(c) Amount payable from General Fund (Item 142)	-1,882,991	
(d) Amount payable from State Fair Fund as revenue from operations	-2,269,939	
(e) Amount payable from the State Fair Fund (Item 144)	-265,000	
(f) Reimbursements	-90,350	
144—For support of California Exposition and Fair Executive Committee, payable from the State Fair Fund, in accordance with Section 19622, Business and Professions Code		265,000

Item		Amount
145—For support of State Fire Marshal		1,565,068
Schedule:		
(a) Personal services	1,266,008	
(b) Operating expenses and equipment	463,060	
(c) Reimbursements	-164,000	
146—For support of Franchise Tax Board		34,978,663
Schedule:		
(a) Personal services	21,331,558	
(b) Operating expenses and equipment	11,230,144	
(c) Consolidated data center	2,545,711	
(d) Reimbursements	-128,750	
Provided, that the funds appropriated in subitem (c) may be allocated by the board to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Revenue Consolidated Data Center, Item 80, Budget Act of 1973.		
147—For support of Department of General Services for transfer to the Service Revolving Fund, to be transferred by the State Controller in such amounts as the Department of Finance may authorize; provided, that the money so transferred shall not be available for expenditure after June 30, 1974, and any unencumbered balances shall be returned to the General Fund as of June 30, 1974.		3,420,591
Provided, that $177,521 of the amount appropriated in this item shall be transferred to and in augmentation of Item 64 of this act upon the effective date of S.B. 778 of the 1973–74 Regular Session.		
148—For support of Department of General Services, the sum of $1,023,002 is appropriated from the State School Building Aid Fund		(1,023,002)
149—For augmentation of the Service Revolving Fund, to be transferred by the State Controller in such amounts and at such times as funds are made available. Upon approval of the State Board of Control, the State Controller shall transfer to this item from any appropriation made from the General Fund, or any special fund, by the provisions of this act that part of such appropriation which is intended to be used and is available, for the purchase or replacement of automobiles and repro-		

Item		Amount
duction equipment; and provided, any funds in the Service Revolving Fund may be used to purchase equipment from the General Fund or special funds of the state at the depreciated value at the time of purchase, payable at the option of the Service Revolving Fund over the remaining depreciation period.		
150—For expenditure by Office of State Printing, Department of General Services, the sum of $24,810,199 is appropriated from the Service Revolving Fund		(24,810,199)
Schedule:		
(a) Personal services	9,831,100	
(b) Operating expenses and equipment	14,979,099	
151—For support of Department of General Services for activities financed from the Service Revolving Fund, other than the Office of State Printing, the sum of $77,791,223 is appropriated from the Service Revolving Fund		(77,791,223)
Schedule:		
(a) Personal services	33,222,178	
(b) Operating expenses and equipment	48,463,159	
(c) Minor capital outlay	105,880	
(d) Consolidated data center intrafund services	443,599	
(e) Amount payable from the General Fund (Item 147)	-3,420,591	
(f) Amount payable from the State School Building Aid Fund (Item 148)	-1,023,002	
Provided, that the funds appropriated in subitem (d) may be allocated by the Department of General Services to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (d) to the Stephen P. Teale Consolidated Data Center, Item 79, Budget Act of 1973.		
152—For expenditure by Office of Architecture and Construction, Department of General Services, for the purposes specified in Section 14957 of the Government Code, the sum of $6,269,451 is appropriated from the Architecture Revolving Fund		(6,269,451)
Schedule:		
(a) Personal services	3,931,029	

Item		Amount
	(b) Operating expenses and equipment 2,606,054	
	(c) Reimbursements ..... -267,632	
	provided, that any balances in the Architecture Revolving Fund continue to be appropriated by and subject to Section 14957 of the Government Code, and are available for construction and for augmentation of this appropriation; provided further that during fiscal year 1973–74 the Office of Architecture and Construction, Department of General Services, shall maintain expenditures for staff to a level commensurate with the funds necessary to maintain a staff sufficient to perform a basic architectural and engineering services workload volume of $26,250,000 as projected to June 30, 1974.	
153—For support of Office of Architecture and Construction, Department of General Services, payable from the Architecture Public Building Fund		1,514,815
	Schedule:	
	(a) Personal services 1,147,119	
	(b) Operating expenses and equipment 367,696	
154—For support of Department of Industrial Relations		26,164,525
	Schedule:	
	(a) Personal services 22,611,411	
	(b) Operating expenses and equipment 4,714,974	
	(c) Reimbursements ..... -324,100	
	(d) Federal grants ..... -837,760	
154.1—For transfer by the State Controller to the Uninsured Employers Fund		150,000
155—For payment of the additional compensation for subsequent injury provided for by Sections 4750 through 4755 of the Labor Code, Department of Industrial Relations		2,368,225
	provided, that this item shall not be construed as a limitation on expenditures in Section 4706.5 of the Labor Code.	
156—For support of State Personnel Board		13,290,446
	Schedule:	
	(a) Personal services 6,886,165	
	(b) Operating expenses and equipment 8,839,965	
	(c) Consolidated data center..... 88,668	
	(d) Reimbursements ..... -2,524,352	
	Provided, that the funds appropriated in subitem	

Item		Amount
(c) may be allocated by the State Personnel Board to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 79, Budget Act of 1973.		
157—For support of Board of Administration of the Public Employees' Retirement System, to be transferred by the State Controller to Item 158, Budget Act of 1973		48,000
158—For support of Board of Administration of the Public Employees' Retirement System, the sum of $4,954,939 is appropriated from the Public Employees' Retirement Fund, pursuant to Section 20202.5 of the Government Code		(4,954,939)
Schedule:		
(a) Personal services	4,063,743	
(b) Operating expenses and equipment	1,666,739	
(c) Consolidated data center	668,674	
(d) Reimbursements	-777,935	
(e) Amount payable from State Employees' Contingency Reserve Fund (Item 159)	-618,282	
(f) Amount payable from General Fund (Item 157)	-48,000	
Provided, that the funds appropriated in subitem (c) may be allocated by the board to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 79, Budget Act of 1973.		
159—For support of Board of Administration of the Public Employees' Retirement System, the sum of $618,282 is appropriated from the State Employees' Contingency Reserve Fund, in accordance with the provisions of Section 22840 of the Government Code		(618,282)
160—For support of State Teachers' Retirement System, the sum of $4,445,783 is appropriated from the Teachers' Retirement Fund		(4,445,783)
Schedule:		
(a) Personal services	3,139,282	
(b) Operating expenses and equipment	1,261,517	

Item		Amount
(c) Consolidated data center	304,984	
(d) Reimbursements	–260,000	
Provided, that the funds appropriated in subitem (c) may be allocated by the system to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 79, Budget Act of 1973.		
161—For support of Department of Veterans Affairs. Schedule:		882,741
(a) Personal services	1,018,186	
(b) Operating expenses and equipment	180,074	
(c) Amount payable from the Veterans' Farm and Home Building Fund of 1943 (Item 162)	–315,519	
162—For support of Department of Veterans Affairs, the sum of $315,519 is appropriated from the Veterans' Farm and Home Building Fund of 1943		(315,519)
163—For educational assistance to veterans' dependents, Department of Veterans Affairs, to be expended under the provisions of Sections 890 through 899 of the Military and Veterans Code		2,085,100
164—For support of Veterans' Home of California Schedule:		4,569,536
(a) Personal services	7,425,646	
(b) Operating expenses and equipment	1,620,470	
(c) Minor construction	106,100	
(d) Reimbursements	–2,097,945	
(e) Federal grants	–2,484,735	
provided, that none of the funds herein appropriated shall be expended for the payment of sick leave pay for member employees.		
The Veterans' Home of California shall collect from home members, after due consideration of income and family status, fees and charges for domiciliary, nursing home, and hospital care.		
165—For contribution to counties toward the compensation and expenses of county service officers, Department of Veterans Affairs, to be expended in accordance with Section 972 of the Military and Veterans Code		500,000

BUSINESS AND TRANSPORTATION

Item		Amount
	BUSINESS	
166—For support of Department of Alcoholic Beverage Control		7,089,396
Schedule:		
(a) Personal services	5,788,788	
(b) Operating expenses and equipment	1,382,928	
(c) Consolidated data center.	12,920	
(d) Reimbursements	-95,240	
Provided, that the funds appropriated in subitem (c) may be allocated by the Department of Alcoholic Beverage Control to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Revenue Consolidated Data Center, Item 80, Budget Act of 1973.		
167—For support of Alcoholic Beverage Control Appeals Board		148,518
Schedule:		
(a) Personal services	122,441	
(b) Operating expenses and equipment	26,077	
168—For support of State Banking Department		0
Schedule:		
(a) Personal services	20,000	
(b) Operating expenses and equipment	15,000	
(c) Reimbursements	-35,000	
169—For support of State Banking Department, to be transferred to and in augmentation of Item 168, Budget Act of 1973, upon order of the Department of Finance, the sum of $35,000 is appropriated from the State Banking Fund		(35,000)
provided, that this amount shall be a temporary loan to be repaid upon such terms and conditions as may be prescribed by the Department of Finance.		
170—For support of State Banking Department, payable from the State Banking Fund		1,935,944
Schedule:		
(a) Personal services	1,604,930	
(b) Operating expenses and equipment	331,014	
171—For support of Department of Corporations		3,693,641
Schedule:		
(a) Personal services	4,121,787	

Item		Amount
(b) Operating expenses and equipment	757,999	
(c) Consolidated data center	26,000	
(d) Reimbursements	-1,212,145	
Provided, that the funds appropriated in subitem (c) may be allocated by the Department of Corporations to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 79, Budget Act of 1973.		
172—For support of Department of Housing and Community Development		1,680,137
Schedule:		
(a) Personal services	2,525,323	
(b) Operating expenses and equipment	761,079	
(c) Consolidated data center	6,766	
(d) Reimbursements	-1,403,299	
(e) Federal reimbursements	-209,732	
Provided, that the funds appropriated in subitem (c) may be allocated by the Department of Housing and Community Development to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Revenue Consolidated Data Center, Item 80, Budget Act of 1973.		
173—For support of Department of Insurance		4,046,315
Schedule:		
(a) Personal services	4,339,982	
(b) Operating expenses and equipment	1,466,153	
(c) Reimbursements	-1,759,820	
174—To pay the state's share of the cost of providing riot and civil disorders insurance pursuant to Chapter 2 of the Insurance Code		200,000
175—For support of Department of Real Estate, payable from the Real Estate Fund		4,207,776
Schedule:		
(a) Personal services	3,099,248	
(b) Operating expenses and equipment	1,530,929	
(c) Consolidated data center	61,000	
(d) Reimbursements	-85,000	

Item		Amount
(e) Amount payable from the Real Estate Education, Research and Recovery Fund—Education Research (Item 176(a))	-198,401	
(f) Amount payable from the Real Estate Education, Research and Recovery Fund—Recovery Act (Item 176(b))	-200,000	

Provided, that the funds appropriated in subitem (c) may be allocated by the Department of Real Estate to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 79, Budget Act of 1973.

Provided further, that authorization of one Deputy Real Estate Commisioner III position be contingent upon enactment of Senate Bill No. 310 of the 1973–74 session on or before October 2, 1973; and provided further, that two auditor II positions in the Los Angeles office of the department be used exclusively for the purposes of auditing mortgage loan brokers.

176—For educational, research and recovery needs of the real estate industry in California, payable from the Real Estate Education, Research and Recovery Fund 570,401

Schedule:

(a) Education research	370,401
(b) Recovery Act	200,000

to be allocated by the Department of Finance in amounts as it finds necessary to the University of California, exempt from Section 31 of this act, and to the Department of Real Estate, to carry out the provisions of Section 10451.5 of the Business and Professions Code.

177—For support of Department of Savings and Loan, payable from the Savings and Loan Inspection Fund 3,173,036

Schedule:

(a) Personal services	2,549,397
(b) Operating expenses and equipment	590,506
(c) Consolidated data center	33,133

Provided, that the funds appropriated in subitem (c) may be allocated by the Department of Savings and Loan to subitems (a) and (b) above and

Item		Amount
	expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 79, Budget Act of 1973.	
	TRANSPORTATION	
178	—For support of Department of Transportation	386,845
	Schedule:	
	(a) Transportation planning 12,260,675	
	(b) Aeronautics 586,364	
	(c) Mass transportation 492,159	
	(d) General support 334,034	
	(e) Reimbursements, as authorized by Section 7204.4 of the Revenue and Taxation Code ..... -116,089	
	(f) Amount payable from the Transportation Planning and Research Account, State Transportation Fund (Item 178.1) .....-12,573,159	
	(g) Amount payable from the Aeronautics Account, State Transportation Fund (Item 178.2) ..... -597,139	
178.1	—For support of Department of Transportation, the sum of $11,873,159 is appropriated from the Transportation Planning and Research Account, State Transportation Fund	(11,873,159)
178.2	—For support of Department of Transportation, payable from the Aeronautics Account, State Transportation Fund	597,139
178.3	—For support of Department of Transportation, to be transferred by the State Controller to the Transportation Planning and Research Account, State Transportation Fund, for expenditures for transportation planning and research as authorized by Section 13996 of the Government Code	4,610,840
178.4	—For support of Department of Transportation, payable from the State Highway Account, State Transportation Fund, to be transferred by the State Controller to the Transportation Planning and Research Account, State Transportation Fund, for expenditures for transportation planning and research as authorized by Section 13996 of the Government Code	9,260,560
178.5	—For support of Department of Transportation, payable from the Aeronautics Account, State Transportation Fund, to be transferred by the	

Item			Amount
	State Controller to the Transportation Planning and Research Account, State Transportation Fund, for expenditures for transportation planning and research as authorized by Section 13996 of the Government Code		29,759
178.6	To Department of Transportation for payment to local transportation planning agencies and for transfer to Item 178 for expenditure by the Department of Transportation, for transportation planning and research, from allocations by the State Transportation Board pursuant to Section 13996 of the Government Code, from the Transportation Planning and Research Account, State Transportation Fund		(2,028,000)
	Provided, that funds appropriated by this item shall not be expended until the local agencies to which payments are to be made have been consulted and are in agreement as to the amount of payment.		
178.7	For support of State Transportation Board and State Transportation Board office, payable from the Motor Vehicle Account, State Transportation Fund		124,744
	Schedule:		
	(a) Personal services	155,181	
	(b) Operating expenses and equipment	45,030	
	(c) Reimbursements	-23,071	
	(d) Amount payable from the General Fund (Item 178.8)	-52,396	
178.8	For support of State Transportation Board and State Transportation Board office, to be transferred to the Motor Vehicle Account, State Transportation Fund, in augmentation of Item 178.7 of this act		52,396
184	For support of Department of the California Highway Patrol, payable from the Motor Vehicle Account, State Transportation Fund		144,205,373
	Schedule:		
	(a) Personal services	118,927,930	
	(b) Operating expenses and equipment	27,211,808	
	(c) Consolidated data center	944,060	
	(d) Minor capital outlay	22,000	
	(e) Reimbursements	-2,900,425	
	provided, that the funds appropriated in subitem (c) may be allocated by the Department of the California Highway Patrol to subitems (a) and (b)		

Item		Amount
	above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 79, Budget Act of 1973.	
185	For payments of deficiencies in appropriations for the Department of the California Highway Patrol which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of $500,000, or so much thereof as may be necessary, is appropriated from the Motor Vehicle Account, State Transportation Fund	(500,000)
186	For support of Vehicle Equipment Safety Commission, payable from the Motor Vehicle Transportation Tax Account, Transportation Tax Fund	6,000
187	For support of Department of Motor Vehicles, payable from the Motor Vehicle Account, State Transportation Fund	67,278,437
	Schedule:	
	(a) Personal services	62,128,838
	(b) Operating expenses and equipment	17,704,020
	(c) Consolidated data center	4,490,540
	(d) Minor capital outlay	9,800
	(e) Reimbursements	–6,273,521
	(f) Amount payable from Motor Vehicle License Fee Account, Transportation Tax Fund (Item 188)	–9,649,545
	(g) Amount payable from Harbors and Watercraft Revolving Fund (Item 189)	–722,215
	(h) Amount payable from the California Environmental Protection Program Fund (Item 190)	–339,822
	(i) Amount payable from the Abandoned Vehicle Trust Fund (Item 191)	–69,658
	provided, any surplus accumulated from the service and transfer fee portion of the program established pursuant to Chapter 1816 of the Statutes of 1971 shall be continuously appropriated to the Off-Highway Vehicle Fund.	
	Provided further, that the funds appropriated in subitem (c) may be allocated by the Department of Motor Vehicles to subitems (a) and (b) above and expended therefrom for electronic	

Item		Amount
	data processing, provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 79, Budget Act of 1973.	
188	—For support of Department of Motor Vehicles, payable from the Motor Vehicle License Fee Account, Transportation Tax Fund ..... to be transferred to the Motor Vehicle Account, State Transportation Fund, in augmentation of Item 187 of this act, as provided by Section 11003 of the Revenue and Taxation Code.	9,649,545
189	—For support of Department of Motor Vehicles, the sum of $722,215 is appropriated from the Harbors and Watercraft Revolving Fund ..... to be transferred to the Motor Vehicle Account, State Transportation Fund, in augmentation of Item 187 of this act, for undocumented vessel registration and fee collection.	(722,215)
190	—For support of Department of Motor Vehicles, payable from the California Environmental Protection Program Fund ..... to be transferred to the Motor Vehicle Account, State Transportation Fund, in augmentation of Item 187 of this act, as provided by Section 39071 of the Health and Safety Code.	339,822
191	—For support of the Department of Motor Vehicles, payable from the Abandoned Vehicle Trust Fund to be transferred to the Motor Vehicle Account, State Transportation Fund, in augmentation of Item 187 of this act.	69,658
192	—For payment of deficiences in appropriations for the Department of Motor Vehicles which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of $500,000, or so much thereof as may be necessary, is appropriated from the Motor Vehicle Account, State Transportation Fund	(500,000)
193	—For allocation and expenditure by the Public Utilities Commission to assist cities, counties, and cities and counties in paying their share of the cost of constructing grade crossing protection works, in augmentation of Chapter 1302 of the Statutes of 1961, payable from the State Highway Account, State Transportation Fund	1,200,000

Item		Amount
The appropriation made by this item shall be available without regard to fiscal years.		

RESOURCES

194—To Resources Agency for support of Tahoe Regional Planning Agency		100,000
195.5—For support of the operations of the California Coastal Zone Conservation Commission and regional coastal zone conservation commissions, other than legal services provided by the Attorney General, to carry out the provisions of Division 18 (commencing with Section 27000) of the Public Resources Code ... provided that these funds shall be returned to the General Fund, in whole or in part, if the equivalent amount is made available to the California Coastal Zone Conservation Commission for expenditure during fiscal 1973–1974 pursuant to the National Coastal Zone Management Act of 1972.		250,000
196—To Resources Agency for support of Waterways Management Planning Program pursuant to Chapter 761, Statutes of 1971		225,000
197—For support of the Environmental Protection Program, Resources Agency and Business and Transportation Agency, payable from moneys in the California Environmental Protection Program Fund, to be allocated by the two secretaries		2,092,820
197.3—To Department of Fish and Game for purchase and development of ecological reserves, payable from the California Environmental Protection Program Fund		120,000
Schedule:		
(a) Mad River Hatchery	55,000	
(b) Clear Creek Hatchery	55,000	
(c) Buena Vista Lagoon	10,000	
197.8—To Department of Education for school district environmental land acquisition and development projects, payable from the California Environmental Protection Program Fund		95,000
198—For support of Solid Waste Management Board		187,000
199—For support of State Air Resources Board		2,348,119
Schedule:		
(a) Personal services	4,221,013	
(b) Operating expenses and equipment	4,231,464	
(c) Reimbursements	-1,280,000	
(d) Amount payable from the Motor		

Item		Amount
	Vehicle Account, State Transportation Fund (Item 200) ..... -4,324,358	
	(e) Amount payable from the California Environmental Protection Program Fund (Item 201) ..... -500,000	
200—For support of vehicular program, State Air Resources Board, payable from the Motor Vehicle Account, State Transportation Fund		4,324,358
202—For assistance to counties in the operation of local air pollution control districts, State Air Resources Board, in accordance with Chapter 1016, Statutes of 1972		4,600,000
203—For support of any advisory committee appointed pursuant to Article 4 (commencing with Section 190), Chapter 2, Division 1, of the Water Code, to be expended only upon authorization of the chairman of the advisory committee.....		8,320
204—For support of California-Nevada Interstate Compact Commission		27,500
205—For support of Colorado River Board of California Schedule:		99,422
	(a) Personal services 239,947	
	(b) Operating expenses and equipment 58,350	
	(c) Reimbursements ..... -198,875	
206—For support of Department of Conservation..... Schedule:		49,549,413
	(a) Personal services 47,286,424	
	(b) Operating expenses and equipment 14,691,916	
	(c) Consolidated data center..... 152,230	
	(d) Minor capital outlay 251,037	
	(e) Fire protection contract—counties..... 3,331,951	
	(f) Fire protection contract—United States Forest Service 1,670,315	
	(g) Emergency fire suppression and detection 200,000	
	(h) California Institute of Technology seismograph network 34,200	
	(i) Federal reimbursements ..... -1,234,700	
	(j) Reimbursements .....-14,821,498	
	(k) Amount payable from Petroleum and Gas Fund (Item 207) ..... -1,562,173	
	(*l*) Amount payable from Petroleum and Gas Fund—Geothermal Resources Account (Item 208) ..... -16,714	

Item		Amount
	(m) Amount payable from Subsidence Abatement Fund (Item 209)	-140,884
	(n) Amount payable from Strong-Motion Instrumentation Program Fund (Item 210)	-203,950
	(o) Amount payable from Professional Forester Registration Fund (Item 211)	-88,741

provided, that an amount not more than $1,000,000 in emergency fire suppression and detection costs and related emergency revegetation costs, which exceed the amount scheduled in (g) can be expended from the amounts contained in schedules (a) and (b) without approval of the Department of Finance.

Provided further, that the funds appropriated in subitem (c) may be allocated by the Department of Conservation to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 79, Budget Act of 1973.

207	—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Petroleum and Gas Fund	1,562,173
208	—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Petroleum and Gas Fund—Geothermal Resources Account	16,714
209	—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Subsidence Abatement Fund	140,884
210	—For support of Department of Conservation, in carrying out the functions of the Division of Mines and Geology, payable from the Strong-Motion Instrumentation Program Fund	203,950
211	—For support of Department of Conservation, in carrying out the functions of the Division of Forestry, payable from the Professional Forester Registration Fund	88,741

Item		Amount
212—For support of Department of Conservation to fund the state share of the California Institute of Technology seismograph network, payable from the California Water Fund		11,400
213—For support of Department of Conservation to fund the state share of the California Institute of Technology seismograph network, payable from the State Highway Account, State Transportation Fund		11,400
214—For support of State Lands Division, State Lands Commission, Department of Conservation		2,468,177
Schedule:		
(a) Personal services	2,964,753	
(b) Operating expenses and equipment	650,852	
(c) Consolidated data center	44,000	
(d) Reimbursements	-58,887	
(e) Amounts payable under the provisions of Chapter 138, Statutes of 1964	-1,132,541	

provided, that of the amount appropriated in this item no more than $33,577 shall be expended for the purpose of clearing land titles pertaining to the Clear Lake area; and provided further, that the funds appropriated in subitem (c) may be allocated by State Lands Division to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 79, Budget Act of 1973.

215—For support of Department of Fish and Game, and for the maintenance and construction of fish screens and other stream improvements, and for the purchase of land for game production, improvement of waterfowl areas and research in game management under provisions of the Pittman-Robertson Act, fish restoration and management projects under the provisions of the Dingell-Johnson Act, commercial fisheries research and development projects under the provisions of the Commercial Fisheries Research and Development Act (Bartlett Act), and for the state's share of expenses of the Pacific Marine Fisheries Commission, Department of Fish and Game, payable from moneys in the Fish and

Item		Amount
	Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item	22,188,029
	Schedule:	
	(a) Personal services	14,845,307
	(b) Operating expenses and equipment	8,034,162
	(c) Consolidated data center—state operations	25,000
	(d) Minor capital outlay	372,600
	(e) Pittman-Robertson program	2,711,200
	(f) Dingell-Johnson program	916,500
	(g) Commercial fish research and development	295,000
	(h) Anadromous Fish Act	697,300
	(i) Consolidated data center—federal programs	33,000
	(j) Pacific Marine Fisheries Commission	14,600
	(k) Reimbursements	-1,328,217
	(*l*) Federal reimbursements	-1,116,748
	(m) Federal reimbursements	-3,311,675

provided, that any moneys received in reimbursement of expenditures from subitems (e), (f), (g), and (h) shall be credited to this appropriation.

Provided further, that the funds appropriated in subitem (c) may be allocated by the Department of Fish and Game to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the funds appropriated in subitem (i) may be allocated by the Department of Fish and Game to subitems (e), (f), (g), and (h) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitems (c) and (i) to the Stephen P. Teale Consolidated Data Center, Item 79, Budget Act of 1973.

Provided further, that none of the funds, state or federal, appropriated in this item shall be used for the purpose of constructing or operating any target ranges for the exclusive use of sidearms.

Item			Amount
216—For research in the development of commercial fisheries of the Pacific Ocean and of marine products, Marine Research Committee, payable from the Fish and Game Preservation Fund from revenues derived under the provisions of Section 8046 of the Fish and Game Code			157,350
217—For projects for the purpose of protecting and propagating migratory waterfowl and for the preservation of wetlands, Department of Fish and Game, payable from the Fish and Game Preservation Fund from revenues derived under the provisions of Section 3700 of the Fish and Game Code			120,000
218—For the education or training of department employees, Department of Fish and Game, payable from the Fish and Game Preservation Fund from revenues derived under the provisions of Section 12018 of the Fish and Game Code			79,900
219—For support of Wildlife Conservation Board, payable from the Wildlife Restoration Fund			148,510
Schedule:			
(a) Personal services	110,640		
(b) Operating expenses and equipment	37,870		
provided, that any money in the Wildlife Restoration Fund in excess of the appropriation made by this item shall continue to be available pursuant to Section 1352 of the Fish and Game Code.			
220—For support of Department of Navigation and Ocean Development			138,240
221—For support of Department of Navigation and Ocean Development, the sum of $1,218,376 is appropriated from the Harbors and Watercraft Revolving Fund			(1,218,376)
and in addition thereto, any amounts received from federal grants or other sources.			
Schedule:			
(a) Personal services	788,083		
(b) Operating expenses and equipment	474,533		
(c) Consolidated data center	4,000		
(d) Minor capital outlay	208,000		
(e) Feasibility determinations	20,000		
(f) Amount payable from General Fund (Item 220)	-138,240		
(g) Amount payable from Recreation and Fish and Wildlife Enhancement Fund	-138,000		

Item			Amount
	provided, that the funds appropriated in subitem (c) may be allocated by the Department of Navigation and Ocean Development to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 79, Budget Act of 1973.		
222—To pay the state's share of the cost of local participation required in connection with the Las Tunas State Beach Erosion Control Project, the state's share of the Royal Palms State Beach Project, and the state's share of the Imperial Beach Project, as provided by Sections 65 to 67.3 of the Harbors and Navigation Code, Department of Navigation and Ocean Development			460,100
	Schedule:		
	(a) Las Tunas State Beach Project—Los Angeles County	189,000	
	(b) Royal Palms State Beach Project—Los Angeles County	150,000	
	(c) Imperial Beach Project—San Diego County	121,100	
223—For loans to cities, counties, or districts pursuant to Sections 70.2 and 71.4 of the Harbors and Navigation Code, Department of Navigation and Ocean Development, the sum of $6,250,000 is appropriated from the Harbors and Watercraft Revolving Fund			(6,250,000)
	Schedule:		
	(a) Emeryville Marina	250,000	
	(b) Emeryville Marina	750,000	
	(c) San Leandro Marina	400,000	
	(d) Martinez Marina	450,000	
	(e) Crescent City Harbor	250,000	
	(f) Coyote Point Marina—San Mateo County	550,000	
	(g) Pillar Point Harbor	800,000	
	(h) Santa Barbara Harbor	2,200,000	
	(i) Ventura Harbor	500,000	
	(j) Planning loans	100,000	

Item		Amount
224—For grants for construction and development of small craft launching facilities to cities, counties or districts pursuant to Section 83 of the Harbors and Navigation Code, Department of Navigation and Ocean Development, the sum of $2,135,000 is appropriated from the Harbors and Watercraft Revolving Fund		(2,135,000)
Schedule:		
(a) San Leandro—Alameda County	70,000	
(b) New Hogan Reservoir—Calaveras County	200,000	
(c) South Lake Tahoe—El Dorado County	250,000	
(d) Isabella—Kern County	220,000	
(e) Eagle Lake—Lassen County	30,000	
(f) Lake Mendocino—Mendocino County	150,000	
(g) Donner Lake—Nevada County	25,000	
(h) Lake Almanor—Plumas County	300,000	
(i) Skinner Lake—Riverside County	400,000	
(j) Garcia Bend—Sacramento County	110,000	
(k) Miller Park—Sacramento County	75,000	
(*l*) Broderick—Yolo County	240,000	
(m) Ramp repairs and extensions	65,000	
225—For allotment, pursuant to Section 663.7 of the Harbors and Navigation Code, for boating safety and enforcement programs, Department of Navigation and Ocean Development, the sum of $635,000 is appropriated from the Harbors and Watercraft Revolving Fund		(635,000)
226—For repairs of damage at small craft harbor facilities constructed pursuant to Sections 70.2, 71.4, and 83 of the Harbors and Navigation Code, caused by emergency conditions, including but not limited to tidal waves or severe storms; and for payment of deficiencies in appropriations for the Department of Navigation and Ocean Development which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of $100,000 or so much thereof as may be necessary, is appropriated from the Harbors and Watercraft Revolving Fund		(100,000)
226.5—For support of California Coastal Zone Conservation Commission for legal services provided by the Attorney General		217,405

Item		Amount
227—For support of Department of Parks and Recreation		24,520,537
Schedule:		
(a) Personal services	20,349,618	
(b) Operating expenses and equipment	8,420,205	
(c) Consolidated data center	270,000	
(d) Minor capital outlay	269,108	
(e) Reimbursements	-2,413,048	
(f) Amount payable from Item 228	-1,689,458	
(g) Amount payable from Item 230	-217,912	
(h) Amount payable from Off-Highway Vehicle Fund (Item 229)	-111,652	
(i) Amount payable from Item 231	-194,738	
(j) Amount payable from Chapter 1052, Statutes of 1969	-61,870	
(k) Amount payable from Chapter 1764, Statutes of 1971	-100,000	
(*l*) Possessory interest	284	

provided, that the funds appropriated in subitem (c) may be allocated by the Department of Parks and Recreation to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 79, Budget Act of 1973.

Provided further, that the funds appropriated in subitem (*l*) are appropriated for the sole purpose of paying possessory interest taxes arising from a retained life estate where property is donated to the state and the Director of the Department of Parks and Recreation certifies to the Director of the Department of Finance that such property is of significant historical importance and value where a remainder interest in fee is vested in the state.

227.1—For support of the Department of Parks and Recreation, to be transferred to and in augmentation of Item 227 of this act by the State Controller Provided, that these funds shall be available only for expenditure on feasibility studies requested by the Legislature.	150,000
227.2—For Department of Parks and Recreation for feasibility study of a park site at Baldwin Hills Dam	50,000

Item		Amount
228—For support of the Department of Parks and Recreation, to be transferred to and in augmentation of Item 227 of this act by the State Controller .... provided, that these funds shall be available only for expenditure at Hearst San Simeon State Historical Monument; and further provided, that any revenue in excess of these expenditures derived from Hearst San Simeon State Historical Monument, as determined by the Director of the Department of Parks and Recreation, shall be transferred to a special account in the General Fund, and shall be available only for appropriation by the Legislature for maintenance and capital outlay at Hearst San Simeon State Historical Monument.		1,689,458
229—For support of the Department of Parks and Recreation, payable from the Off-Highway Vehicle Fund, to be transferred to and in augmentation of Item 227 of this act by the State Controller		111,652
230—For support of Department of Parks and Recreation, the sum of $217,912 is appropriated from Section 663.7 (d) of the Harbors and Navigation Code, Harbors and Watercraft Revolving Fund, to be transferred to and in augmentation of Item 227 of this act by the State Controller		(217,912)
231—For support of Department of Parks and Recreation, the sum of $194,738 is appropriated from the Special Deposit Fund, to be transferred to and in augmentation of Item 227 of this act by the State Controller ..... provided, that these funds shall be used for minor capital outlay and are available in accordance with provisions of Item 378.9, Budget Act of 1968, and Item 425.1, Budget Act of 1969.		(194,738)
232—For support of Reclamation Board ..... Schedule:		264,138
(a) Personal services	137,481	
(b) Operating expenses and equipment	126,657	
233—For support of San Francisco Bay Conservation and Development Commission ..... Schedule:		312,683
(a) Personal services	246,482	
(b) Operating expenses and equipment	91,201	
(c) Reimbursements	-25,000	
234—For transfer to the Water Resources Revolving		

Item		Amount
	Fund, to be transferred by the State Controller in such amounts as the Department of Finance may authorize, for support of Department of Water Resources, including cooperative work with other agencies	13,982,930
	Schedule:	
	(a) Continuing formulation of the California Water Plan.....	6,371,243
	(b) Implementation of the State Water Resources Development System	1,664,667
	(c) Public safety and prevention of damage.....	5,558,660
	(d) Services	388,360
	(e) General management.....	4,214,138
	(f) Less charges to general funded programs	–1,005,493
	(g) Less charges to other funded programs	–3,208,645
	(h) Technical services.....	5,980,382
	(i) Less charges to programs.	–5,980,382
	(j) Unallocated program reduction for electronic data processing.....	–649,936
	(k) Consolidated data center	649,936
	provided, that the funds appropriated in subitem (k) may be allocated by the Department of Water Resources to the remainder of the schedule above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (k) to the Stephen P Teale Consolidated Data Center, Item 79, Budget Act of 1973.	
235	For expenditure by the Department of Water Resources, in accordance with Sections 12570 through 12875 of the Water Code, for payment of, and for reimbursement for necessary advances made for, the cost of cooperation by the state for major flood control projects adopted by the Legislature, for small flood control projects approved under Section 12750 of the Water Code, and for watershed protection and flood prevention projects as authorized by Sections 12850 through 12875 of the Water Code, and administrative costs, Department of Water Resources.....	3,673,300
	provided, that no expenditure shall be made until the local organizations give assurances that they will maintain and operate the projects after completion in such manner as will accomplish the pur-	

Item		Amount
	poses for which the projects were authorized and constructed and as may be required by the federal agencies concerned and the Department of Water Resources, and that the local organizations will hold and save the State of California free from damages or claims due to the construction, installation, or operation of the project.	
236—For support of State Water Resources Control Board		5,189,006
	Schedule:	
	(a) Personal services	5,793,800
	(b) Operating expenses and equipment	4,127,206
	(c) Consolidated data center	21,000
	(d) Reimbursements	-223,000
	(e) Federal grants	-1,413,000
	(f) Amount payable from State Clean Water Fund	-3,117,000
	provided, that the funds appropriated in subitem (c) may be allocated by the board to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 79, Budget Act of 1973.	

HEALTH AND WELFARE

237—For support of the Office of Educational Liaison, Health and Welfare Agency		171,376
	Schedule:	
	(a) Coordination of education and child development programs	171,376
237.5—In augmentation of the child development programs and child care services, Office of Educational Liaison, for programs under Division 12.5 (commencing with Section 16700) of Part 3 of the Education Code and Section 10813 of the Welfare and Institutions Code		3,543,350
	Schedule:	
	(a) Child development programs	1,800,000
	(b) Child care services	1,743,350

Item		Amount
	provided, that the Office of Educational Liaison shall allocate these funds only to replace any loss of federal funds caused by revision of federal regulations covering the eligibility of participants or the limitation or termination or restriction of the use of funds for social services under the Federal Social Security Act. Provided further, that the Department of Finance may, by executive order, transfer funds scheduled in (a) and (b) above for and in augmentation of the amount contained in Schedule (b) of Item 263 or Schedule (a) of Item 309 of this act for the purpose of providing additional funds for child development programs or child care services. Provided further, that the allocations made pursuant to this item shall be exempt from the provisions of Section 16780 of the Education Code pertaining to statewide average support from state funds and parent fees assessed per hour per child for the children's center program.	
238—For support of California Job Development Corporation Law Executive Board, including transfer to the Loan Guarantee Fund, in accordance with Section 14023 of the Corporations Code		874,660
238.1—For support of Office of Minority Business Enterprise, California Job Development Corporation Law Executive Board		47,500
239.1—To the Health and Welfare Agency for the purpose of funding within such agency an Office of Aging and related programs as authorized by statute during the 1973–74 Regular Session		205,000
240—For local assistance for alcoholism program, Department of Health, health treatment system.....		24,375,804
Schedule:		
(a) Total program	37,247,920	
(b) Reimbursements	–5,900,107	
(c) Federal reimbursements	–648,996	
(d) Federal grants	–2,522,151	
(e) County funds	–3,800,862	
provided, that upon order of the Department of Finance, the State Controller shall transfer such funds as are necessary between this item and Item 262 for purposes of paying the cost of local assistance, alcoholism programs. Provided further, that upon order of the Department of Finance, the State Controller shall transfer to the Department of Rehabilitation such		

Item		Amount
	part of these appropriations that are related to the cooperative rehabilitation services program to match federal funds for the cooperative rehabilitation services program; provided further, that such transfer shall enable the state to make maximum utilization of available federal funds.	
	Provided further, that all expenditures under this item shall be subject to review and approval by the State Office of Alcoholism.	
241	—For local assistance, for the developmental disabilities program, Department of Health, Health Treatment System	149,683,370
	Schedule:	
	(a) State hospital services, Department of Health 118,631,952	
	(b) Office of Developmental Disabilities 100,000	
	(c) Regional center operations, Department of Health 26,920,670	
	(d) Community program development 589,292	
	(e) Program evaluation 110,000	
	(f) Protective living services 14,697,935	
	(g) Genetic counseling services 500,000	
	(h) Family repayments -1,900,000	
	(i) Federal reimbursements -8,166,479	
	(j) Federal grants -1,800,000	
	provided, that the Department of Finance may authorize the transfer of funds from this item to Item 263 to match federal funds to provide protective living services to the mentally retarded.	
	Provided further, that, upon order of the Director of Finance, funds may be transferred to Item 243 as necessary to accomplish unallocated savings in the budget of the Department of Health; provided, that such transfers shall not exceed $6,257,500; and provided further, that such transfers shall be reported quarterly to the Joint Legislative Budget Committee.	
	Provided further, that upon order of the Department of Finance, the State Controller shall transfer funds between this item and Item 245 for purposes of paying the cost of care of mentally retarded patients in a state hospital.	
	Provided further, that upon order of the Department of Finance, the State Controller shall transfer funds between this item and Item 243 for purposes of paying the cost of regional center operations.	

Item		Amount
Provided further, that funds appropriated by category (a) of this item shall be available to the following state hospitals for programs for the developmentally disabled:		
Agnews State Hospital		
Camarillo State Hospital		
Fairview State Hospital		
Napa State Hospital		
Pacific State Hospital		
Patton State Hospital		
Porterville State Hospital		
Sonoma State Hospital		
Stockton State Hospital		
243—For support of Department of Health		19,774,396
Schedule:		
(a) Personal services	58,164,025	
Subschedule:		
Director's office	151,589	
Legislative liaison	34,918	
Legal affairs	352,724	
Communications	276,460	
Advisory groups	39,435	
Health treatment system, chief's office	63,623	
Developmental Disabilities Program	32,247	
Regional center operations	253,613	
Mentally retarded hospital services	130,193	
Community services section	4,381,117	
Mental Disabilities Program	32,997	
Local programs section	640,048	
Mentally ill hospital services	448,777	
Community services	7,123,299	
Substance Abuse Program		
Local drug abuse services	54,761	
Alcohol abuse services	45,039	
Hospital services	0	
Community services	0	
Hospital operations and support services	144,432	
Health financing system, chief's office	60,589	
Health System Program	33,628	
Prepaid health plans development section	164,852	
Prepaid health plans management section	238,125	
Pilot projects section	19,885	
Financing Operations Program	34,943	
Program implementation section	283,071	

Item	Amount
Rates and fees section	170,941
Benefit review section	118,506
Crippled children's services	641,057
Medi-Cal Benefits and Eligibility Program	37,135
Program benefits section	545,712
Program eligibility section	278,401
Field services section	7,548,180
Benefits Payment Program Intermediary operations	89,924
Audit section	1,213,077
Claims payment section	385,532
Recovery section	208,706
Health quality system, chief's office	58,109
Licensing and Certification Program	33,049
Facilities construction section	588,207
Facilities licensing and certification	3,128,965
Services certification	457,692
Health Manpower Program	33,450
Manpower assessment section	189,962
Board of Medical Examiners	400,830
Board of Osteopathic Examiners	548
Board of Dental Examiners	133,724
Board of Optometry	38,732
Board of Chiropractic Examiners	49,180
Board of Pharmacy	395,772
Board of Veterinary Medicine	35,786
Board of Nursing Education and Registration	348,193
Board of Vocational Nursing and Psychiatric Technicians	217,214
Board of Behavioral Science Examiners	85,734
Board of Nursing Home Administrators	34,951
Surveillance Program	34,259
Investigation section	2,099,566
Provider review section	433,257
Provider participation section	68,873
Medical audits section	10,127
Planning and Evaluation Program	37,718
Standards development section	405,401
Health planning section	324,876
Outcome measurement section	462,855
Project management and research	401,931
Health protection system, chief's office	56,139
Environmental Health Program	37,573

Item	Amount
Food and drug section	1,454,883
Occupational health section	596,686
Water sanitation section	1,149,789
Vector control section	764,513
Radiological health section	631,560
Sanitation services section	242,466
Laboratory Services Program Bioenvironmental Section	1,728,096
Biomedical laboratory section	2,178,322
Preventative medical services section	36,079
Family health services section	855,897
Infectious disease section	520,169
Emergency medical services	137,520
Contract county health services	816,693
Social Services Program	37,848
Protective social services	589,223
Supportive social services	141,591
Adoptions	778,090
Health administrative system, chief's office	66,647
Advisory groups	113,834
Financial management services	33,352
Budget section	499,439
Accounting section	883,760
Business services	703,384
Fiscal analysis and accounting systems	156,622
Management system and computer services	31,497
Management consultation section	230,691
Systems analysis section	325,472
Data-processing services section	377,127
Management services support section	931,262
Personnel and training services	34,943
Personnel services section	502,188
Manpower development and training	109,733
Special personnel services	163,834
Office services	996,381
Statistics and collections services	37,030
Program analysis and statistics	898,531
Vital statistics section	683,341
Patient benefits and accounts	845,323
(b) Operating expenses and equipment	34,298,337
(c) Consolidated data center	1,350,520
(d) Reimbursements	–32,758,949
(e) Amount payable from Health Care Deposit Fund	–23,080,337

Item		Amount
	(f) Amount payable from Motor Vehicle Account, State Transportation Fund	-134,696
	(g) Amount payable from Health Facilities Construction Loan Fund	-153,462
	(h) Reimbursements from Healing Arts Board	-5,689,447
	(i) Federal reimbursements	-4,328,901
	(j) Federal grants	-7,892,694
	provided, that the funds appropriated in subitem (c) may be allocated by the Department of Health to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer an amount not to exceed $33,650 to Item 80 and the unencumbered balance of subitem (c) to Item 242.	
	Provided, that upon order of the Director of Finance Item 243 may be augmented by transfers from Items 241, 245, 246, 262 and 265 of this act as necessary to accomplish the unallocated savings identified in the budget of the Department of Health; provided, that such transfers for this purpose shall not exceed $6,257,500 million. Provided further, that such transfers be reported to the Joint Legislative Budget Committee quarterly.	
243.1	—For transfer by the State Department of Health to the Northern California Emergency Care Council for state support of a pilot project establishing an emergency medical care delivery system in the Counties of Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity	473,579
244	—For support of Langley Porter Neuropsychiatric Institute and Neuropsychiatric Institute at University of California at Los Angeles, Department of Health, Health Treatment System	16,033,003
	Schedule:	
	(a) Personal services	12,454,906
	(b) Operating expenses and equipment	4,097,109
	(c) Reimbursements	-519,012
	provided, that, upon order of the Department of Finance, the State Controller shall transfer to the Department of Rehabilitation such part of these appropriations that are related to the cooperative rehabilitation services program to match federal funds for the cooperative rehabilitation services	

Item		Amount
	program; provided further, that such transfer shall enable the state to make maximum utilization of available federal funds.	
	Provided, that these funds are made available for conducting research programs into the causes and cures of mental retardation, aging, cognition, drug abuse; training in the care and treatment of the mentally retarded; care, treatment and rehabilitation of patients in these facilities under the programs for this item; and other research projects which are not duplications of other research projects funded by the state or through federal sources.	
	Provided, that any amounts received for research programs from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.	
	Provided further, that if the Regents of the University of California adopt a resolution accepting the transfer of the Neuropsychiatric Institute from the Department of Health in accordance with the Governor's Reorganization Plan No. 1 of 1970; and upon order of the Department of Finance, the unexpended balance of this appropriation, as necessary, may be transferred to and in augmentation of Item 316, University of California.	
245	—For support of the hospitals for the mentally ill for judicially committed patients, patients committed pursuant to the Penal Code and those mentally ill patients whose county of residence is not participating in a local mental health program as provided in Division 5 of the Welfare and Institutions Code, Department of Health, Health Treatment System	23,024,098
	provided, that any portion of this item may be transferred upon order of the Department of Finance to Item 262, Budget Act of 1973, for assistance to local agencies for mental health services.	
	Provided further, that upon order of the Department of Finance, the State Controller shall transfer funds between this item and Item 241 for purposes of paying the cost of care of mentally retarded patients in a state hospital.	
	Provided further, that, upon order of the Director of Finance, funds may be transferred to Item 243 as necessary to accomplish unallocated savings in the budget of the Department of Health, pro-	

Item		Amount
	vided that such transfers for this purpose shall not exceed $6,257,500; provided further, that such transfers shall be reported quarterly to the Joint Legislative Budget Committee.	
	Provided further, that funds appropriated by this item shall be available to the following state hospitals for programs for judicially committed patients, patients committed pursuant to the Penal Code, and those mentally ill patients whose county of residence is not participating in a local mental health program as provided in Division 5 (commencing with Section 5000) of the Welfare and Institutions Code:	
	Atascadero State Hospital Camarillo State Hospital Metropolitan State Hospital Napa State Hospital Stockton State Hospital Patton State Hospital	
246—For support of Department of Health, Medical Assistance Program, the sum of $23,080,337 is appropriated from the Health Care Deposit Fund and, in addition thereto, any amounts received from federal grants or other sources; provided, that any rule or regulation adopted by the Director of the Department of Health during the 1973–74 fiscal year which adds to the cost of the Medical Assistance Program shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance; provided further, that upon order of the Director of Finance additional funds may be transferred from the Health Care Deposit Fund for the cost of administering the extension of Medical Assistance Program benefits to eligible mentally retarded persons under the care of the Department of Health as provided in Item 241 of this act		(23,080,337)
	provided further, that, upon order of the Director of Finance, funds may be transferred from this item to Item 243 as necessary to accomplish unallocated savings in the budget of the Department of Health; provided further, that such transfers for this purpose shall not exceed $6,257,500; provided further, that such transfers shall be reported quarterly to the Joint Legislative Budget Committee.	

Item	Amount
247—For support of Department of Health, Health Protection System, payable from the Motor Vehicle Account, State Transportation Fund	134,696
248—For support of Board of Behavioral Science Examiners of the State of California, payable from the Behavioral Science Examiners Fund	188,246
249—For support of Board of Chiropractic Examiners, payable from the State Board of Chiropractic Examiners' Fund	135,014
250—For support of Board of Dental Examiners of California, payable from the State Dentistry Fund	406,963
251—For support of Board of Medical Examiners of the State of California, payable from the Contingent Fund of the Board of Medical Examiners	2,246,190
252—For support of Board of Medical Examiners of the State of California, payable from the Physical Therapy Fund	79,716
253—For support of Board of Medical Examiners of the State of California, payable from the Hearing Aid Dispensers Fund	88,842
254—For support of State Board of Examiners of Nursing Home Administrators, payable from the Nursing Home Administrator's State License Examining Board Fund	99,252
255—For support of California Board of Nursing Education and Nurse Registration, payable from the California Board of Nursing Education and Nurse Registration Fund	884,379
256—For support of State Board of Optometry, payable from the State Optometry Fund	94,796
257—For support of Board of Osteopathic Examiners of the State of California, payable from the Contingent Fund of the Board of Osteopathic Examiners	16,809
258—For support of California State Board of Pharmacy, payable from the Pharmacy Board Contingent Fund	815,091
259—For support of Board of Examiners in Veterinary Medicine, payable from the Board of Veterinary Examiners' Contingent Fund	107,219
260—For support of Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California, payable from the Vocational Nurse and Psychiatric Technician Examiners' Fund	552,621

Item		Amount
261—For support of Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California, payable from the Vocational Nurse and Psychiatric Technician Examiners' Fund from those moneys deposited under the provisions of Section 4547 of the Business and Professions Code		121,434
262—For assistance to local agencies in the establishment and operation of mental health services, in accordance with the provisions of Division 5 of the Welfare and Institutions Code, Department of Health, Health Treatment System		179,482,842
Schedule:		
(a) Local mental health services	127,382,126	
(b) State-operated services	52,100,716	

provided, that the Department of Finance may authorize the transfer of funds from this item to the Health Care Deposit Fund for the state's share of expenditures for mental health services provided to patients eligible under the California Medical Assistance Program.

Provided further, that, upon order of the Department of Finance, any portion of this item may be transferred to and in augmentation of Item 245, Budget Act of 1973.

Provided further, that upon order of the Department of Finance, funds may be transferred to Item 263 to match federal funds in order to provide services to former, potential, and current recipients of public assistance receiving mental health services under the provisions of Division 5 of the Welfare and Institutions Code.

Provided further, that upon order of the Director of Finance, funds may be transferred from item (b) above to Item 243 as necessary to accomplish unallocated savings in the budget of the Department of Health; provided further, that such transfers for this purpose shall not exceed $6,257,500. Provided further, that such transfers shall be reported quarterly to the Joint Legislative Budget Committee.

Provided further, that funds appropriated by category (b) above shall be available to the following state hospitals for state-operated services in accordance with the provisions of Division 5 (commencing with Section 5000) of the Welfare and Institutions Code:

Atascadero State Hospital

Item		Amount
	Camarillo State Hospital Metropolitan State Hospital Napa State Hospital Stockton State Hospital Patton State Hospital	
262.1—For assistance to local agencies in the establishment and operation of mental health services, in accordance with the provisions of Division 5 (commencing with Section 5000) of the Welfare and Institutions Code, provided such expenditures are limited to funding residential treatment, partial hospitalization group care, crisis intervention and halfway houses, Department of Health, Health Treatment System		7,000,000
262.2—For support of the Citizens Advisory Council in accordance with Sections 5763 to 5767, inclusive, of the Welfare and Institutions Code		35,000
263—For the cost of special social service programs for which federal grants-in-aid are made to the state; for rehabilitative and employment services; for grants or services to local agencies for the extension of child welfare services; for the cost of the adoptions programs and care of children, to be expended in accordance with the provisions of Section 16100 et seq. of the Welfare and Institutions Code; for the costs incurred by counties and cities in maintaining approved services for the licensing and inspection of agencies for child care and home finding and agencies for the care of the aged, to be expended in accordance with the provisions of Sections 16004 and 16202 of the Welfare and Institutions Code; for the cost of local agency special training; for the cost of providing child care services for former, current, and potential recipients as provided by Section 16784 of the Education Code and Section 10813 of the Welfare and Institutions Code; and for the costs of community rehabilitation of mentally handicapped, Department of Health		16,780,398
Schedule:		
(a) Sheltered employment and diagnostic centers, Health Protection System	5,717,123	
(b) Educational and child care services, Health Protection System	49,111,392	
(c) Child protection, Health Protection System	3,327,861	

Item		Amount
	(d) Adoptions, Health Protection System	15,556,298
	(e) Licensing, Health Protection System	1,164,100
	(g) Community rehabilitation of mentally handicapped, Health Treatment System	30,883,283
	(h) Child care—county services, Health Protection System	15,000,000
	(i) Federal grants	-76,238,815
	(j) Reimbursements and transfers	-27,740,844

provided that, upon order of the Department of Finance, funds may be transferred to the Department of Social Welfare to match federal funds.

264—For transfer to the Health Care Deposit Fund to provide for Medical Assistance Program expenditures 621,728,766

provided, that the amount authorized to be expended by this item shall fully cover the state's share of payments for services for the 1973–74 fiscal year as defined in the Welfare and Institutions Code; provided further, that such additional amounts as may be determined by the Director of Finance as necessary to extend and administer Medical Assistance Program benefits to eligible mentally retarded persons under the care of the Department of Health are hereby appropriated in augmentation of this item and shall be transferred to the Health Care Deposit Fund from the General Fund upon the certification of the Director of Finance.

Provided further, that no more than $3,776,220 of the funds appropriated by this item shall be expended for the purposes of the Medi-Cal management prototype system in the two pilot counties; and provided further, that no more than 75 percent of such $3,776,220 shall be expended, encumbered or transferred on or before April 1, 1974, unless an invitation for bid for a statewide mechanized claims processing and information retrieval system, which meets the requirements for increased federal sharing under Public Law 92-603 (HR 1) has been released and a contract resulting therefrom has been executed by such date; and provided further, that upon the execution of such contract on or before April 1, 1974, the remainder of such $3,776,220 shall be available for

Item		Amount
	such purposes.	
264.1	—For transfer to the Health Care Deposit Fund, Department of Health, to provide program evaluation of prepaid health programs that contract with the Medical Assistance Program to provide benefits to enrolled beneficiaries.....	50,000
265	—For assistance to cities, counties and local public and private nonprofit agencies for health services, Department of Health, Health Financing System Schedule:	25,125,126
	(a) Services to physically handicapped children in accordance with provisions of Sections 249 through 273 of the Health and Safety Code, Health Financing System	22,939,839
	provided, that the allocation of funds shall be made in such a manner as to insure the availability of funds during the entire fiscal year 1973–74 within this amount.	
	(b) For maintenance of tuberculosis sanatoria in accordance with Section 3300 of the Health and Safety Code; leasing of facilities in accordance with Section 3295 of the Health and Safety Code; and reimbursement of burial expenses in accordance with Section 3296 of the Health and Safety Code, Health Protection System	300,147
	(c) Local health services in accordance with Section 1157 of the Health and Safety Code, Health Protection System	1,014,016
	(d) Local health agencies and districts in accordance with the provision of Chapter 8, Part 2, Division 1, of the Health and Safety Code, Health Protection System	9,871,331
	(e) For family planning services in accordance with Sections 10053.2 and 10053.3 of the Welfare and Institutions Code, Health Protection System	2,780,096
	(f) Reimbursements...	–2,352,188
	(g) Federal grants	–7,664,115
	(h) Estimated family repayments	–1,764,000
	provided, that upon order of the Director of Fi-	

Item		Amount
	nance, funds may be transferred to Item 243 as necessary to accomplish unallocated savings in the budget of the Department of Health, provided that such transfers for this purpose shall not exceed $6,257,500. Provided further, that such transfers shall be reported quarterly to the Joint Legislative Budget Committee.	
266—For support of Department of Human Resources Development, for transfer by the State Controller to the Manpower Development Fund for expenditure for the work incentive program as specified in Section 5400 of the Unemployment Insurance Code (Chapter 1369, Statutes of 1968) ..... provided, that the State Controller shall transfer these funds only at such time as federal funds are deposited in the Manpower Development Fund and no transfer so made shall exceed twenty-five (25) percent of the amount of federal funds so deposited; provided further, the amount available for transfer to the Manpower Development Fund shall be reduced by the amounts in cash or in kind available from other sources as the state's share of the work incentive program as determined by the State Department of Human Resources Development and certified to the State Controller.		5,674,191
267—For support of Department of Human Resources Development, for transfer by the State Controller to the Manpower Development Fund, for expenditure for the purposes of the Human Resources Development Act of 1968 commencing with Section 9000 of the Unemployment Insurance Code		4,154,773
268—For support of Department of Human Resources Development ..... and, in addition, any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.		131,500
	Schedule:	
	(a) Office of Economic Opportunity	1,338,314
	(b) Federal grants	-1,206,814
269—For support of Department of Human Resources Development ..... and, in addition, any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.		510,657

Item		Amount
	Schedule.	
	(a) Commission on Aging 29,668,910	
	(b) Federal grants ... . -29,158,253	
270—For payment to various local jurisdictions and state agencies for support of the Migrant Master Plan in cooperation with the federal government programs, resulting from the Economic Opportunity Act, Department of Human Resources Development		409,298
	Schedule:	
	(a) Operations. 2,345,556	
	(b) Federal grants . . . . . -1,936,258	
270.5—In augmentation of the migrant day care component of the Migrant Master Plan, Department of Human Resources Development ..... provided, that the Department of Human Resources Development shall allocate these funds only to replace any loss of federal funds caused by revision of federal regulations covering the eligibility of participants or the limitation or termination or restriction of the use of funds for social services under the Federal Social Services Act.		124,500
	Provided further, that the Department of Finance may, by executive order, transfer these funds shown above, for and in augmentation of the amount contained in schedule (a) of Item 270 of this act for the purpose of providing additional funds for migrant day care.	
271—For support of Department of Human Resources Development, payable from the Department of Human Resources Development Contingent Fund ..... and in addition thereto, any grants made available by the federal government; provided, that all or any portion of this appropriation may be transferred to the Unemployment Administration Fund upon executive order of the Department of Finance.		1,181,351
272—For support of Department of Human Resources Development, for the payment of expenses incurred by the Department of Finance in examining the books of the Department of Human Resources Development, pursuant to Section 13294 of the Government Code, the sum of $17,191 is appropriated from moneys credited to this state's account in the Unemployment Trust Fund and made available to this state under Section 903 of the Social Security Act, as amended.		(17,191)

Item		Amount
provided that:		
(a) Such money is requisitioned from the Unemployment Trust Fund pursuant to Section 1528 5 of the Unemployment Insurance Code.		
(b) The period within which such money may be obligated is specifically limited to the period ending June 30, 1974.		
(c) The total amount obligated pursuant to this item during the 1973–74 fiscal year shall not exceed the amount by which		
(1) The aggregate of the amounts credited to the account of this state pursuant to Section 903 of the Social Security Act during such fiscal year and the 24 preceding fiscal years, exceeds		
(2) The aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this state during such 25 fiscal years.		
273—For administration of unemployment compensation disability benefits, Department of Human Resources Development, the sum of $15,902,307 is appropriated from the Unemployment Compensation Disability Fund		(15,902,307)
Schedule:		
(a) Personal services	12,326,536	
(b) Operating expenses and equipment	3,575,771	
274—For support of Department of Rehabilitation		6,999,531
Schedule:		
(a) I. Vocational rehabilitation of the disabled	6,896,856	
(1) Total program 55,141,362		
(2) Reimbursements –1,855,305		
(3) Federal funds –46,389,201		
(b) II. Nonrehabilitative services	6,093	
(1) Total program 572,055		
(2) Federal funds –565,962		
(c) III. Development of private sector rehabilitation resources	96,582	
(1) Total program 2,482,911		
(2) Federal funds –2,386,329		
(d) IV. Disability determination	0	
(1) Total program 11,460,023		
(2) Federal funds –11,460,023		
(e) V. (1) Departmental administration	3,114,927	

Item		Amount
	(2) Consolidated data center	79,000
	(3) Amount chargeable to programs I through IV	–3,193,927

provided, that upon approval of the Director of Finance, the above programs may be augmented from other budget items in this act where funds have been budgeted for transfer to the Department of Rehabilitation for the programs contained in this budget item. Provided further, that such transfers shall enable the state to make maximum utilization of available federal funds.

275—For support of Department of Social Welfare. Such appropriation, together with any grants made available by the federal government for support of the Department of Social Welfare during the 1973–74 fiscal year 9,778,857

Schedule:

(a) Personal services	10,723,815
(b) Operating expenses and equipment	5,859,655
(c) Consolidated data center	372,266
(d) Reimbursements	–1,050,000
(e) Federal grants	–6,126,879

provided, that any rule or regulation adopted by the Director of the State Department of Social Welfare during the 1973–74 fiscal year which adds to the cost of any public assistance program shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance.

Provided further, that the funds appropriated in subitem (c) may be allocated by the Department of Social Welfare to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Health and Welfare Consolidated Data Center, Item 242, Budget Act of 1973.

276—For the cost of the state's share of attendant care services for which federal grants-in-aid are made to the state, as specified in Section 11172 of the Welfare and Institutions Code; for costs of the state share of residential care rate allowances granted to recipients of public assistance as described in Section 13900 of the Welfare and Insti-

Item			Amount
	tutions Code, who require a nonmedical protective living arrangement; for the cost of the state's share of special needs of public assistance recipients, as provided in Sections 12151, 12152, 12154, 12155, 12651, 13101 and 13700 of the Welfare and Institutions Code, Department of Social Welfare		59,110,175
	Schedule:		
	(a) Attendant care service	1,588,675	
	(b) Residential care rate allowance	22,008,100	
	(c) Special needs	35,513,400	
277	—For the cost of the state's share of unmet shelter needs of public assistance recipients, Department of Social Welfare, to be transferred to and in augmentation of the appropriation authorized by Sections 15200 to 15204 inclusive, Welfare and Institutions Code, upon order of the Department of Finance, together with any grants made available by the federal government for this purpose		1,500,000
278	—For the cost of the state share of homemaker services for which federal grants-in-aid are made to the state, as authorized by Section 11170 of the Welfare and Institutions Code, Department of Social Welfare		16,863,125
	provided, that the funds appropriated by this item may be transferred to and in augmentation of the appropriation for special social services programs, Department of Health, upon order of the Department of Finance.		
278.1	—For support of Department of Social Welfare for contract services		1,090,563
	Schedule:		
	(a) Controllers office	292,699	
	(1) Operating expenses and equipment	472,095	
	(2) Federal funds	–179,396	
	(b) Attorney General's office	211,964	
	(1) Operating expense and equipment	295,090	
	(2) Federal funds	–83,126	
	(c) Office of Administrative Hearings	585,900	
	(1) Operating expense and equipment	945,000	
	(2) Federal funds	–359,100	
279	—For the cost of special programs for which federal grants-in-aid are made to the state for local agency training and demonstrations, Department of Social Welfare		22,000
	Schedule:		

Item		Amount
	(a) Demonstration programs	88,000
	(b) Federal grants	–66,000
279.1	—For the cost of special programs for which federal grants-in-aid are made to the state for local agency training and demonstrations, Department of Social Welfare	162,555
	(a) Demonstration programs	541,850
	(b) Federal grants	–379,295
280	—For the state's share of the nonfederal administrative costs of administering the payment of aid grants under Part 3 (commencing with Section 11000) of Division 9 of the Welfare and Institutions Code as provided by Section 42.5 of Chapter 578, Statutes of 1971, Department of Social Welfare	44,315,500
	provided, that the department may act in the place of any county and assume direct responsibility for the administration of eligibility and grant determination when said county allows its contract to terminate or in the absence of a contract as provided in Section 11050 of the Welfare and Institutions Code Upon recommendation of the Director of Social Welfare, the Director of Finance may authorize the transfer of funds to Item 275 for this purpose. Provided further, that no funds appropriated by this item shall be used to pay for additional county salary costs for persons employed as social workers who are performing eligibility technician functions.	
281	—For support of Department of Corrections	135,699,641
	Schedule:	
	(a) I. Reception and diagnosis	1,791,605
	(b) II. Institutional program	113,992,935
	(c) III. Releasing authorities	1,285,344
	(d) IV. Community correctional program	17,209,168
	(e) V. Administration	3,756,106
	(f) Medical equipment	226,617
	(g) Reimbursements	–2,562,134
	provided, that upon executive order of the Department of Finance, any portion of this item which reflects savings due to reduction of population may be transferred to and in augmentation of Item 292, Budget Act of 1973.	
	Provided further, that it is the intent of the Legislature that the California Conservaton Center at Susanville be operated during the 1973–74	

Item		Amount
	fiscal year at the average level of use that has been made of that facility during the 1970–71, 1971–72 and 1972–73 fiscal years. Provided further, that if the level of operations at the California Conservation Center at Susanville is not so maintained during the 1973–74 fiscal year, any funds appropriated by this item for the support of that facility which are not needed to maintain that level of operations shall revert to the General Fund.	
281.1	—For contracting with private agencies to provide direct correctional services to inmates and parolees, Department of Corrections	500,000
281.2	—For establishing additional community correctional centers, Department of Corrections	600,000
281.3	—For employment and training of 70 additional correctional counselors and provision for their training in classifying inmates, Department of Corrections	300,000
281.4	—For additional training for correctional personnel, including correctional officers, correctional program supervisors, correctional counselors, parole agents, middle managers, administrators, and parole board members and representatives, Department of Corrections	600,000
282	—For transportation of prisoners to and between state prisons, including the return of parole violators to prison and for the conveying of persons under provisions of Sections 3000 et seq. of the Welfare and Institutions Code and 11190 et seq. of the Penal Code, in accordance with the provisions of Section 26749 of the Government Code..... provided, that claims made against this item of appropriation shall be filed by the local jurisdictions within six months after the end of the month in which such transportation costs were incurred; and provided further, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller.	171,211
283	—For expenses of transporting fugitives from justice from outside the state, in accordance with the provisions of Sections 1389, 1549 and 1557 of the Penal Code	563,448

Item		Amount
provided, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller, and any restitution received by the state for such expenses be credited to the appropriation of the year in which the State Controller's receipt is issued.		
284—For court costs and county charges, payable under Sections 4700 and 4700.5 of the Penal Code, in connection with coroners' services and trials of inmates charged with commission of a crime or crimes while incarcerated in a state institution or prison under the Department of Corrections, Department of Corrections		1,051,652
provided, that claims made against this item of appropriation shall be filed by the local jurisdictions within six months after the end of the month in which such court costs and county charges were incurred; and provided further, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller.		
285—For support of Department of the Youth Authority		54,455,926
Schedule:		
(a) I. Community services	1,027,976	
(b) II. Rehabilitation services	57,879,768	
(c) III. Research	1,117,282	
(d) IV. Youth Authority Board	468,653	
(e) V. Administration undistributed	2,787,863	
(f) Consolidated data center	93,930	
(g) Reimbursements	–8,390,868	
(h) Federal grants	–528,678	
provided, that upon executive order of the Department of Finance, any portion of this item which reflects savings due to reduction of population may be transferred to and in augmentation of Item 292, Budget Act of 1973. Provided further, that the funds appropriated in subitem (f) may be allocated by the Department of the Youth Authority to subitem (e) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (f) to the Health and Welfare Consolidated Data Center, Item 242, Budget Act of 1973.		
285.1—For contracting with private agencies to provide direct correctional services to wards and parolees, Department of Youth Authority		300,000

Item	Amount
285.2—For developing group homes and other community-based facilities for structured residential programs, Department of Youth Authority	400,000
285.3—For reducing parole caseloads to 35 by July 1, 1974, Department of the Youth Authority	500,000
285.4—For additional training for Youth Authority personnel, including group supervisors, youth counselors, caseworkers, parole agents, middle managers, administrators, and Youth Authority Board members and representatives, Department of the Youth Authority	300,000
286—For transportation of persons committed to Department of the Youth Authority to or between its facilities, including the return of parole violators provided, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller.	43,540
287—For reimbursements to counties for maintenance of juvenile homes and camps, Department of the Youth Authority, to be expended in accordance with the provisions of Sections 880 through 890 of the Welfare and Institutions Code	3,224,280
288—For reimbursements to counties for construction of juvenile homes and camps, Department of the Youth Authority, to be expended in accordance with Section 891 of the Welfare and Institutions Code	600,000
289—For payment of the state's share, as determined by the Department of Finance, of expenses incurred by local agencies in supervising and controlling juveniles as defined by Sections 600 through 607 of the Welfare and Institutions Code, at the international border between California and Mexico, pursuant to Section 1760(d) of said code, Department of the Youth Authority	144,308
290—For county delinquency prevention commissions, Department of the Youth Authority, to be allocated by the Director of the Youth Authority, in accordance with Section 1752.5 of the Welfare and Institutions Code	33,300
291—For county delinquency prevention commissions and research and training grants, Department of the Youth Authority	200,000
provided, that grants for research and training in delinquency and crime prevention shall be allocated by the Director of the Youth Authority in accordance with Section 1752.6 of the Welfare and	

Item		Amount
	Institutions Code; provided further, that expenditure of these funds are contingent upon receipt of federal funds to initiate the programs in an amount equal to, or greater than, allocations from this appropriation.	
292	For assistance to counties in their operation of special probation supervision programs, in accordance with Sections 1820 through 1827 of the Welfare and Institutions Code, Department of the Youth Authority	23,742,000
	provided, that of the above sum, $150,000 shall be allocated and expended for program evaluation studies in accordance with Section 1825(j) of the Welfare and Institutions Code. Moneys appropriated by this item shall be available to reimburse counties for their expenditures for the cost of new or expanded special probation supervision programs established above the level of effort in probation supervision maintained by these counties during the 1965–66 fiscal year. Expenditures made under this item to reimburse counties for their cost of special probation supervision programs shall be charged to the year the warrant is issued by the State Controller.	
293	For support of California Hospital Commission, payable from the California Hospital Commission Fund, in accordance with the provisions of Chapter 1242, Statutes of 1971	886,000
294	For support of California Hospital Commission acting as the State Advisory Board	25,000
	to be allocated by the Director of Finance for reimbursement of costs charged against the California Hospital Commission Fund.	
295	For support of California Hospital Commission for costs incurred during 1972–73 when acting as the State Advisory Board, the sum of $10,000 is appropriated for transfer by the State Controller to the California Hospital Commission Fund	(10,000)
	notwithstanding other provisions of this section, the appropriation made by this item is available for payment of expenditures incurred during the 1972–73 fiscal year.	

EDUCATION

EDUCATION

296—For payment of the state's share of the operating

Item		Amount
	costs of the Educational Commission of the States and for necessary traveling expenses relating to participation, Department of Education	24,000
297—For support of Department of Education, Superintendent of Public Instruction and State Board of Education		7,682,263
	Schedule:	
	(a) Personal services	18,164,124
	(b) Operating expenses and equipment	11,172,181
	(c) Minor capital outlay	100,000
	(d) Consolidated data center	935,540
	(e) Reimbursements	–3,971,445
	(f) Amount payable from State School Building Aid Fund (Item 298)	–316,974
	(g) Federal grants	–18,401,163
	provided further, that the funds appropriated in subitem (d) may be allocated by the Department of Education to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance, may transfer the unencumbered balance of subitem (d) to the Stephen P. Teale Consolidated Data Center, Item 79, Budget Act of 1973.	
297.1—In augmentation of support of Department of Education, Superintendent of Public Instruction, and State Board of Education		2,101,559
	Schedule:	
	(a) Personal services	1,398,450
	(b) Operating expense and equipment	700,792
	(c) Consolidated data center	2,317
	provided, that the Department of Education shall use these funds only to replace any loss of federal funds caused by revisions of federal regulations, or the elimination or termination or restriction of the uses of funds for the operation of the Department of Education under the Elementary and Secondary Education Act of 1965 (P.L. 89-10), Title V.	
	Provided further, that should federal funds subsequently become available for the program purposes as originally shown in the Governor's Budget under this title all or so much of this appropriation as is replaced shall revert to the General Fund.	

Item	Amount
297.2—For support of Department of Education, to provide technical assistance to the Joint Committee on Goals and Evaluation in compiling and analyzing goals and objectives for education	104,000
297.3—For support of the Department of Education for local support	628,000

Provided that if the Superintendent of Public Education determines that a school district has sustained a loss of income caused by an unforeseen drop in average daily attendance in 1973–74 equal to or exceeding 5 percent of the prior years average daily attendance due to a reduction of operational status of a federal activity within the boundaries of the school district and that such a reduction was announced subsequent to March 15, 1973, prohibiting the district from dismissing unneeded teachers he shall allocate funds appropriated pursuant to this section in the following manner:

In addition to the revenue limit computed pursuant to Section 20904 of the Education Code, the district may compute a comparative revenue limit by multiplying the foundation program for the 1973–74 year by 97.5 percent of the average daily attendance of the second period attendance report for 1972–73 and subtracting therefrom the total amount of the actual revenue limit computed for 1973–74 fiscal year under Section 20904 of the Education Code.

The Superintendent of Public Instruction shall allow from the State School Fund, upon application of each school district meeting the specified qualifications, one-half of the difference between the actual revenue limit computed for the 1973–74 year and the comparative revenue limit computed.

298—For support of Department of Education, the sum of $316,974 is appropriated from the State School Building Aid Fund	(316,974)
299—For cooperation with the federal government for the improvement of instruction under the provisions of Title 3 of the National Defense Education Act of 1958, Department of Education	184,450
300—For support of special schools, Department of Education	10,137,563

Item		Amount
	and in addition, any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.	
	Schedule:	
	(a) California School for the Blind 1,425,765	
	(b) Diagnostic School for Neurologically Handicapped Children, Northern California 909,373	
	(c) Diagnostic School for Neurologically Handicapped Children, Southern California..... 851,099	
	(d) California School for the Deaf, Berkeley..... 2,909,563	
	(e) California School for the Deaf, Riverside 4,041,763	
	provided, that transfers between items in the above schedule cannot be made without the approval of the Department of Finance.	
301	—For support of State Educational Agency for Surplus Property, the sum of $6,639,438 is appropriated from the Surplus Education Property Revolving Fund	(6,639,438)
	Schedule:	
	(a) Personal services 2,198,035	
	(b) Operating expenses and equipment 4,500,948	
	(c) Reimbursements ..... –59,545	
302	—For support of Division of Libraries, Department of Education and Board of Library Examiners	2,294,760
	Schedule:	
	(a) Personal services 2,240,073	
	(b) Operating expenses and equipment 6,869,657	
	(c) Reimbursements ..... –520,635	
	(d) Federal grants ..... –6,294,335	
304	—For transfer by the State Controller to the State School Fund, in amounts necessary, for the purpose of funding the excess direct costs of providing special facilities, special educational material, educational assistance, mobility assistance and transportation for physically handicapped students 21 years of age or older enrolled at a community college who have demonstrated financial needs for such benefits pursuant to the provisions of Section 18151 of the Education Code	1,629,000

Item		Amount
306	For instructional television programs, Department of Education, to be expended in accordance with the provisions of Section 18270 of the Education Code	570,000
307	For compensatory education, special teacher employment programs, demonstration programs in reading and mathematics and professional development and program improvement, Department of Education	11,138,000
	provided, that the appropriation made by this item is limited to carrying out the provisions of Sections 6450 through 6454, 6455.1 through 6474, 6481 through 6486, 6490 through 6498, and 13355.1 through 13355.15 of the Education Code.	
	Provided further, that $40,000 of the appropriation made by this item shall be expended solely for support of the Research and Teacher Education Project at the University of California, Santa Cruz, that $100,000 of the appropriation made by this item shall be expended solely for support of the Research and Teacher Education Project at the University of California, Los Angeles, that $108,000 of the appropriation made by this item shall be expended solely for support of the Research and Teacher Education Project of the Pasadena Unified School District, and that $220,000 of the appropriation made by this item shall be utilized by the Department of Education for an Urban-Bilingual Professional Development Center.	
308	For special elementary school reading instruction programs and for the purposes of Chapter 1600, Statutes of 1971, Department of Education	19,278,000
308.1	For the purposes of Chapter 638 of the Statutes of 1972, Department of Education	515,000
	provided that,	
	(1) The 1973–74 experimental program include as many as possible of the same pupils who are in the experimental groups in 1972–73 so that a longitudinal evaluation can be made of their achievements during the entire duration of the program.	
	(2) The evaluation design for the 1973–74 program include an assessment of the effectiveness of the program's in-service training component for participating school district teaching staffs.	
	(3) The evaluation report of the 1973–74 program	

Item Amount

include a recommendation as to the feasibility of all California school districts adopting the SEED discovery method of mathematics instruction.

(4) The evaluation design for the 1973–74 program provide for a comparative summary of the achievement of the experimental groups in 1972–73 and 1973–74.

(5) The evaluation report be submitted to the Legislature by May 31, 1974.

(6) The 1973–74 budgeted program costs be submitted by SEED to the Department of Education no later than July 31, 1973, and be approved by the State Department of Education prior to the beginning of the 1973–74 school year.

308.2—For allocation by the Superintendent of Public Instruction for one pilot program pursuant to Article 7.2 (commencing with Section 1068) of Chapter 3 of Division 4 of, or Chapter 6.8 (commencing with Section 6499.51) of Division 6 of, the Education Code, Department of Education 325,000

309—For children's centers, Department of Education, to be apportioned by the department in the manner provided by Chapter 5, Division 12 of the Education Code, to school districts and other eligible agencies maintaining children's centers, pursuant to Sections 16700 through 16783 of the Education Code 22,829,800

Schedule:

(a) Children's centers 42,160,000

(b) Development centers for handicapped minors..... 8,261,250

(c) Preschool education 23,314,200

(d) Reimbursements . ...–50,905,650

provided, that the Department of Finance may, by executive order, transfer funds scheduled in subdivisions (a), (b), and (c), above, for and in augmentation of the amount scheduled in subdivision (b) of Item 263 of this act, for purposes of meeting the state matching fund requirements for child care services provided for under Public Law 90-248; and further provided, that all state and local funds for the children's centers and preschool programs and all federal funds for child care services generated by state and local in-kind matching funds shall be expended in meeting Public Law 90-248 requirements and in expanding

Item		Amount
	needed services in children's centers and preschool programs	
309.5	—In augmentation of the Children's Centers programs, Department of Education, for programs under Division 12.5 (commencing with Section 16700) of the Education Code .... Schedule:	23,113,233
	(a) Children's Centers 6,750,000	
	(b) Preschool education 14,338,233	
	(c) Campus Children's Centers 2,025,000	
	provided, that the Department of Education shall use these funds only to replace any loss of federal funds caused by revisions of federal regulations covering the eligibility of participants or the limitation or termination or restriction of the use of funds for social services under the Federal Social Security Act	
	Provided further, that the Department of Finance may, by executive order, transfer funds scheduled in (a), (b), and (c), above, for and in augmentation of schedule (a) and (c) of Item 309 of this act and provided further that the Department of Finance may transfer funds among and between schedules (a), (b), and (c) of this item as is necessary to carry out the programs affected.	
	Provided further, that the allocations made pursuant to this item shall be exempt from the provisions of Section 16780 of the Education Code pertaining to statewide average support from state funds and parent fees assessed per hour per child for the children's center program.	
310	—For assistance to public libraries, Division of Libraries, Department of Education, to be apportioned by the Division of Libraries as provided in Chapter 1.5 (commencing with Section 27111) of Division 20 of the Education Code.....	1,355,000
311	—For vocational education programs in public school districts, conducted under the provisions of Section 6254 of the Education Code, Department of Education .... Schedule:	550,000
	(a) Payments to public school districts 52,994,604	
	(b) Federal grants .... –52,444,604	
	provided, that $125,000 of the appropriation made by this item shall be expended solely for support of career guidance centers pursuant to the provisions of Chapter 1441, Statutes of 1972.	
	Provided further, that the appropriation made	

Item		Amount
by this item excepting the $125,000 set aside for the purposes of Chapter 1441, Statutes of 1972, shall be expended solely to meet the matching requirement provisions of the Manpower Development and Training Act, 1962, as amended or its successor manpower training program.		
312—For transfer by State Controller to the Teachers' Retirement Fund for State Teachers' Retirement System		135,000,000
313—For support of Commission for Teacher Preparation and Licensing, payable from the Teacher Credentials Fund..		1,680,000
Schedule:		
(a) Personal services	1,180,000	
(b) Operating expenses and equipment	500,000	
313.1—For loan to the Commission for Teacher Preparation and Licensing for the purpose of developing examinations, as required by the Teacher Preparation and Licensing Law of 1970		350,000
provided, that repayment of such loan shall be under such terms as prescribed by the Department of Finance except that interest shall be equivalent to the current interest rate prescribed by the Pooled Money Investment Board and that such loan shall be repaid by the commission by June 30, 1976.		
HIGHER EDUCATION		
314—For support of Coordinating Council for Higher Education		606,000
Schedule:		
(a) Personal services	532,975	
(b) Operating expenses and equipment	234,314	
(c) Federal grants	-161,289	
315—For payment of the state's share of the operating costs of the Western Interstate Commission on Higher Education, Department of Finance		28,000
316—For support of University of California, exempt from Section 31 of this act		399,365,749
provided, that $517,000 of this appropriation is available only for expenses of an additional 104 medical residencies in the field of primary care to be located insofar as practical in areas where a shortage of primary care physicians currently exists.		
Provided further, that $1,000,000 is available for grants to additional educational opportunity students and shall not be available to replace existing resources		

Item		Amount
	Provided further, that $163,500 is available for the annual lease payment for Medical Surge Facility Unit 5 at the Davis campus but this amount shall not be expended until the project is approved by the State Public Works Board. Provided further, that none of the funds appropriated by this item may be expended to initiate major capital outlay projects, either by contract or lease-purchase agreement, without prior legislative approval.	
316.1	—For unemployment insurance, University of California, exempt from Section 31 of this act ..... provided, that allocations by the Department of Finance from this item shall be made on the basis of actual claims for positions funded by the General Fund.	800,000
316.2	—For Psychiatric Instruction Program, University of California, exempt from Section 31 of this act provided, that the University of California shall submit to the Joint Legislative Budget Committee on or before September 15, 1974, and annually during the life of the program, a report as to progress of this program and of total program expenditures.	150,000
316.4	—For support of University of California instructional programs in health sciences affected by federal budget reductions exempt from Section 31 of this act ..... provided, that of the funds appropriated under this item, the university shall give first priority to replacing $820,000 of lost federal support for programs in the field of public health. The university shall give second priority to replacing $211,000 of lost federal support for the program in family practice medicine at Sonoma and the special program to train nurse practitioners at UCLA. The remaining funds shall be used to augment programs affected by federal budget reductions in the fields of pharmacy, optometry, veterinary medicine, allied health manpower, and nursing, although funds shall not be spent to support such programs until the amounts designated to support public health, family practice medicine, and nurse practitioners have been allocated. Funds provided under this item shall not be expended to support any of the programs designated, and shall be returned to the State General Fund, to the extent funds are appropriated in the federal	1,834,000

Item		Amount
	budget to support such programs during the 1973–74 fiscal year, above the anticipated amount.	
	Provided further, that the university shall present to the Legislature, no later than January 30, 1974, a plan to redirect resources within existing university medical education programs to meet the state's need for primary health care services and physicians, especially family practice physicians. Consideration shall be given to all of the following as means for improving the university's response to public health care needs: Development of new departments of family practice within medical schools, and expansion of the existing department of family practice on the Davis campus; decentralization of medical education programs to include community facilities as sites for medical education, especially communities with health care deficiencies; expansion of house officer programs in primary care, especially in the field of family practice medicine; the development of cooperative arrangements with other higher education institutions, including the state colleges and universities, to more efficiently train physicians; more extensive participation in physician education transfer programs, including the COTRANS program for foreign medical students; support for the development of truly innovative techniques for training physicians, such as the medical education project on the Berkeley campus; expansion of programs to provide community services, including medical services to areas of need, the development and provision of continuing medical education opportunities for physicians, and the development of cooperative arrangements with physicians in isolated areas to assume temporarily their practice responsibilities in order to permit such physicians to participate in continuing education programs; and development of programs to train physicians assistants.	
316.5	—For replacement of federal fund reductions, University of California, exempt from Section 31 of this act	1,098,000
	provided, that funds allocated by the university from this item shall be available for expenditure only to the extent that federal allocations to support such programs in 1973–74 are less than the total of 1972–73 federal allocations in the scheduled programs.	

Item		Amount
Schedule:		
(a) Bankhead-Jones Funds	166,000	
(b) Hatch Act and McIntire-Stennis Act Funds	404,000	
(c) Smith-Lever Act Funds	146,000	
(d) Sea Grant College Program	182,000	
(e) Research ship operations	200,000	
316.7—For support of Langley Porter Neuropsychiatric Institute and Neuropsychiatric Institute at University of California at Los Angeles, University of California		500,000
provided, that upon order of the Department of Finance, this appropriation may be transferred to and in augmentation of Item 316, University of California.		
316.8—For support of the Institute of Traffic and Transportation Engineering, University of California		460,871
316.9—For research in dermatology, University of California, exempt from Section 31 of this act		92,000
316.10—For research in the conversion of sea water and brackish water to fresh water, University of California, exempt from Section 31 of this act		308,100
316.11—For support of Academic Senate, University of California		330,700
316.12—For research in mosquito control, University of California, exempt from Section 31 of this act		100,000
provided, that the funds appropriated in this item may to the extent necessary be expended to continue ecological investigations at the Ingelnook Fen with emphasis upon mosquito control through biological processes.		
317—For university salary increases, to be allocated by the Department of Finance to the regents of the university, in augmentation of its appropriation for support or for other purposes, in such amounts as will defray the cost, including staff benefits, of increases in compensation provided for in any increased salary range or rate established on or after July 1, 1973 for the 1973–74 fiscal year by the regents of the university, exempt from Section 31 of this act		32,156,000
Schedule:		
(a) For increases in compensation for faculty and faculty-related positions	10,979,000	
(b) For increases in compensation for nonfaculty positions	21,177,000	
provided, that increases in compensation pro-		

Item		Amount
	vided by increased salary ranges for positions established for the 1973–74 fiscal year shall not result in total annual salary increases including staff benefits, of more than $32,156,000.	
	Before the Regents of the University of California establish any increased salary range or rate for the 1973–74 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the University of California or may be made available from the appropriation in this item to meet the cost of such increases.	
318	—For financing the Extended University Pilot Program, exempt from Section 31 of this act, University of California	1,262,000
	provided that this appropriation shall be available only when the University has designated an amount equal to 50 percent of the student fees derived from this pilot program to administrative costs of the Extended University Pilot Programs; provided further that two-thirds of this appropriation shall be available for two-thirds of the estimated 772 full-time equivalent students and shall be allocated on the basis of quarterly reimbursements for student credit units completed as certified by the university.	
319	—For financing undergraduate teaching excellence, University of California	1,000,000
	provided, that the money appropriated for expenditure in this item shall be available only when the board of regents adopts, publishes, and implements a universitywide plan which will substantially increase interest in and give special recognition to excellence of undergraduate instruction, exempt from Section 31 of this act.	
320	—For deferred maintenance projects, University of California, exempt from Section 31 of this act	500,000
	provided, that expenditures from this item shall be limited to items of deferred maintenance included on the priority list to be submitted by the university to the Joint Legislative Budget Committee; provided further, that no expenditures shall be made from this appropriation unless an equal contribution from the university is made from funds not appropriated in this act.	
321	—For research in mosquito control, University of California, exempt from Section 31 of this act, payable from the California Water Fund	100,000

Item		Amount
321.1—For financing research and development of aquaculture within controlled systems, in the sea and inland fresh waters of California to expand food production potential from aquatic species, University of California		334,000
322—For support of Hastings College of Law		2,067,380
Schedule:		
(a) Personal services	2,364,398	
(b) Operating expenses and equipment	1,210,390	
(c) Reimbursements	-1,507,408	
323—For support of Trustees of the California State University and Colleges and the California State University and Colleges		407,156,252
Schedule:		
(a) Personal services	402,254,625	
(b) Operating expenses and equipment	89,842,549	
(c) Reimbursements	-84,940,922	
provided, that the funds appropriated in the above schedule may be reallocated upon order of the Trustees of the California State University and Colleges subject to being reported to the Department of Finance.		
And further provided, that no instructional faculty authorized in 1973–74 will be used for general administration, department chairmanships or noninstructional research.		
323.1—For support of California State University and Colleges Academic Senate		237,407
(a) Personal services	30,763	
(b) Operating expenses and equipment	206,644	
324—For California State University and Colleges salary increases, to be allocated by the Department of Finance to the Trustees of the California State University and Colleges, in augmentation of appropriations for support or for other purposes, in such amounts as will defray the cost, including staff benefits, of increases in compensation provided for in any increased salary range or rate established on or after July 1, 1973, for the 1973–74 fiscal year by the Trustees of the California State University and Colleges		34,693,155
Schedule:		
(a) For increases in compensation for instructional and instructional-related positions	19,053,715	
(b) For increases in compensation for noninstructional positions	15,639,440	

Item		Amount
provided, that increases in compensation provided by this item for increased salary ranges for positions established for the 1973–74 fiscal year shall not result in total annual salary increases, including staff benefits, of more than $34,693,155. Before the Trustees of the California State University and Colleges establish any increased salary range or rate for the 1973–74 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the California State University and Colleges or may be made available from the appropriation in this item, to meet the cost of such increases.		
325—For support of innovative projects, Trustees of the California State University and Colleges, in addition to and augmentation of Item 323		1,282,639
326—For support of California Maritime Academy		1,145,300
Schedule:		
(a) Personal services	1,036,313	
(b) Operating expenses and equipment	537,387	
provided, that $25,000 of this amount shall be available, subject to approval of the Director of Finance, only for contract services provided by the Trustees of the California State University and Colleges for the development of comprehensive plans and program for the academy.		
(c) For augmentation of instructional staff and services, subject to the approval of comprehensive plans and program by the Board of Governors of the California Maritime Academy and subject to the approval of the Director of the Coordinating Council for Higher Education	50,000	
(d) Minor capital outlay	40,000	
(e) Reimbursements	–318,000	
(f) Federal grants	–200,400	
It is the intent of the Senate that budgeted support be utilized to enhance and continue the California Maritime Academy under existing law and with special emphasis on the modernizing provisions set forth in Chapter 1069, Statutes of 1972.		
327—For support of Board of Governors of the California Community Colleges		1,137,299

Item		Amount
	Schedule:	
	(a) Personal services	1,587,596
	(b) Operating expenses and equipment	543,570
	(c) Reimbursements	-993,867
328	For community college extended opportunity programs, Board of Governors of the California Community Colleges, conducted under the provisions of Sections 25524 through 25528.7 of the Education Code	7,360,000
	provided, that the board of governors shall allocate funds on a priority basis and only to local programs which demonstrate their effectiveness and which have the most pressing need for financial aid for students.	
329	For support of State Scholarship and Loan Commission	1,185,314
	Schedule:	
	(a) Personal services	783,937
	(b) Operating expenses and equipment	334,036
	(c) Consolidated data center	86,372
	(d) Amount payable from the State Guaranteed Loan Reserve Fund (Item 331)	-19,031
	provided, that the funds appropriated in subitem (c) may be allocated by the State Scholarship and Loan Commission to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Revenue Consolidated Data Center, Item 80, Budget Act of 1973.	
330	For scholarship awards under provisions of Sections 31201 through 31218 of the Education Code, for grant awards under provisions of Sections 31261 through 31267 of the Education Code, for graduate fellowship awards under provisions of Sections 31240 through 31251 of the Education Code, for medical contracts under provisions of Sections 31285.1 through 31285.4 of the Education Code, for grant awards under provisions of Sections 31295 through 31296.2 of the Education Code, for awards under provisions of Sections 2185 through 2188 of the Business and Professions Code, and for scholarship awards under provisions of Section 4709 of the Labor Code, State Scholarship and Loan Commission	37,432,760

Item		Amount
	Schedule:	
	(a) Competitive scholarship program	28,097,190
	(b) College opportunity grant program	6,111,970
	(c) Fellowships for graduate study	1,000,000
	(d) Contracts for study of medicine	1,203,600
	(e) Occupational training grant program	500,000
	(f) Special clinical internship program	500,000
	(g) Dependents of Deceased or Disabled Peace Officers Program	20,000
331	—For support of State Scholarship and Loan Commission, the sum of $19,031 is appropriated from the State Guaranteed Loan Reserve Fund	(19,031)

CAPITAL OUTLAY SECTION

SEC. 2.2. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1973–74, 1974–75 and 1975–76 fiscal years. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

GENERAL GOVERNMENT

GENERAL ADMINISTRATION

332	—For capital outlay, Military Department, for project planning, working drawings and supervision of construction financed from federal funds	86,020
332.5	—For capital outlay, the sum of forty-two million dollars ($42,000,000) is hereby appropriated for the purposes as set forth below	42,000,000
	Provided, that on the effective date of this act, the State Controller shall transfer to the Capitol Improvement Fund, which is hereby created, the amount appropriated by this item; and	
	provided, further, that of the amount appropriated by this item, $21,000,000 shall be available for expenditure by the Department of General Services upon order of the Director of Finance, for reconstruction or restoration of the State Capitol Building in such manner and at such time, after the effective date of a statute authorizing the construction of a legislative building by the Department of Public Works or its successor, as the Director of Finance determines to be in the best	

Item		Amount
interests of the state, taking into consideration the safety of the public and historical significance of the present structure; and provided, further, that $21,000,000 shall be available for expenditure by the Department of Public Works or its successor for construction of a legislative building in accordance with plans and specifications provided by the Legislature through the Joint Rules Committee upon the effective date of a statute authorizing the construction of the building by the Department of Public Works or its successor.		
UNALLOCATED		
333—For project planning, to be allocated by the Department of Finance, subject to approval by the State Public Works Board, to state agencies.. The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.		75,000
333.1—For working drawings, State Building San Jose, Department of General Services		100,000
AGRICULTURE AND SERVICES		
334—For capital outlay, Department of Food and Agriculture		250,000
Schedule:		
(a) Feasibility study, working drawings, and/or relocation expenses, chemistry laboratory	100,000	
(b) Relocate Hornbrook inspection station	150,000	
provided, that no expenditures from schedule (b) or from any other source shall be committed or expended for relocation of the Hornbrook inspection station until approved by the Joint Legislative Budget Committee.		
335—The sum of $80,730 of the money appropriated by Section 19630 of the Business and Professions Code, for district agricultural fairs or citrus fairs and expositions, is hereby reappropriated from the Fair and Exposition Fund during the 1973–74 fiscal year for engineering services, Department of Food and Agriculture		80,730
336—For payment to 1A District Agricultural Association, payable from the Fair and Exposition Fund		35,850

Item		Amount
337—For capital outlay purposes of county fairs, district agricultural association fairs, citrus fruit fairs and citrus fruit fairs and expositions for the fiscal year 1973–74, payable from the second balance of the Fair and Exposition Fund, to be expended for the same purposes in addition to and in accordance with the same provisions as would otherwise be applicable to the appropriation made by Section 19630 of the Business and Professions Code..... provided, that no more or less than $1,000,000 of the amount appropriated by this item shall be expended for fire, safety and public health purposes.		3,000,000
337.1—For capital outlay, California Exposition and Fair Executive Committee ..... Schedule:		255,000
(a) Completion of Buildings 5 and 6, Exposition Center	180,000	
(b) Improvements to lighting and electrical system	75,000	
Provided, that the Director of Finance is hereby authorized to approve the expenditure of any portion of this appropriation for maintenance and repair of the minirail system or other critical operating costs.		
338—For capital outlay, Department of General Services .... Schedule:		912,500
(a) Correct fire and life safety hazards, Library and Courts Building	345,000	
(b) Upgrade air conditioning, Agriculture Building	348,500	
(c) Land acquisition for second well, central heating and cooling plant	219,000	
339—For capital outlay, Department of General Services ..... Schedule:		1,308,000
(a) Construct Governor's residence ..	950,000	
provided, that the plans and specifications are subject to the approval of the Governor.		
340—For capital outlay, Department of General Services, the sum of $665,700 is appropriated from the Consumer Affairs Fund ..... Schedule:		(665,700)
(a) Upgrade air conditioning, Consumer Affairs Building	665,700	
341—For payment from the General Fund to the Veterans' Farm and Home Building Fund of 1943 for moneys advanced by appropriation made from Item 409, Chapter 2, Statutes of 1964		2,134,887

Item		Amount
provided, that the repayment of all expenditures made pursuant to the provisions of Item 409, Chapter 2, Statutes of 1964 from funds appropriated by this item shall be considered as repayment by the Department of General Services of all funds withdrawn from the Veterans' Farm and Home Building Fund of 1943 pursuant to Item 409, Chapter 2, Statutes of 1964. Provided further, that when repayment has been completed, the Department of General Services shall have jurisdiction and control of the real property acquired.		
342—For capital outlay, Veterans' Home of California		590,350
Schedule:		
(a) Improvements for correction of hospital fire and life safety hazards	104,000	
(b) Construct emergency power supply and modify lighting	95,350	
(c) Construct filtration plant at Rector Reservoir	391,000	

BUSINESS AND TRANSPORTATION

343—For capital outlay, Department of the California Highway Patrol, payable from the Motor Vehicle Account, State Transportation Fund		3,200,540
Schedule:		
(a) Radio communication equipment and construction—statewide	964,210	
(b) Construction program planning	20,000	
(c) Construct office building—West Valley	357,615	
(d) Construct office building—Fairfield (Vallejo)	377,215	
(e) Construct office building—Ventura	367,400	
(f) Construct office building—El Cajon	306,400	
(g) Land acquisition and working drawings for office building—Marin-Golden Gate Bridge	205,000	
(h) Site acquisition and working drawings for area office—western Kern County	61,200	
(i) Working drawings for office building—San Juan Capistrano	21,700	
(j) Purchase leased facility—Bakersfield	252,500	
(k) Purchase leased facility—Oroville	89,500	

Item		Amount
(*l*) Purchase leased facility—Quincy	89,800	
(m) Purchase leased facility—Red Bluff	88,000	
344—For capital outlay, Department of Motor Vehicles, payable from the Motor Vehicle Account, State Transportation Fund		6,316,800
Schedule:		
(a) Land acquisition, working drawings and construct office building and parking facilities—Chula Vista	1,396,500	
(b) Working drawings and construct office building and parking facilities—Costa Mesa	677,000	
(c) Working drawings and construct office building and parking facilities—Merced	456,900	
(d) Construct office building and parking facilities—Modesto	564,400	
(e) Land acquisition and construct additional parking—Montebello	191,000	
(f) Land acquisition for office building and parking facilities—north metropolitan San Diego area	712,400	
(g) Land acquisition for office building and parking facilities—Oxnard	464,000	
(h) Land acquisition for office building and parking facilities—Placerville	92,800	
(i) Project planning	45,000	
(j) Cost study and preliminary planning for headquarters expansion—Sacramento	20,000	
(k) Land acquisition for office building and parking facilities—San Fernando	359,100	
(*l*) Working drawings and construct office building and parking facilities—Santa Clara	708,100	
(m) Land acquisition for office building and parking facilities—West Covina	629,600	

RESOURCES

345—For capital outlay, Department of Conservation		1,435,836
Schedule:		

Item	Amount
(a) Land acquisition—Mattole Forest Fire Station	10,000
(b) Land acquisition—Westwood Forest Fire Station	13,500
(c) Land acquisition—Montgomery Forest Fire Station	9,000
(d) Land acquisition—Coarsegold Forest Fire Station	27,500
(e) Land acquisition—Tularcitos Forest Fire Station	13,500
(f) Land acquisition—Witch Creek Forest Fire Station	8,500
(g) Land acquisition—DeLuz Forest Fire Station	12,500
(h) Construct Sea Ranch Forest Fire Station	196,725
(i) Equip Sea Ranch Forest Fire Station	4,659
(j) Construct Crescent City Forest Fire Station—barracks-messhall	101,025
(k) Equip Crescent City Forest Fire Station—barracks-messhall	1,191
(*l*) Construct Siskiyou Ranger Unit Headquarters—fire control dispatch and command center	212,820
(m) Equip Siskiyou Ranger Unit Headquarters—fire control dispatch and command center	37,923
(n) Construct Valley Springs Forest Fire Station	106,135
(o) Equip Valley Springs Forest Fire Station	3,404
(p) Construct Fresno Ranger Unit Headquarters—fire control dispatch and command center	194,800
(q) Equip Fresno Ranger Unit Headquarters—fire control dispatch and command center	5,804
(r) Construct Big Creek Forest Fire Station	109,715
(s) Equip Big Creek Forest Fire Station	3,250
(t) Construct Riverside Ranger Unit Headquarters—fire control dispatch and command center addition	157,770
(u) Equip Riverside Ranger Unit	

Item		Amount
	Headquarters—fire control dispatch and command center addition	975
	(v) Construct Fire Academy—new barracks	197,400
	(w) Equip Fire Academy—new barracks	7,740
345.1—For capital outlay, State Lands Commission, to be expended in accordance with Senate Bill 619 of the 1973–74 Regular Session		1,400,000
Notwithstanding the provisions of Section 8 of this act or any other provision of law, the State Lands Commission may contract directly with the United States or any agency or subdivision thereof for the purposes of this item.		
346—For capital outlay, Department of Fish and Game, payable from the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item		2,043,200
Schedule:		
(a) Expansion of office—Region I	272,300	
(b) Working drawings for replacement of hatchery building "A," Mt. Shasta Hatchery	19,200	
(c) Construct Region II headquarters and field station	949,000	
(d) Replace hatchery ponds—San Joaquin Hatchery	650,700	
(e) Working drawings for garage, shop and storage building—Mt. Whitney Hatchery	10,000	
(f) Construct operations building—Fillmore Hatchery	132,000	
(g) Preliminary planning	10,000	
347—For capital outlay, Department of Navigation and Ocean Development, the sum of $855,500 is appropriated from the Harbors and Watercraft Revolving Fund		(855,500)
Schedule:		
(a) Construct boat-in facilities, Folsom Lake	143,000	
(b) Construct boating facilities, sanitary facilities and parking, Folsom Lake, Peninsula Campground area	292,500	

Item		Amount
(c) Construct prototype breakwater	400,000	
(d) Preliminary planning, statewide..	20,000	
The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future years.		
348—For capital outlay, Department of Parks and Recreation, Hearst San Simeon State Historical Monument, payable from funds accumulated under the provisions of Item 257, Budget Act of 1969; Item 214, Budget Act of 1970; Item 208, Budget Act of 1971; and Item 212, Budget Act of 1972		150,000
349—For capital outlay, Department of Parks and Recreation, payable from the State Park Contingent Fund		0
Schedule:		
(a) Annadel Farms, land acquisition..	135,000	
(b) Anza-Borrego Desert State Park, land acquisition	234,600	
(c) Humboldt Redwoods State Park, land acquisition	489,600	
(d) Reimbursements from the Federal Land and Water Conservation Fund	-859,200	
349.1—For capital outlay, Department of Parks and Recreation, payable from the State Park Contingent Fund		0
Schedule:		
(a) Jedediah Smith Redwoods State Park, land acquisition.....	30,000	
(b) Reimbursement from the Save-the-Redwoods League	-30,000	
350—For capital outlay, Department of Parks and Recreation, subject to the approval of the State Public Works Board, payable from the Bagley Conservation Fund, notwithstanding the provisions of Section 316, Chapter 1, Statutes of 1971, First Extraordinary Session		58,297,791
Schedule:		
(a) Bodega Bay, land acquisition	500,000	
(b) Benicia State Recreation Area, development	10,000	
(c) Point Mugu State Park, land acquisition	2,108,000	
(d) Carlsbad State Beach, for development	331,600	

Item		Amount
(e) Carpinteria State Beach, for development		819,900
(f) Doheny State Beach, for development		840,300
(g) Leo Carrillo State Beach, for development		223,960
(h) Mendocino Headlands, land acquisition		155,000
(i) Montara State Beach, land acquisition		65,000
(j) Old Sacramento State Historic Park, restoration, B F. Hastings Building		213,033
(k) Old Town San Diego State Historic Park, land acquisition		297,000
(*l*) Red Rock Canyon, land acquisition		350,000
(m) San Buenaventura State Beach, for development		199,928
(n) San Gregorio State Beach, working drawings		107,000
(o) San Onofre State Beach, for development		141,000
(p) Silver Strand State Beach, for development		261,287
(q) Sugar Pine Point State Park, for development		629,970
(r) Design and development		250,000
(s) Acquisition costs		100,000
(t) Inholding purchases		290,000
(u) Opportunity purchases		290,000
(v) Minor projects		570,813
(w) Project planning		100,000
(x) Camillus Nelson State Historic Farm, for planning and development, Phase I		177,500
(y) Old Sacramento State Historic Park		51,500
(1) Archaeological site investigation	16,500	
(2) Preliminary planning	35,000	
(z) Angel Island State Park, development		200,000
(aa) Sonoma Coast State Beach, land acquisition		3,925,000

Item		Amount
	(bb) Bear Harbor Ranch, land acquisition	2,000,000
	(cc) Russian Gulch State Park, land acquisition	350,000
	(dd) Manchester State Beach, land acquisition	350,000
	(ee) Fort Ross, land acquisition	750,000
	(ff) Kings Beach, land acquisition	780,000
	(gg) Candlestick Park, land acquisition	10,000,000
	(hh) Simi Valley (Strathearn), land acquisition	3,000,000
	(ii) Serrano Canyon, land acquisition	1,235,000
	(jj) Huntington Beach, land acquisition	8,100,000
	(kk) Encinal Beach, land acquisition	650,000
	(*ll*) Santa Monica Mountains, land acquisition	4,250,000
	(mm) Inverness Ridge, land acquisition	1,000,000
	(nn) Wilder Ranch, land acquisition	6,000,000
	(oo) Mendocino Headlands, land acquisition	100,000
	(pp) McKerricher State Park, land acquisition	175,000
	(qq) Elk Creek Beach, land acquisition	100,000
	(rr) Western Canal Dam, for development and land acquisition	450,000
	(ss) Santa Monica Pacific Ocean Park, land acquisition	1,800,000
	(tt) South Carlsbad (Ecko), land acquisition	1,500,000
	(uu) Empire Mine, land acquisition	1,500,000
	(vv) Mount Diablo, land acquisition	1,000,000
350.2	—As of June 30, 1973, the unencumbered balance of the appropriation in the following citation shall revert to the unappropriated balance of the Bagley Conservation Fund: Wildlife Conservation Board: Item 304.1, Budget Act of 1971	
350.3	—For acquisition of coastal wildlife areas and adjacent lands of Tomales Bay in Marin County, Wildlife Conservation Board, subject to the approval of the State Public Works Board, payable from the Bagley Conservation Fund only from funds allocated thereto by Item 350.2 of this act	125,000

Item Amount

350.4—For capital outlay, Department of Parks and Recreation, subject to the approval of the State Public Works Board, payable from the Bagley Conservation Fund only from funds allocated thereto by Item 350.2 of this act 125,000
Schedule:
(a) Inverness Ridge, Marin County land acquisition 125,000
provided, that as of June 30, 1974, the unencumbered balance of the appropriation made by this item shall be transferred to the Wildlife Conservation Board, in augmentation of Item 350.3 of this act.

350.5—For capital outlay, Department of Parks and Recreation, subject to the approval of the State Public Works Board, payable from the Bagley Conservation Fund allocation for miscellaneous capital outlay construction made by subdivision (b) of Section 316, Chapter 1, Statutes of 1971, First Extraordinary Session 750,000
Schedule:
(a) Construct a flashboard dam at or near the former Western Canal Dam site on the Feather River below the City of Oroville for recreational purposes by returning the level of the river to its prior level as it was before the construction of the Oroville Dam 750,000

351—For land, easements and rights-of-way, including but not limited to, borrow pit, spoil areas and easements for levees, clearing, flood control works and flowage, and for appraisals, surveys, and engineering studies necessary for the completion or operation of the following projects in the Sacramento and San Joaquin watersheds as authorized by Section 8617.1 and Sections 12570 through 12875 of the Water Code; and for advances to the federal government or payments to the federal government or others for incidental construction or reconstruction items which are an obligation of the state in connection with the completion or operation of the aforesaid projects and for materials and necessary construction, reconstruction, relocation, or alterations to highways, railroads, bridges, powerlines, communication lines, pipelines, irrigation works and other structures and

Item		Amount
facilities and for appraisals, surveys and engineering studies incident thereto, to the Department of Water Resources		3,320,000
Schedule:		
(a) Sacramento River and Tributaries Flood Control Project	115,000	
(b) San Joaquin River and Tributaries Flood Control Project	22,000	
(c) Fresno River Flood Control Project	143,000	
(d) Chowchilla River Flood Control Project	709,000	
(e) Sacramento River Bank Protection Project	1,492,000	
(f) Chester Flood Control Project	839,000	
notwithstanding the provisions of Section 2.2 of this act, the amount in this item shall be available for expenditure only during the 1973–74 fiscal year; and provided further, that this item shall be exempt from the provisions of Section 7 of this act.		
352—For capital outlay, Department of Water Resources		250,000
Schedule:		
(a) Cherokee Canal restoration	250,000	

HEALTH AND WELFARE

353—For capital outlay, Department of Health		17,752,700
Schedule:		
(a) Improvements to sanitary sewage plant and system—Atascadero State Hospital	107,200	
(b) Modernize electrical distribution system—Pacific State Hospital	520,000	
(c) Air condition wards, Phase II of II —Porterville State Hospital	1,634,000	
(d) Improvements to meet accreditation standards—statewide	841,500	
(e) Air condition all wards—Pacific State Hospital	3,950,000	
(f) Air condition wards, Agnews State Hospital	1,700,000	
(g) Air condition wards, Sonoma State Hospital	5,500,000	
(h) Air condition wards, Fairview State Hospital	3,500,000	
provided, that if the funds appropriated in subitems (f), (g), and (h) are not sufficient to		

Item		Amount
provide for air conditioning of all the wards, preference shall be given to those wards where nonambulatory and profoundly retarded patients reside.		
354—For capital outlay, Department of Corrections....		904,166
Schedule:		
California Institution for Men.		
(a) Construct security modifications to Chino Reception Guidance Center	229,160	
(b) Equip Chino Reception Guidance Center	500,000	
California Rehabilitation Center:		
(c) Construct increased sewage plant capacity	135,000	
Departmental Administration:		
(d) Preliminary planning for correctional facilities	40,000	
355—For capital outlay, Department of the Youth Authority		102,200
Schedule:		
Preston School of Industry:		
(a) Planning for rehabilitation of fire safety and industrial water system	7,500	
(b) Perimeter security lighting system improvements and modifications	94,700	

EDUCATION

356—For capital outlay, Department of Education, payable from the Capital Outlay Fund for Public Higher Education, notwithstanding the provisions of Sections 22510 and 22512 of the Education Code		2,100,000
Schedule:		
Schools for the Blind, Deaf and Multihandicapped:		
(a) Site acquisition	1,800,000	
(b) Preliminary plans	300,000	
provided that in planning and providing facilities for these schools, every effort shall be made to maintain the integrity of their separate educational programs while promoting any capital and operational economies as may be feasible in the joint or mutual use of facilities such as but not limited to administration, maintenance, utilities, health		

Item			Amount
and food services, purchasing and storage.			
HIGHER EDUCATION			
357—For capital outlay, University of California, minor improvement projects, general campuses, payable from the Capital Outlay Fund for Public Higher Education			3,000,000
358—For capital outlay, University of California, subject to the approval of the State Public Works Board, payable from the Capital Outlay Fund for Public Higher Education, provided that withdrawals shall be as required to meet current obligations as certified by the University of California			1,679,000
Schedule:			
Los Angeles—Health Sciences:			
(1) Preliminary plans, working drawings, and construct safety deficiencies, health sciences center		240,000	
San Francisco—Health Sciences:			
(2) Preliminary plans, working drawings, and construct fire protection, 1973–74		689,000	
Langley Porter Neuropsychiatric Institute:			
(3) Preliminary plans, working drawings, and construct Langley Porter Neuropsychiatric Institute alterations, step 2, San Francisco		750,000	
359—For capital outlay, University of California, subject to the approval of the State Public Works Board, payable from the Capital Outlay Fund for Public Higher Education, Chapter 1, Statutes of 1971 (First Extraordinary Session), provided that withdrawals shall be as required to meet current obligations as certified by the University of California			12,303,000
Schedule:			
San Diego Campus:			
(1) Construct third college academic unit 1		6,359,000	
Santa Cruz Campus:			
(2) Construct university library unit 2 (addition)		2,830,000	

Item			Amount
	Los Angeles Campus:		
(3)	Construct service yard expansion	1,994,000	
	Riverside Campus:		
(4)	Working drawings and construct physical education building, air conditioning	125,000	
	Bodega Marine Laboratory:		
(5)	Working drawings and construct aquaculture facility	995,000	
360—For capital outlay, the Regents of the University of California, subject to the approval of the State Public Works Board, and excepting such funding assistance as may be secured from other sources, shall allocate the cash income received from the educational fee and designated by the Regents for capital outlay purposes for expenditures as set forth in the following schedule			(12,970,000)
Schedule:			
	Universitywide:		
(1)	Minor capital outlay improvement projects, general campuses	900,000	
(2)	General planning, universitywide	430,000	
(3)	Preliminary plans, general campus, universitywide	375,000	
	Irvine Campus:		
(4)	Equip administration unit 1	236,000	
	Riverside Campus:		
(5)	Equip Webber Hall addition	900,000	
	Santa Cruz Campus:		
(6)	Equip College No. 7 academic unit	160,000	
	Davis Campus:		
(6a)	Working drawings for fire and police station	60,000	
	Davis Campus:		
(7)	Working drawings and construct fire protection, 1973–74	733,000	
	Santa Barbara Campus:		
(8)	Working drawings and construct fire protection, 1973–74	126,000	

Item	Amount
Riverside Campus:	
(9) Working drawings and construct fire protection, 1973–74	264,000
Santa Cruz Campus.	
(10) Working drawings, construct and equip fire station	156,000
(11) Working drawings and construct unfinished space and alterations	1,027,000
San Diego Campus:	
(13) Working drawings and construct humanities library building alterations, step 2	311,000
Riverside Campus:	
(14) Working drawings, construct and equip alterations, 1973–74	999,000
Irvine Campus:	
(15) Working drawings and construct library alterations	892,000
Berkeley Campus:	
(16) Working drawings, construct and equip Doe Library alterations	386,000
(17) Working drawings, construct and equip life science and biochemistry buildings	539,000
(18) Working drawings, construct and equip animal holding facility (off-campus)	530,000
Los Angeles Campus:	
(19) Working drawings and construct, School of Architecture, alterations	302,000
San Diego Campus:	
(21) Working drawings, construct and equip Matthews additions and alterations	152,000
Los Angeles Campus:	
(22) Working drawings and construct central steam plant expansion, step 2	570,000

Item	Amount
Santa Cruz Campus:	
(23) Working drawings and construct utilities and site development, 1973–74	518,000
Davis Campus:	
(24) Working drawings and construct utilities and site development, 1973–74	685,000
Santa Barbara Campus:	
(25) Working drawings and construct utilities and site development, 1973–74	420,000
Los Angeles Campus:	
(26) Working drawings and construct utilities 1973–74	95,000
San Diego Campus:	
(27) Working drawings and construct utilities and site development, 1973–74	245,000
Riverside Campus:	
(28) Working drawings and construct utilities and site development, 1973–74	116,000
Irvine Campus:	
(29) Working drawings and construct utilities and site development, 1973–74	85,000
Santa Cruz Campus:	
(30) Working drawings for College No. 8 academic unit	48,000
San Diego Campus:	
(31) Working drawings for third college, utilities and site development	100,000
(32) Working drawings and construct central utilities building addition, step 2A	313,000

Item		Amount
Santa Cruz Campus:		
(33) Working drawings for physical education facilities	220,000	
San Diego Marine Sciences (Scripps):		
(34) Working drawings for oceanography library building	77,000	
Total of schedule	12,970,000	
361—For capital outlay, Trustees of the California State University and Colleges, subject to the approval of the State Public Works Board, payable from the Capital Outlay Fund for Public Higher Education, Chapter 1, Statutes of 1971 (First Extraordinary Session); provided, that withdrawals shall be as required to meet current obligations as certified by the Trustees of the California State University and Colleges		26,922,000
Schedule:		
State University, San Diego:		
(1) Construction for arts and sciences rehabilitation	643,000	
State University, San Diego:		
(2) Preliminary plans and working drawings for Little Theater rehabilitation	12,000	
State University, San Jose:		
(3) Preliminary plans and working drawings for home economics building rehabilitation	62,000	
Statewide:		
Trustees of the California State University and Colleges:		
(4) Project planning for the 1974–75 fiscal year	50,000	
(5) Campus master planning	205,000	
(6) General studies	100,000	
State College, Bakersfield:		
(7) Equip remodeled initial buildings	32,000	
(8) Equip initial corporation yard	14,000	
State University, Chico:		

Item	Amount
(9) Equip converted life science building	174,000
(10) Equip library	450,000
State University, Fresno:	
(11) Equip converted laboratory school	30,000
State University, Humboldt:	
(12) Equip physical education facilities	100,000
State University, Sacramento:	
(13) Equip library building	470,000
State College, Bakersfield:	
(14) Equip science building I	88,000
State University, Chico:	
(15) Equip life science building	200,000
State College, Dominguez Hills:	
(16) Equip library classroom administration building	299,000
(17) Equip natural science building	400,000
State University, Fullerton:	
(18) Equip engineering building	204,000
State University, Los Angeles:	
(19) Equip physical science building	500,000
(20) Equip library addition	63,000
State University, Northridge:	
(21) Equip library building	400,000
State University, San Francisco:	
(22) Equip life science building	350,000
(23) Equip physical science building	400,000
State University, San Jose:	
(24) Equip science building 2, II	500,000
State College, Stanislaus:	
(25) Equip science building	262,000
State University, Sacramento:	
(26) Construct utilities—1972	817,000

Item		Amount
	State University, Fresno:	
(27)	Construct central plant addition	2,020,000
(28)	Construct utilities—1973	716,000
	Polytechnic State University, San Luis Obispo:	
(29)	Working drawings and construct utilities—1973	380,000
	State College, Bakersfield:	
(30)	Preliminary plans and working drawings for utilities and site development—1973	7,000
	State College, Sonoma:	
(31)	Preliminary plans and working drawings for boiler plant addition	21,000
	Polytechnic State University, San Luis Obispo:	
(32)	Construct and equip converted science building II	350,000
	State University, Humboldt:	
(33)	Construction for converting library school	728,000
	State University, San Diego:	
(34)	Working drawings and construction for converting health services building	199,000
	State University, Sacramento:	
(35)	Preliminary plans and working drawings for converting existing library	95,000
	Statewide:	
	Trustees of the California State University and Colleges:	
(36)	Preliminary plans, working drawings, and construction for removal of architectural barriers to the handicapped	300,000

Item	Amount
State University, Long Beach:	
(37) Working drawings and construction for site development—1973 ..	114,000
State University, San Francisco:	
(38) Working drawings and construction for utilities—1973	140,000
State College, San Bernardino:	
(39) Working drawings and construction for central plant II	409,000
State College, Dominguez Hills:	
(40) Preliminary plans and working drawings for utilities—1973.....	75,000
State University, Humboldt:	
(41) Preliminary plans, working drawings, and construction for access road.....	300,000
State College, Dominguez Hills:	
(42) Construct theater arts building ..	1,993,000
State College, Stanislaus:	
(43) Working drawings and construction for scene shop	98,000
State College, Sonoma:	
(44) Preliminary plans and working drawings for an art building.....	145,000
State College, Dominguez Hills:	
(45) Construct classroom office building	3,680,000
State College, Bakersfield:	
(46) Construct initial physical education facility	1,035,000
State College, Stanislaus:	
(47) Preliminary plans and working drawings for an aquatic facility	12,000
State University, Humboldt:	
(48) Construct library addition.....	4,325,000

Item		Amount
	State College, Bakersfield:	
	(49) Construct science building II 2,955,000	
	Notwithstanding the provisions of Section 2.2 of this act, the equipment items in this item shall be available for expenditure only during the 1973–74 and 1974–75 fiscal years.	
362—	For capital outlay, Trustees of the California State University and Colleges, subject to the approval of the State Public Works Board, payable from the Capital Outlay Fund for Public Higher Education; provided, that withdrawals shall be as required to meet current obligations as certified by the Trustees of the California State University and Colleges	49,344,000
	Schedule:	
	State College, Sonoma:	
	(1) Preliminary plans and working drawings for aquatic facility 12,000	
	State College, Dominguez Hills:	
	(2) Preliminary plans and working drawings for outdoor physical education and aquatic facilities 41,000	
	State College, Stanislaus:	
	(3) Construct cafeteria 1,483,000	
	State College, Bakersfield:	
	(4) Preliminary plans and working drawings for initial cafeteria 84,000	
	State University, San Jose:	
	(5) Construct central library and faculty office building 14,670,000	
	State College, Bakersfield:	
	(6) Construct initial library addition.. 1,156,000	
	State University, Long Beach:	
	(7) Construct administration building 5,730,000	
	State University, San Francisco:	
	(8) Construct administration building 5,505,000	
	State University, Fresno:	
	(9) Construct science building 8,082,000	

Item		Amount
State Polytechnic University, Pomona:		
(10) Construct science building	7,626,000	
State University, Fullerton:		
(11) Construct education classroom building	4,955,000	
363—For capital outlay, Trustees of the California State University and Colleges, minor projects to be allocated to the state university and colleges, payable from the Capital Outlay Fund for Public Higher Education		2,000,000
363.5—For capital outlay, Trustees of the California State University and Colleges, to be allocated to the State University and Colleges; provided, that grants of money from the federal government become available under the terms of the granting agency and the provisions of Section 17, of this act, thereby releasing an equal amount of state appropriated funds which are hereby reappropriated, payable from the Capital Outlay Fund for Public Higher Education		0
Schedule:		
State University, Chico:		
(1) Preliminary plans and working drawings for converting old library for faculty offices	36,000	
State College, Bakersfield:		
(2) Equip nursing building	54,000	
State College, San Bernardino:		
(3) Preliminary plans and working drawings for creative arts building	144,000	
State University, San Jose:		
(4) Working drawings and construct corporation yard II	427,000	
State University, Humboldt:		
(5) Construct marine laboratory addition	393,000	
Polytechnic State University, San Luis Obispo:		
(6) Construct engineering west addition	577,000	

Item		Amount
	State University, Humboldt:	
(7)	Working drawings and construct remodel Founders Hall	327,000
	State University, Sacramento:	
(8)	Working drawings and construct for convert science building.....	85,000
	State University, Long Beach:	
(9)	Preliminary plans and working drawings for industrial technology building	215,000
(10)	Federal reimbursements	-2,258,000

COMMUNITY COLLEGE CONSTRUCTION BOND ACT PROGRAM

SEC. 2.4. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1973–74, 1974–75 and 1975–76 fiscal years for expenditure only for the programs which have been approved pursuant to the provisions of Chapter 1550, Statutes of 1967 (Community College Construction Act of 1967), and contemplated by the Community College Construction Program Bond Act of 1972. All such appropriations shall be paid out of the State Construction Program Fund.

364	For capital outlay, Board of Governors of the California Community Colleges, to be allocated, subject to the prior approval of the State Public Works Board, by the Board of Governors of the California Community Colleges to the community college districts for expenditure by said community college districts, as set forth in the schedule below, payable from the State Construction Program Fund	55,224,100
	Schedule:	
	San Jose Community College District, Evergreen Valley College:	
(1)	Construct central utility buildings 341,000	
	Saddleback Community College District, Saddleback College:	
(2)	Working drawings and construct central utility service plant..... 782,000	

Item		Amount
	Marin Community College District, Indian Valley Colleges:	
(3)	Construct powerplant and corporation yard	117,400
	State Center Community College District, Fresno City College:	
(4)	Working drawings and construct utilities and mains, phase II	152,100
	Yosemite Junior College District, Modesto Junior College:	
(5)	Construct site development, phase I	182,300
	Marin Community College District, Indian Valley Colleges:	
(5a)	Working drawings and construct utilities and site development (1973)	187,900
	San Jose Community College District, Evergreen Valley College:	
(5b)	Construct utilities and site development, 1B	112,100
	Grossmont Community College District, Monte Vista Campus:	
(6)	Working drawings for offsite development	1,500
(7)	Working drawings for site development, phase I	42,900
	Los Rios Community College District, American River College:	
(8)	Equip horticulture addition	18,300
	Pasadena Area Community College District, Pasadena City College:	
(9)	Equip paramedical science building	223,600
	San Luis Obispo Community College District, Cuesta College:	
(10)	Equip library and administration building	164,400

Item		Amount
	Los Rios Community College District, Sacramento City College:	
(11)	Equip aeronautics addition	42,500
	Kern Community College District, Cerro Coso College:	
(12)	Equip with initial complement of library books	57,200
	Coast Community College District, Golden West College:	
(14)	Equip humanities, arts, and sciences buildings	159,900
	Santa Clarita Community College District, College of the Canyons:	
(15)	Equip classroom and office building	40,900
(16)	Equip multidiscipline laboratory building	221,600
	San Joaquin Delta Community College District, San Joaquin Delta College:	
(17)	Equip administration and multidiscipline classroom and laboratory building	403,800
	Contra Costa Community College District, Diablo Valley College:	
(18)	Equip art building	54,600
	Santa Barbara Community College District, Santa Barbara City College:	
(19)	Equip humanities building	194,100
	State Center Community College District, Reedley College:	
(20)	Equip engineering and electronics building	74,300
	State Center Community College District, Fresno City College:	
(21)	Equip art classroom and laboratory building, phase I, unit B	67,900

Item		Amount
	Kern Community College District, Porterville College:	
(22)	Equip trade-technical facility.....	10,200
	Redwoods Joint Community College District, College of the Redwoods:	
(23)	Equip music arts building.....	81,200
	North Orange County Community College District, Cypress College:	
(24)	Equip humanities building	162,500
(25)	Equip drama building	70,300
	Oceanside-Carlsbad Community College District, Mira Costa College:	
(26)	Equip machine shop.....	158,200
	Solano County Community College District, Solano College:	
(27)	Equip music and drama building	18,600
	Santa Clarita Community College District, College of the Canyons:	
(28)	Equip humanities building	48,900
	Contra Costa Community College District, Los Medanos College:	
(29)	Equip physical education facility	25,600
	Peralta Community College District, Laney College:	
(30)	Equip outdoor physical education facilities.	5,900
	Peralta Community College District, College of Alameda:	
(31)	Equip outdoor physical education facilities	7,800
	Butte Community College District, Butte College:	
(32)	Equip physical education buildings	6,500
(33)	Equip gymnasium	32,700

Item		Amount
	Kern Community College District, Porterville College:	
(34)	Equip physical education addition	3,700
	San Bernardino Community College District, Crafton Hills College:	
(35)	Equip indoor physical education facilities	30,400
	Kern Community College District, Bakersfield College:	
(36)	Equip physical education addition	15,700
	Lassen Community College District, Lassen College:	
(37)	Equip dining facility	25,400
	West Valley Joint Community College District, Saratoga College:	
(38)	Equip warehouse-maintenance building	23,500
	San Luis Obispo County Community College District, Cuesta College:	
(39)	Construct business education, engineering, and mathematics building	439,600
(40)	Construct auto mechanics and welding technology building	284,300
	Ventura County Community College District, Ventura College:	
(41)	Construct and equip classroom building	314,900
	Los Rios Community College District, American River College:	
(42)	Construct electronics, auto mechanics, and welding additions	1,257,000

Item	Amount
Butte Community College District, Butte College:	
(43) Construct business, police science, and home economics building	619,900
Marin Community College District, Indian Valley Colleges:	
(44) Construct inner college "A"	596,400
State Center Community College District, Fresno City College:	
(45) Construct and equip art and social science building, phase II	696,500
Coast Community College District, Golden West College:	
(46) Construct music additional No. 1	318,300
Los Angeles Community College District, Los Angeles Southwest College:	
(47) Construct permanent facilities, phase IA	2,020,000
State Center Community College District, Fresno City College:	
(48) Construct and equip language arts building	485,900
San Joaquin Delta Community College District, San Joaquin Delta College:	
(49a) Construct educational laboratories and services building	1,206,800
(49b) Construct business, health sciences and drama building	1,928,000
Coast Community College District, Orange Coast College:	
(50) Construct lecture hall and art building addition	631,500

Item		Amount
	Yosemite Junior College District, Modesto College:	
(50a)	Construct police sciences, health occupations and home economics buildings	1,094,200
(50b)	Construct child development laboratory	102,900
	Coast Community College District, Golden West College:	
(51)	Construct mathematics and science addition No. 2	762,800
	Los Rios Community College District, Cosumnes River College:	
(52)	Construct classroom building	1,319,200
	Los Rios Community College District, Sacramento City College:	
(53)	Construct classroom and administration building, phases I and II	3,767,100
	Saddleback Community College District, Saddleback College:	
(54)	Construct music arts building	1,775,200
	Marin Community College District, Indian Valley Colleges:	
(55)	Construct multidiscipline classroom laboratory building	582,600
	Cerritos Community College District, Cerritos College:	
(56)	Construct health sciences paramedical building	1,394,600
	San Diego Community College District, San Diego City College:	
(57)	Construct math-science building, phase I	813,900
	Coast Community College District, Golden West College:	
(59)	Construct library and audiovisual addition No. 3	819,600

Item	Amount
Peralta Community College District, Merritt College:	
(60) Construct library building	995,700
Yuba Community College District, Yuba College:	
(61) Construct library building	670,200
Coast Community College District, Orange Coast College:	
(62) Construct and equip administration building	500,200
Marin Community College District, Indian Valley Colleges:	
(63) Construct administration building	216,000
Merced Community College District, Merced College:	
(64) Working drawings, construct and equip for remodel old library	111,500
Cabrillo Community College District, Cabrillo College:	
(65) Land acquisition	540,600
(66) Working drawings for site development and utilities, phase I	12,300
San Diego Community College District, San Diego City College:	
(66a) Land acquisition No. 4	202,000
Kern Community College District, Bakersfield College:	
(67) Acquisition of downtown center site	423,400
(68) Working drawings and construct for downtown center remodeling	674,000
Sweetwater Community College District, Southwestern College:	
(69) Working drawings and construct science building	639,500

Item		Amount
	Sweetwater Community College District, Southwestern College:	
(71)	Working drawings and construct human services building	752,800
	Los Angeles Community College District, Los Angeles Harbor College:	
(72)	Working drawings for music building	8,200
	State Center Community College District, Fresno City College:	
(73)	Working drawings and construct business education building	786,800
	Los Angeles Community College District, West Los Angeles College:	
(74)	Working drawings for classroom and laboratory building	16,300
	Butte Community College District, Butte College:	
(75)	Working drawings for art and design building	24,200
	Marin Community College District, Indian Valley Colleges:	
(76)	Working drawings for science technology classroom and laboratory building	33,000
	Contra Costa Community College District, Contra Costa College:	
(77)	Working drawings, construct and equip natural science addition and remodeling	452,800
	Coast Community College District, Orange Coast College:	
(78)	Working drawings, construct and equip drama workshop addition ..	318,200

Item	Amount
Yuba Community College District, Yuba College:	
(79) Working drawings, construct, and equip agriculture building, step II	167,400
Sweetwater Community College District, Southwestern College:	
(80) Working drawings and construct music arts buildings	740,000
College of the Sequoias Community College District, College of the Sequoias:	
(81) Working drawings for fine arts building	40,400
Merced Community College District, Merced College.	
(82) Working drawings, construct and equip automotive body shop and engine laboratory addition	463,500
Hartnell Joint Community College District, Hartnell College:	
(83) Working drawings for classroom, counseling and administration buildings	88,500
San Luis Obispo County Community College District, Cuesta College:	
(84) Working drawings for language arts, social science and fine arts building	48,000
Lassen Community College District, Lassen College:	
(85) Working drawings and construct science building	1,212,900
Redwoods Joint Community College District, College of the Redwoods:	
(86) Working drawings for allied health occupation and vocational tech building	53,300

Item		Amount
	Santa Clarita Community College District, College of the Canyons:	
(87)	Working drawings and construct vocational technology building	935,000
	Butte Community College District, Butte College:	
(88)	Working drawings for music building	21,300
	Los Angeles Community College District, Los Angeles Harbor College:	
(89)	Working drawings for library and audiovisual addition	12,100
	West Valley Joint Community College District, Saratoga College:	
(90)	Working drawings and construct library and audiovisual building ..	429,200
	Marin Community College District, Indian Valley Colleges:	
(91)	Working drawings for library building	16,000
	Cabrillo Community College District, Cabrillo College:	
(92)	Working drawings, construct and equip library and audiovisual addition	539,200
	Los Angeles Community College District, West Los Angeles College:	
(93)	Working drawings for library and audiovisual building	24,000
	Imperial Community College District, Imperial Valley College:	
(94)	Working drawings, construct and equip library building	567,100

Item	Amount
Sierra Joint Community College District, Sierra College:	
(95) Working drawings and construct library building addition and alterations	483,500
Los Rios Community College District, American River College:	
(96) Working drawings and construct administration addition and alterations	501,500
State Center Community College District, Fresno City College:	
(97) Working drawings and construct student service building	735,100
Yuba Community College District, Yuba College:	
(98) Working drawings, construct and equip student personnel service addition and alterations	404,900
Barstow Community College District, Barstow College:	
(99) Working drawings, construct and equip administration building	9,000
Contra Costa Community College District, Diablo Valley College:	
(100) Working drawings, construct and equip physical science remodeling	222,000
(101) Working drawings, construct and equip life science remodeling	88,000
San Joaquin Delta Community College District, San Joaquin Delta College:	
(102) Construct physical education classroom and laboratory building	1,846,500
Napa Community College District, Napa College:	
(103) Construct gymnasium complex	1,814,000

Item		Amount
	San Joaquin Delta Community College District, San Joaquin Delta College:	
(104)	Construct indoor physical education facilities	598,300
	Peralta Community College District, College of Alameda:	
(105)	Construct gymnasium facilities	1,247,300
	Marin Community College District, Indian Valley Colleges:	
(106)	Construct outdoor physical education facilities	52,500
	North Orange Community College District, Cypress College:	
(107)	Construct men's gymnasium	1,257,200
	Santa Clarita Community College District, College of the Canyons:	
(108)	Working drawings and construct indoor physical education building	1,285,400
	Saddleback Community College District, Saddleback College:	
(109)	Working drawings for physical education building	48,000
	Yosemite Junior College District, Modesto College:	
(110)	Working drawings for gymnasium	37,400
	San Jose Community College District, Evergreen Valley College:	
(111)	Working drawings for physical education building	12,000
	Los Angeles Community College District, West Los Angeles College:	
(112)	Working drawings for physical education building	15,100

Item	Amount
San Luis Obispo Community College District, Cuesta College:	
(113) Working drawings for physical education building, phase "C"	33,100
San Joaquin Delta Community College District, San Joaquin Delta College:	
(114) Construct outdoor physical education facilities, phase I	188,900
San Jose Community College District, Evergreen Valley College:	
(115) Working drawings for outdoor physical education facilities	13,200
Imperial Community College District, Imperial Valley College:	
(116) Working drawings, construct and equip outdoor physical education facilities	129,100
Santa Clarita Community College District, College of the Canyons:	
(117) Construct outdoor physical education facilities	169,300
Napa Community College District, Napa College:	
(118) Working drawings and construct outdoor physical education facilities	271,400
Merced Community College District, Merced College:	
(119) Working drawings, construct and equip outdoor physical education facilities	175,100
San Diego Community College District, San Diego Mesa College:	
(120) Working drawings, construct and equip outdoor physical education expansion	113,000
San Joaquin Delta Community College District, San Joaquin Delta College:	

Item		Amount
(121)	Construct outdoor physical education facilities, phase II	107,600
	Oceanside-Carlsbad Community College District Mira Costa College:	
(122)	Working drawings and construct perimeter road completion	51,300
	Butte Community College District, Butte College:	
(123)	Construct office building and dining facilities	855,500
	San Luis Obispo County Community College District, Cuesta College:	
(124)	Construct cafeteria	419,100
	San Diego Community College District, San Diego City College:	
(125)	Working drawings for dining facility	36,800
	Fremont-Newark Community College District, Ohlone College:	
(126)	Construct and equip warehouse and maintenance building	163,700
(127)	Chancellor's Office: Planning funds 1974–75	300,000
	Redwoods Joint Community College District, College of the Redwoods:	
(128)	Construction allied Health Occupation and Vocational tech building	1,203,100

Notwithstanding the provisions of Section 2.4 of this act, the equipment items in this item shall be available for expenditure only during the 1973–74 and 1974–75 fiscal years.

STATE BEACH, PARK, RECREATIONAL AND HISTORICAL FACILITIES BOND ACT PROGRAM

SEC. 2.5. The following sums of money, or so much thereof, as may be necessary, unless otherwise provided herein, are hereby

Item Amount

appropriated for the 1973–74 fiscal year beginning July 1, 1973, and ending June 30, 1974. All such appropriations, unless otherwise herein provided, shall be paid out of the State Beach, Park, Recreational and Historical Facilities Fund in the State Treasury.

LOCAL ASSISTANCE

Resources

365—For grants to counties, cities or cities and counties pursuant to Section 5096.15(d) of the Public Resources Code, Department of Parks and Recreation, payable from the State Beach, Park, Recreational and Historical Facilities Fund 206,428
Schedule:
(a) Elk Bayou Regional Park, County of Tulare, for acquisition and development 500
(b) Mandalay Beach, County of Ventura, for acquisition and development 109,828
(c) Big Morongo Regional Park, County of San Bernardino, for acquisition and development 96,100

365.1—For grants to counties, cities, or cities and counties pursuant to Section 5096.15(d) of the Public Resources Code, Department of Parks and Recreation, payable from the State Beach, Park, Recreational, and Historical Facilities Fund 157,250
Schedule:
(a) Groveland Community Services District, Groveland Wayside Park, for acquisition and development.. 26,666
(b) Tuolumne Park, Parkways and Recreation District, Basin Creek Park, for acquisition and development 6,667
(c) Twain Harte Recreation and Park District, Twain Harte Park, for acquisition and development 21,667
(d) County of Colusa, Colusa-Sacramento River State Recreation Area, for development 80,000
(e) County of Lassen, Janesville Park, for development 22,250

365.5—For grants to counties, cities, or cities and counties pursuant to subdivision (d) of Section 5096.15 of the Public Resources Code, Department of

Item		Amount
Parks and Recreation, payable from the State Beach, Park, Recreational and Historical Facilities Fund		80,000
Schedule:		
(a) County of Inyo, Mill Pond Recreation Area, for development	80,000	
366—For project review for purposes set forth in Section 5096.15(d) of the Public Resources Code, Department of Parks and Recreation, payable from the State Beach, Park, Recreational and Historical Facilities Fund		78,500
366.1—As of June 30, 1975, the unexpended balances of the appropriations made by the following citations, shall revert to the unappropriated balance of the State Beach, Park, Recreational, and Historical Facilities Fund:		
Item 349.1 (hhh), Budget Act of 1970		
Item 349.1 (d), Budget Act of 1970		
Item 349.1 (y), Budget Act of 1970		
Item 311 (f), Budget Act of 1971		
366.5—As of June 30, 1973, the unexpended balances of the appropriations made by the following citations, shall revert to the unappropriated balance of the State Beach, Park, Recreational, and Historical Facilities Fund.		
Item 349.1 (r) Budget Act of 1970		
Item 311 (n) Budget Act of 1971		
CAPITAL OUTLAY		
Resources		
367—For capital outlay, Department of Parks and Recreation, for purposes set forth in Sections 5096.15(a) and (b) of the Public Resources Code for expenditure during the 1973–74, 1974–75 and 1975–76 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund		2,158,500
Schedule:		
(a) Old Sacramento State Historic Park, land acquisition	185,000	
(b) San Onofre State Beach, for development	1,298,000	
(c) Sugar Pine Point State Park, for development	100,000	
(d) Design and construction liaison	75,500	
(e) Relocation costs	500,000	

Item Amount

Reappropriation

368—Notwithstanding any other provisions of law, the undisbursed balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes (and the limitations) provided for in said appropriations (and any reappropriations), and shall be available for expenditure until June 30, 1974:

Land Acquisition:

Item 362(a) Budget Act of 1965
Item 362(b) Budget Act of 1965
Item 362(c) Budget Act of 1965
Item 423(a) Budget Act of 1966
Item 423(c) Budget Act of 1966
Item 423(f) Budget Act of 1966
Item 423(i) Budget Act of 1966
Item 423(m) Budget Act of 1966
Item 423(q) Budget Act of 1966
Item 423(r) Budget Act of 1966
Item 423(t) Budget Act of 1966
Item 343.7(b) Budget Act of 1967
Item 377.1(a) Budget Act of 1968
Item 422(a) Budget Act of 1969

Development:

Item 424(c) Budget Act of 1966, for development of water supply system only
Item 423(a) Budget Act of 1969
Item 423(c) Budget Act of 1969

368.5—Notwithstanding any other provision of law, the unexpended balance of funds appropriated to the Department of Parks and Recreation by Item 322A of the Budget Act of 1972, as added thereto by Chapter 959 of the Statutes of 1972, are reappropriated for the same purposes to the Department of Parks and Recreation, and shall be available for expenditure until June 30, 1974.

Item	Amount

Reversions

369—Notwithstanding any other provisions of law, the unencumbered balances on the effective date of this act of Item 362(a), (b), and (c), Budget Act of 1965, related to Huntington State Beach, Malibu Lagoon State Beach, Point Mugu State Park, Prairie Creek Redwoods State Park, and San Onofre State Beach, shall revert to the unappropriated balance of the State Beach, Park, Recreational, and Historical Facilities Fund.

370—Notwithstanding any other provisions of law, the unencumbered balances on the effective date of this act of Item 423(a), (q), and (r), Budget Act of 1966, related to Bolsa Chica State Beach, Calaveras Big Trees State Park, MacKerricher State Park, Montgomery Woods State Reserve, and Old Sacramento State Historic Park, shall revert to the unappropriated balance of the State Beach, Park, Recreational, and Historical Facilities Fund.

371—As of June 30, 1973, the unencumbered balance of the appropriation made by Item 343.9, Budget Act of 1967, shall revert to the unappropriated balance of the State Beach, Park, Recreational and Historical Facilities Fund.

372—As of June 30, 1973, the unencumbered balance of the appropriation made by Item 418(ccc), Budget Act of 1969, shall revert to the unappropriated balance of the State Beach, Park, Recreational and Historical Facilities Fund.

373.1—As of June 30, 1973, the unencumbered balance of the appropriation made by Item 321.1(b), Budget Act of 1972, shall revert to the unappropriated balance of the State Beach, Park, Recreational and Historical Facilities Fund.

RECREATION AND FISH AND WILDLIFE ENHANCEMENT BOND ACT PROGRAM

SEC. 2.6. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1973–74, 1974–75 and 1975–76 fiscal years for expenditure only for programs contemplated by the Recreation and Fish and Wildlife Enhancement Bond Act. All such appropriations shall be paid out of the Recreation and Fish and Wildlife Enhancement Fund.

Item		Amount
	RESOURCES	
374—For capital outlay, Wildlife Conservation Board, Department of Fish and Game, for purposes of the Recreation and Fish and Wildlife Enhancement Bond Act, payable from the Recreation and Fish and Wildlife Enhancement Fund		2,517,410
Schedule:		
(a) Equip Black Rock Hatchery	18,000	
(b) Equip Fish Springs Hatchery	73,000	
(c) Reconstruct and modernize, Mojave River Hatchery	1,023,500	
(d) Modernize and expand, Crystal Lake Hatchery	922,800	
(e) Construct broodstock facilities and enlarge, Mt. Shasta Hatchery	207,800	
(f) Working drawings, modernize and enlarge broodstock facilities, Mt. Whitney Hatchery	25,000	
(g) Development, Fish and Wildlife Habitat	67,310	
(h) Development, Oroville Wildlife area	100,000	
(i) Acquisition, fishing access sites state water facilities	80,000	
375—For capital outlay, Department of Parks and Recreation, for purposes of the Recreation and Fish and Wildlife Enhancement Bond Act, payable from the Recreation and Fish and Wildlife Enhancement Fund		9,574,124
Schedule:		
(a) Lake Oroville State Recreation Area, Foreman Creek, continuing development	239,471	
provided, that no moneys shall be expended for construction from this subitem until there is a signed agreement with the concessionaire to provide for progress payments in the same manner as the state for his share of the construction costs.		
(b) Perris Reservoir, for development	7,319,140	
(c) Silverwood Lake, West Fork and Mesa areas, for development	1,206,345	
(d) Design and development	709,168	
(e) Project planning	100,000	

Item			Amount
376—For minor capital outlay, Department of Navigation and Ocean Development, for purposes of the Recreation and Fish and Wildlife Enhancement Bond Act, payable from the Recreation and Fish and Wildlife Enhancement Fund			138,000
377—For capital outlay, Department of Navigation and Ocean Development, for purposes of the Recreation and Fish and Wildlife Enhancement Bond Act, payable from the Recreation and Fish and Wildlife Enhancement Fund			1,329,500
Schedule:			
(a) Construct boat-in facilities, Lake Oroville		243,700	
(b) Construct launching facilities, Enterprise area, Lake Oroville		137,500	
(c) Construct boat-in facilities, Perris Reservoir		622,300	
(d) Construct improvements to boat launching facilities, Basalt and Dinosaur Point areas, San Luis Reservoir		306,000	
(e) Preliminary planning, statewide		20,000	
Provided, that no funds appropriated in subitem (c) may be expended until the water level is sufficiently stable to support construction of boat docking facilities.			
The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future years.			

HEALTH SCIENCE FACILITIES CONSTRUCTION BOND ACT PROGRAM

SEC. 2.7. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1973–74, 1974–75 and 1975–76 fiscal years for expenditure only for the programs contemplated by the Health Science Facilities Construction Program Bond Act of 1971. All such appropriations shall be paid out of the Health Science Facilities Construction Program Fund.

HIGHER EDUCATION

378—For capital outlay, University of California, subject to approval of the State Public Works Board, payable from the Health Sciences Facilities			

Item		Amount
Construction Program Fund; provided, that withdrawals shall be as required to meet current obligations as certified by the University of California		58,654,000
Schedule:		
(1) Preliminary planning, health sciences, universitywide	839,000	
(2) General planning studies, health sciences, universitywide	100,000	
(4) Working drawings, construct and equip, correction of safety deficiencies, Sacramento Medical Center, Davis	1,142,000	
(5) Construct medical sciences unit 1, Davis	20,460,000	
(6) Working drawings for utilities and site development, medical sciences unit 1, Davis	81,000	
(7) Master planning and preliminary plans for Sacramento Medical Center, Davis	50,000	
(8) Equip Orange County Medical Center, 1972–73 improvements, Irvine	30,000	
(9) Construct medical sciences unit 1, Irvine	6,485,000	
(10) Working drawings for utilities and site development, medical sciences unit 1, Irvine	30,000	
(11) Preliminary planning and working drawings for Orange County Medical Center improvements, 1973–74, Irvine	256,000	
(12) Working drawings and construct completion of unfinished space, school of dentistry building, Los Angeles	1,174,000	
(13) Construct south wing addition, University Hospital of San Diego County, San Diego Health Sciences	2,991,000	
(14) Working drawings and construct additional boiler, University Hospital of San Diego County, San Diego Health Sciences	268,000	

Item		Amount
(15)	Working drawings and construct improvements at University Hospital of San Diego County, 1973–74 San Diego Health Sciences	1,637,000
(16)	Working drawings and construct clinical teaching facilities, University Hospital of San Diego County, step 1, San Diego Health Sciences	1,388,000
(17)	Working drawings and construct clinical teaching facilities, University Hospital of San Diego County, step 2, San Diego Health Sciences	2,901,000
(18)	Working drawings and construct library expansion, University Hospital of San Diego County, San Diego Health Sciences.....	550,000
(19)	Working drawings and construct medical sciences facility unit 1, San Diego Health Sciences.....	1,260,000
(20)	Working drawings and construct central chiller plant at University Hospital of San Diego County, San Diego Health Sciences.....	538,000
(23)	Working drawings and construct Moffitt Hospital modernization, new service facilities and related alterations, San Francisco	15,324,000

provided, that no other major capital outlay project at Moffitt Hospital will be undertaken, regardless of source of funds, unless reviewed and approved by the Legislature.

(24)	Working drawings, construct, and equip animal facilities, step 2—medical research building II alterations, San Francisco	481,000
(26)	Working drawings for Medical Sciences, Unit 2, Irvine	486,000
(27)	Preliminary planning and working drawings for central plant site development, Medical Sciences Unit 2, Irvine	113,000
(28)	Preliminary planning for utilities and site development, Medical Sciences Unit 2, Irvine.....	30,000

Item	Amount
(29) Preliminary planning for community clinics, Irvine 40,000	
Provided, that no moneys appropriated in subitems (11), (26), (27), (28), and (29) shall be expended prior to program approval by the Department of Finance, the Joint Legislative Budget Committee, and the Joint Committee on the Siting of Teaching Hospitals.	
Provided, further, that the Public Works Board shall ensure that the Medical Science Unit 1 on the Davis Campus has been redesigned for the enrollment of not more than 85 graduate academics and that the Medical Science Unit 1 on the Irvine Campus has been redesigned for the enrollment of not more than 60 graduate academics and that such space as was programmed for additional graduate academics is redesigned for the training of M.D. candidates prior to the approval of such projects for construction.	

STATE BEACH, PARK, RECREATIONAL, AND HISTORICAL FACILITIES

BOND ACT OF 1974 PROGRAM

SEC. 2.8. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1973–74, 1974–75, and 1975–76 fiscal years, contingent upon adoption of the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974. All such appropriations shall be paid out of the State Beach, Park, Recreational, and Historical Facilities Fund of 1974.

CAPITAL OUTLAY

RESOURCES

379—For capital outlay, Department of Parks and Recreation, for purposes set forth in subdivision (e) of Section 5096.85 of the Public Resources Code, for expenditure during the 1973–74, 1974–75, and 1975–76 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974	26,591,000
Schedule:	
(a) Stanford Home, land acquisition .. 951,000	

Item		Amount
(b)	Carmel River (Odello), land acquisition	1,700,000
(c)	Century Ranch, land acquisition	5,700,000
(d)	Jetty Beach, land acquisition	500,000
(e)	Leo Carrillo (Marguart), land acquisition	8,100,000
(f)	Manresa Beach (Grimm), land acquisition	1,100,000
(g)	Old Town San Diego, land acquisition	950,000
(h)	Pomponio, land acquisition	500,000
(i)	Shasta County (Herr Ranch), land acquisition	850,000
(j)	Stone Lake, land acquisition	6,240,000

provided, that none of the funds which are appropriated by this item for the projects set forth herein shall be available for expenditure unless and until such projects are recommended by the State Park and Recreation Commission and reviewed by the Secretary of the Resources Agency.

GENERAL SECTIONS

SEC. 4. Notwithstanding any other provisions of this act, no appropriations made herein, or funds obtained from any other source, over $10,000 may be expended by any state entity for any single expansion, improvement or addition to electronic data-processing activities, personnel, equipment, facilities or supplies during fiscal year 1973–74, or any expenditure budgeted for fiscal year 1974–75 for electronic data-processing activities, personnel, equipment, facilities or supplies unless the department director certifies (or in the case of a consolidated data center, the center director), and the Director of Finance determines and states in writing that the criteria and procedures set forth in the Supplementary Report of the Committee on Conference on the Budget Act of 1973 have been met and followed.

Notwithstanding any other provisions of this act, no appropriations made herein, or funds obtained from any other source, may be expended by any state entity pursuant to a contract for expansion, improvement or addition to electronic data-processing activities, personnel, equipment, facilities or supplies as defined in the Supplementary Report of the Committee on Conference on the Budget Act of 1973, during fiscal year 1973–74 or any expenditure budgeted for fiscal year 1974–75 for such activities in excess of $10,000, unless the contract for the acquisition or rental of equipment, personal services, or supplies as these terms are defined in the Supplementary Report of the Committee on Conference on

the Budget Act of 1973 is competitively bid.

No expenditure of funds for data-processing activities shall be authorized until the director of the department requesting the expenditure and the Director of Finance certify that adequate safeguards have been developed following the criteria contained in the Supplementary Report of the Committee on Conference on the Budget Act of 1973 to insure the confidentiality of data.

The provisions of this section shall not apply to the University of California, the State Compensation Insurance Fund, or agencies provided for by Article VI of the Constitution or the Legislature.

Contracts awarded or entered into pursuant to this section for lease of electronic data-processing equipment shall be in the form of the Model Contract for Lease of Electronic Data Processing Systems and Components as outlined in Management Memo 73-13, dated May 16, 1973, for inclusion in the State Administrative Manual as Section 4960.2 (revised May 16, 1973), and no portion of such contract shall be excluded or stricken.

No funds appropriated in this act may be encumbered or expended for the purchase of electronic data-processing equipment, as defined in the supplemental report of the Committee on Conference on the Budget Act of 1973, until a new model contract has been developed and approved for such purchases, provided that any such proposed new model contract for electronic data-processing equipment purchases shall be submitted to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee 30 days prior to approval and adoption of any such new model contract.

No expenditures or encumbrances shall be made from funds appropriated in this act or from any other source for the lease, lease-purchase or purchase of electronic data processing equipment unless two bidders bidding on mainframes manufactured by different companies have been determined to be qualified for contract award in accordance with this section.

SEC. 4.1. Notwithstanding any provisions of law to the contrary, no funds appropriated in this act nor from any other sources shall be expended, encumbered or transferred to fund planning, staffing or implementation of any phase of the Revenue Consolidated Data Center or the Human Relations Consolidated Data Center (Health and Welfare Consolidated Data Center).

SEC. 5. Because it is necessary to insure the availability of adequate equipment for physical facilities constructed for the operation of custodial, mental health, educational, administrative, military, and other agencies of the state government; because uncertainties as to completion dates make precise advance planning of equipment purchases impossible; and since delivery of some kinds of equipment cannot be made for six months or longer from the date of ordering; state agencies are therefore authorized to incur obligations, to be met during the 1974–75 fiscal year, for the purchase

of equipment related to capital outlay projects for which the Legislature has appropriated construction funds; provided, that no obligation shall be incurred under the provisions of this section without the approval of the Department of Finance and the State Public Works Board Purchase orders issued and contracts entered into under the provisions of this section shall not exceed a total of two million dollars ($2,000,000) in estimated cost.

SEC. 6. No more than $2,300,000 of the funds appropriated in Item 8 of this act shall be expended for the purpose of the California Clean Car Project.

SEC. 7. Any acquisition of land or other real property included in any appropriation made herein except appropriations from the California Water Fund or the State Highway Account, State Transportation Fund or appropriations to the Board of Governors of the California Community Colleges for allocation to the community college districts shall be subject to the provisions of the Property Acquisition Law.

All property acquisitions, notwithstanding other exemptions of this section, shall be reported to the State Public Works Board.

SEC. 8. No money appropriated herein in any item for capital outlay may be expended by any state agency, including the University of California, the California State University and Colleges and the community colleges, except amounts for acquisition of land or other real property, amounts needed for equipment, minor projects and amounts appropriated specifically for preliminary surveys, studies and planning until the State Public Works Board and the Department of Finance have approved preliminary plans for the project to be financed from such item of appropriation for capital outlay with the exception that community college approvals by the Public Works Board will apply only to the allocation of state capital outlay funds appropriated heretofore and hereafter by the Legislature; including land acquisition and equipment funds; provided further, that unless excepted by the conditions of Section 20084 of the Education Code, the Public Works Board shall not approve for allocation any appropriated amounts for working drawings or construction where said working drawings or construction have been started by a community college prior to approval of the state-appropriated amounts by the Public Works Board, and all such amounts not approved by the board under this criterion shall be reverted to the unappropriated balance of the appropriate fund; provided further, no major project for which appropriation is made hereunder regarding which the Director of Finance or his authorized representative requests review of working plans shall be put out to bid until the working plans therefor have been approved by the Department of Finance; provided further, that no money appropriated herein may be spent for working drawings for any project as to which there has been made substantial change or changes from the preliminary plans as approved by the State Public Works Board and the Department of Finance unless

there has first been obtained the approval of the Department of Finance to make such change or changes; provided further, that no more than one hundred dollars ($100) of the money appropriated herein may be spent for any single unit of equipment until prior approval for purchase of such equipment shall have been given by the Department of Finance.

Nothing in this section shall be construed to limit or control the Department of Public Works in the expenditure of State Highway Account, State Transportation Fund money appropriated for capital outlay purposes.

The Department of Public Works shall report to the State Public Works Board the expenditures for capital outlay, except minor projects, from appropriations contained in this act.

SEC. 8.5. In making appropriations to state agencies which are eligible for federal assistance programs, it is the intent and understanding of the Legislature that applications made by such agencies for federal funds under any such programs shall be for the maximum amount allowable under federal law.

SEC. 9. Notwithstanding any other provision of law, the portion of each sum of money heretofore appropriated or allocated, hereby appropriated or hereafter allocated to the Regents of the University of California for capital outlay which remains after the purpose for which each said sum was appropriated or allocated has been accomplished, and which have been or hereafter are withdrawn from the State Treasury by the Regents of the University of California pursuant to the provisions of Section 23201 of the Education Code, together with increments, by way of interest or otherwise, on any such appropriation or allocations, shall be used and expended by the Regents of the University of California in executing and furthering the building and improvement program of the University of California; provided, that no such sums shall be allocated by the Regents of the University of California to projects for the purpose of augmenting those projects without prior approval of the State Public Works Board of the requested augmentation. Such sums shall be available for expenditure in payment of any encumbrances heretofore or hereafter incurred without regard to fiscal years; provided, however, that any unencumbered balances existing as of the date on which each such appropriation or allocation otherwise would lapse, shall then revert.

SEC. 10. Notwithstanding any other provisions of law, the undisbursed balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes provided for in said appropriations, and shall be available for expenditure until June 30, 1974.

Department of the California Highway Patrol:

Item 333(a), Budget Act of 1970

Department of Conservation:

Item 344(b), Budget Act of 1968

Item 344(c), Budget Act of 1968

Item 344(d), Budget Act of 1968
Item 344(j), Budget Act of 1968
Item 396(a), Budget Act of 1969
Item 396(e), Budget Act of 1969
Item 328(a), Budget Act of 1970
Item 328(b), Budget Act of 1970
Department of Navigation and Ocean Development:
Chapter 71, Statutes of 1970
Department of Parks and Recreation:
Item 410(f), Budget Act of 1969
Chapter 987, Statutes of 1970
Item 358(d), Budget Act of 1968, as amended by Section 10, Budget Act of 1972
University of California:
Item 377(b), Budget Act of 1969
Item 377(s), Budget Act of 1969
Item 347.9(g), Budget Act of 1970
Item 347.9(j), Budget Act of 1970
Item 347.9(*l*), Budget Act of 1970
State University and Colleges:
California State College, Bakersfield:
Item 347.11(a), Budget Act of 1970
Item 347.11(b), Budget Act of 1970
California State University, Chico:
Item 339(a), Budget Act of 1967
Item 339(b), Budget Act of 1967
Item 329(a), Budget Act of 1968
Item 329(b), Budget Act of 1968
California State University, Fullerton:
Item 329(i), Budget Act of 1968
Item 329(j), Budget Act of 1968
California State University, Hayward:
Item 329(m), Budget Act of 1968
Item 329(n), Budget Act of 1968
California State University, Humboldt:
Item 329(o), Budget Act of 1968
California State University, Long Beach:
Item 329(t), Budget Act of 1968
California State University, Los Angeles:
Item 339(qq), Budget Act of 1967
Item 339(ss), Budget Act of 1967
California State University, Northridge:
(Formerly San Fernando Valley State College)
Item 347.11(c), Budget Act of 1970
Item 347.11(d), Budget Act of 1970
California State Polytechnic University, Pomona:
(Formerly Kellogg-Voorhis Campus)
Item 383(n), Budget Act of 1969
California State University, San Diego:

Item 347.5(h), Budget Act of 1970
California State University, San Francisco:
Item 352(wwx), Budget Act of 1965
Item 333(m), Budget Act of 1968
California State College, Dominguez Hills:
Item 333(u), Budget Act of 1968
Item 383(b), Budget Act of 1969
California State University, San Jose:
Item 353(c), Budget Act of 1965
Item 408(nnn), Budget Act of 1966
Item 339(ppp), Budget Act of 1967

SEC. 10.1. As of June 30, 1973, the unexpended balance of the appropriation made by Item 85, Budget Act of 1972, shall revert to the unappropriated balance of the General Fund.

As of July 1, 1973, the amount reverted as of June 30, 1973, for Item 85, Budget Act of 1972, is reappropriated and shall be available until June 30, 1974, and may be expended on written authorization of the Department of Finance issued on or before said date, for emergencies, within the meaning of said item, occurring during the 1972–73 fiscal year.

SEC. 10.2. Notwithstanding any other provisions of law, Item 329(a), Budget Act of 1969, and Item 266(a), Budget Act of 1970 are reappropriated for the same purposes to the Department of Education, and Item 348(d), Budget Act of 1969, and Item 283(b), Budget Act of 1970, are reappropriated for the same purposes to the Department of Social Welfare, and shall be available until June 30, 1974, for expenditure adjustments relating to the 1970–71 fiscal year under the provisions of Public Law 90-248; provided, that this reappropriation is solely for the purpose of enabling the recovery of prior state costs under said Public Law 90-248 and in effecting the recovery the Department of Education and Department of Social Welfare, respectively, as appropriate, will so certify to the State Controller.

SEC. 10.21. Notwithstanding any other provisions of law, up to $134,000 of the unexpended balance of funds charged pursuant to the provisions of Section 16736 of the Education Code during the 1972–73 fiscal year shall be available for expenditure during the 1973–74 fiscal year, in addition to funds generated in 1973–74 under Section 16736, provided that the scheduling and expenditure of these funds will be subject to prior approval of the Department of Finance.

SEC. 10.6. Notwithstanding any other provisions of law, the unexpended balance of the appropriation made by Item 297(h), Budget Act of 1971, is hereby reappropriated until June 30, 1974 for the same purpose; and in addition shall be available for expenditure for construction of offsite sidewalk and street improvements.

SEC. 10.7. Notwithstanding any other provisions of law, the unexpended balance of the appropriation made by Chapter 1424, Statutes of 1972, is hereby reappropriated to the Department of Housing and Community Development for the purposes specified in

such chapter and shall be available for expenditure until June 30, 1974.

SEC. 10.8. As of June 30, 1973, $27,072 of the unencumbered balance of the appropriation made by Chapter 885, Statutes of 1972 shall revert to the unappropriated balance of the General Fund.

As of July 1, 1973, the amount reverted as of June 30, 1973 for Chapter 885, Statutes of 1972, is hereby reappropriated to the Department of Motor Vehicles for the purposes specified in such chapter and shall be available for expenditure until June 30, 1975.

SEC. 10.9. On the effective date of this act, the unexpended balance of the appropriation made by Item 282.1, Budget Act of 1971, is reappropriated to the University of California, exempt from Section 31 of this act, for the payment of unemployment insurance claims during the 1973–74 fiscal year, provided however, that the amount so reappropriated shall not exceed $800,000, and provided further, that allocations by the Department of Finance from this item shall be made on the basis of actual claims for positions funded from the General Fund.

SEC. 11. As of June 30, 1973, the unencumbered balance of the appropriations provided in the following citations shall revert to the unappropriated balance of the General Fund:

Department of Finance:
Chapter 1414, Statutes of 1971
State Treasurer:
Chapter 223, Statutes of 1971 (State Notes Expense Account)
Workmen's Compensation Appeals Board:
Chapter 892, Statutes of 1972
Department of Public Health:
Chapter 1613, Statutes of 1970
Department of Social Welfare:
Chapter 1418, Statutes of 1969

SEC. 11.1. As of June 30, 1973, the unencumbered balance of the appropriations provided in the following citations shall revert to the unappropriated balance of the Motor Vehicle Account, State Transportation Fund:

Department of Motor Vehicles:
Chapter 813, Statutes of 1970
Chapter 819, Statutes of 1970

SEC. 11.2. As of June 30, 1973, the unencumbered balances of the appropriations provided in the following citations shall revert to the unappropriated balance of the California Environmental Protection Program Fund:

Resources Agency:
Chapter 1299, Statutes of 1970
Chapter 1533, Statutes of 1970
Chapter 1669, Statutes of 1971
Ventura-Los Angeles Mountain and Coastal Study Commission:
Chapter 1556, Statutes of 1970

SEC. 11.3. As of June 30, 1973, the unencumbered balance of the

appropriation in the following citation shall revert to the unappropriated balance of the Health Science Facilities Construction Program Fund:

University of California

Item 333(6), Budget Act of 1972

SEC. 11.4. As of June 30, 1973, the unencumbered balance of the appropriation made by Item 309 (www), Budget Act of 1972, shall revert to the unappropriated balance of the Capital Outlay Program Fund for Public Higher Education.

SEC. 11.5. As of June 30, 1973, the excess credential fees accumulated by the Board of Governors of the California Community Colleges shall revert to the General Fund.

SEC. 17. The Trustees of the California State University and Colleges, having made applications for federal grant funds which would reimburse in whole or in part any appropriation made by Items 361 and 362, Budget Act of 1973, any state appropriated funds thereby released, equal in amount to federal grants made to any project in Items 361 and 362, Budget Act of 1973, notwithstanding any other provisions of law, may be used as a source of funding for Item 363.5, Budget Act of 1973; and provided that, any state funds released by federal grants in excess of those needed for Item 363.5, Budget Act of 1973, shall revert to the unappropriated balance of the Capital Outlay Fund for Public Higher Education. For the purposes of complying with this section, the State Controller shall consider a written federal grant commitment as adequate for the release of state funds.

SEC. 18. Notwithstanding any statutes, regulations or state policy to the contrary, all contracts and interagency agreements for consultant or personal services, except such contracts as are expressly excluded below, shall, prior to their approval by the Department of General Services, be routed to the Department of Finance for review and approval. The Director of Finance shall, within 10 days of approving any such contract, so notify the chairman of the Joint Legislative Budget Committee and the chairman of the committee in each house which considers appropriations.

The following types of contracts are excluded from the provisions of this section:

(a) Contracts that require payment at an annualized rate of less than ten thousand dollars ($10,000) per party per 12-month period.

(b) Contracts for hearing reporter services.

(c) Contracts for employer training programs which provide on-the-job training for workers.

(d) Contracts for rehabilitation services entered into by the Department of Rehabilitation.

(e) Contracts for maintenance and service of equipment.

(f) Contracts for electronic data-processing services reported under Section 4 of this act.

(g) Contracts related to any type of construction.

(h) Contracts for community mental health training entered into

by the Centers for Training in Community Psychiatry, Department of Health, Health Treatment System.

SEC. 19. On or before September 30, 1973, the State Controller shall transfer to the General Fund any amount of surplus and working capital advances in the Service Revolving Fund for the Office of State Printing which totals in excess of $6,880,262 as of June 30, 1973, and shall apply the amount of such transfer first against any outstanding working capital advances.

No machinery or equipment shall be purchased by or for the Office of State Printing except as provided for in this act and for emergency replacements which shall be reported to the Joint Legislative Budget Committee quarterly.

No augmentation shall be made to the capital of the Service Revolving Fund for the benefit of the Office of State Printing during the 1973–74 fiscal year except as specifically provided for in this act.

Any proposed capital addition to the Service Revolving Fund for the benefit of the Office of State Printing for the 1974–75 fiscal year shall be included in the proposed budget for that fiscal year as an appropriation out of the General Fund.

Any surplus resulting from legislative printing shall be shown as a reimbursement to Item 11 of this act.

SEC. 19.1. The unencumbered balance of the Department of Human Resources Development Contingent Fund, which at any time during the 1973–74 fiscal year exceeds $1,000,000, is hereby appropriated for transfer to the General Fund; such transfer to be made from time to time by the State Controller.

SEC. 19.3. The sum of forty-one million five hundred thousand dollars ($41,500,000) is hereby appropriated from funds within the General Fund reserved by Section 153 of Chapter 963, Statutes of 1967 and shall be transferred by the State Controller to the Bagley Conservation Fund on the effective date of this act, and such moneys shall be available only for expenditure for the purposes of Item 350 of this act. The funds appropriated by this section shall be in addition to any other funds available for the purposes of Item 350 of this act.

SEC. 19.5. There is hereby appropriated $215,000,000 from the Federal Revenue Sharing Fund to the General Fund for transfer to the State School Fund during the 1973–74 fiscal year. Such transfers are to be made by the State Controller upon order of the Director of Finance.

SEC. 19.6. (a) Since the State Scholarship and Loan Commission must announce in the spring of 1974 those individuals to whom state scholarship awards will be granted for the following fall semester of 1974 and, since the Budget Act of 1974 may not be enacted in adequate time, the State Scholarship and Loan Commission is authorized to incur scholarship obligations for the maximum number of awards authorized by Section 31204 of the Education Code in an amount not to exceed $32,652,000 during the 1973–74 fiscal year for awards to be in effect during the 1974–75 fiscal year.

(b) Since the State Scholarship and Loan Commission must

announce in the spring of 1974 those individuals to whom graduate fellowship awards will be granted for the following fall semester of 1974 and, since the Budget Act of 1974 may not be enacted in adequate time, the State Scholarship and Loan Commission is authorized to incur graduate fellowship obligations for the awards authorized by Section 31247 of the Education Code in an amount not to exceed $1,000,000 during the 1973–74 fiscal year for awards to be in effect during the 1974–75 fiscal year.

(c) Since the State Scholarship and Loan Commission must announce in the spring of 1974 those individuals to whom College Opportunity Grants will be granted for the following fall semester of 1974 and, since the Budget Act of 1974 may not be enacted in adequate time, the State Scholarship and Loan Commission is authorized to incur College Opportunity Grant obligations for the maximum number of awards authorized by Section 31263 of the Education Code in an amount not to exceed $7,000,000 during the 1973–74 fiscal year for awards to be in effect during the 1974–75 fiscal year.

(d) Since the State Scholarship and Loan Commission must announce in the spring of 1974 those individuals to whom Occupational Training Grants will be granted for the following fall semester of 1974 and, since the Budget Act of 1974 may not be enacted in adequate time, the State Scholarship and Loan Commission is authorized to incur Occupational Training Grant obligations for the maximum number of awards authorized by Section 31295.5 of the Education Code in an amount not to exceed $800,000 during the 1973–74 fiscal year for awards to be in effect during the 1974–75 fiscal year.

The intent of this authorization is to prevent the occurrence of there being insufficient funds available to support state scholarships, graduate fellowships, College Opportunity Grants, or Occupational Training Grants, the recipients of which have already been notified of their award. It is necessary that the State Scholarship and Loan Commission announce awards in the spring of each year, often prior to the time the Budget Bill containing the appropriation for this purpose is enacted, in order that students receiving the awards and grants may have sufficient time to plan for entering or returning to school the following fall.

SEC. 19.7. Since it is necessary that sufficient planning time be available for expanding enrollments at existing medical schools, the State Scholarship and Loan Commission is authorized, during the 1973–74 fiscal year, to incur obligations for increased enrollments in medical schools in California, subject to the provisions of Sections 31285.1 through 31285.4 of the Education Code, by an amount not to exceed $724,200 for expenditure in 1974–75.

SEC. 19.8. Since the resolution of the final federal appropriations and subsequent allocations thereof for student financial aid programs may not be finalized prior to enactment of the Budget Act of 1973, and since there is an imperative need to provide a continuing level

of student financial aid in view of the necessity to make advance commitments to students, the following authorizations are hereby granted.

a. The University of California is authorized to incur financial aid obligations up to and not to exceed the total financial aid expenditure amounts reflected in the 1973–74 Governor's Budget for the University of California. Such authorization would be without regard to the funding sources proposed in the Governor's Budget. Such funds are not to exceed $4.1 million of which no more than $1.1 million can be for economic opportunity grants.

b. The California State University and Colleges are authorized to incur financial aid obligations up to and not to exceed the total financial aid expenditure amounts reflected in the 1973–74 Governor's Budget for the California State University and Colleges. Such authorization would be without regard to the funding sources proposed in the Governor's Budget. Such funds are not to exceed $8.4 million of which no more than $1.9 million can be for economic opportunity grants. Notwithstanding any other provision of law, the California State University and Colleges are authorized to establish necessary financial aid regulations and provision for the administration of the above. Such authorization should also include provision for the level of administrative staffing currently contained in the Governor's Budget.

c. The Board of Governors of the California Community Colleges is authorized to incur financial aid obligations up to but not to exceed $3.3 million. Notwithstanding any other provision of law, the Board of Governors is authorized to establish necessary financial aid regulations and provide for the administration of the above.

The intent of this authorization is to prevent insufficient funds from being available to support budgeted financial aids expenditures in the Economic Opportunity Grant, College Work-Study and National Direct Student Loan programs due to a reduction in anticipated federal funds. Claims will be submitted against the Emergency Fund (Item 90 of this act) and approved by the Department of Finance to provide the difference between federal reimbursements projected and federal reimbursements realized and shall be reported to the Chairman of the Joint Legislative Budget Committee on a quarterly basis.

SEC. 20. No money appropriated by this act shall be used to pay the salary of any authorized state position which was abolished effective September 1, 1973 and which position was vacant continuously during the period between October 1, 1972, and July 1, 1973. The State Controller, no later than August 1, 1973, shall notify in writing the Department of Finance of any authorized state position which was vacant continuously during such period. All such positions, except those exempt from civil service or those instructional and instructional-related positions authorized for the California State University and Colleges, are abolished effective September 1, 1973.

The State Controller, not later than 30 days prior to the convening of the 1974 Regular Session of the Legislature, shall furnish the Joint Legislative Budget Committee a report on all positions as of July 1, 1973, which were unfilled continuously during the period between October 1, 1972, and July 1, 1973.

SEC. 20.1. Notwithstanding any other provisions of law, expenditures under Item 13 of this act or any appropriation in augmentation of such item shall be exempt from the provisions of Sections 11033, 13320 and 13325 of, and Chapter 3 (commencing with Section 14250) of Part 5 of, and Chapter 6 (commencing with Section 14780) of Part 5.5 of, Division 3 of Title 2 of the Government Code, subdivision (a) of Section 713 of Title 2 of the California Administrative Code and Sections 4, 8, and 25 of this act, and may be expended as set forth in the Governor's Budget, or for such other purposes, including expenditures for such number of positions in various classifications, as may be authorized by the Joint Committee on Rules.

SEC. 21.3. Since it is imperative for the Department of the California Highway Patrol to purchase special service automobiles in order to adequately patrol the highways of this state and since such automobiles can be purchased more effectively and economically on an annual basis with relation to the model year, which so-called year bridges two fiscal years, the Department of the California Highway Patrol is authorized to incur automotive equipment purchase obligations in an amount not to exceed $1,500,000 during the 1973–74 fiscal year for delivery beginning in the 1974–75 fiscal year, and the sum of $1,500,000 is hereby appropriated from the Motor Vehicle Account, State Transportation Fund to the Department of the California Highway Patrol. This appropriation shall be available until July 1, 1974.

SEC. 21.4. Since it is imperative that the maximum amount of time possible be provided the State Board of Education in the selection of textbooks and for private publishers and the State Printer to print textbooks for the ensuing school year, the Department of Education and the Department of General Services are authorized subject to the provisions of Education Code Sections 9200 through 10001 to incur textbook printing obligations in an amount not to exceed $10 million in the aggregate during the 1973–74 fiscal year for delivery by the State Printer and private publishers to the Department of Education and local educational agencies beginning in the 1974–75 fiscal year.

SEC. 21.5. Since it is necessary to provide adequate time for planning and preparation for the 1974 State Fair, the California Exposition and Fair Executive Committee is authorized, during the 1973–74 fiscal year, to incur obligations for operating expenses related to the 1974 State Fair, in an amount not to exceed $1,500,000; provided further, that no such obligations shall be incurred for personal services, maintenance, or capital outlay projects.

SEC. 22. No purchase order for acquisition or replacement of

motor vehicles shall be issued against any appropriation made herein until the Department of General Services has investigated and established the necessity therefor.

All passenger-type motor vehicles purchased from any appropriation made by this act for the use of state employees and officers, except constitutional officers, shall be of the light class, as defined by the State Board of Control, unless excepted by the Director of General Services on the basis of unusual requirements, such as use by the California Highway Patrol, which would justify the need for an automobile of a heavier class.

SEC. 23. All passenger-type motor vehicles purchased either from any appropriation made by this act or from any other appropriation available therefor for the use of the Department of Public Works, except for use of officers excepted in Section 22 of this act, shall be of the light class, as defined by the State Board of Control, unless excepted by the Director of General Services on the basis of unusual requirements which would justify the need for an automobile of a heavier class.

SEC. 24. None of the moneys appropriated by this act or for an expenditure which is supplemented from money appropriated by this act shall be used to purchase furnishings for any house or apartment of three or more rooms other than a dormitory which is rented to a state employee except for a superintendent of an institution, warden of a prison, or physicians. This provision shall not apply to the purchase of refrigerators, heaters, air-conditioning equipment, stoves, linoleum, or equipment normally furnished in construction of the house as may be determined by the State Board of Control. Any such funds that are appropriated by this act for this purpose shall be held intact and be reverted to the fund from which they were appropriated. It is the intent of the Legislature that no money shall be appropriated henceforth for the purpose of house furnishings. Such furnishings are not to be provided by the state nor shall any money be paid from this appropriation for their replacement, repair or otherwise except in connection with the disposal of the same.

SEC. 25. No moneys appropriated by this act shall be used, either directly or by supplementing any other appropriation, to purchase rugs or carpets for any state office except for offices used by elective officers, the President of the University of California, a Chancellor of the University of California, the Chancellor of the California State University and Colleges, a president of a state university or college, department heads and for other facilities or areas under the control of the agencies financed by this act in accordance with standards issued by the Director of General Services. The Director of General Services shall furnish a detailed report annually to the Joint Legislative Budget Committee of all rugs or carpets purchased for state facilities under this section.

Approval of the Director of General Services shall be obtained prior to procurement and installation of such materials. The Director

of General Services may authorize the use of carpeting in other specialized facilities not meeting the established standards 30 days after notification in writing of the proposal with justification therefor to the Joint Legislative Budget Committee.

SEC. 26. Whenever herein an appropriation is made for support it shall include salaries and all other proper expenses, including repairs and equipment, incurred in connection with the institution, department, board, bureau, commission, officer, employee, or other agency, for which such appropriation is made.

Whenever herein an appropriation is made for capital outlay, it shall include acquisition of land or other real property, major construction, improvements, equipment, designs, working plans, specifications, repairs and equipment necessary in connection with a construction or improvement project.

Whenever herein any item of appropriation contains provisions for acquisition of land or other real property, it shall include all necessary expenses in connection with the acquisition of such property.

Whenever herein an appropriation is made in accordance with a schedule set forth after such appropriation, the expenditures from such item for each category or project included in the schedule shall be limited to the amount specified for such category or project, except as otherwise provided in this act. Each such schedule is a restriction or limitation upon the expenditure of the respective appropriation made by this act, does not itself appropriate any money, and is not itself an item of appropriation.

As used in this act in reference to such schedules "category" or "project" means a class of expenditures such as, but not limited to:

(a) "Personal services" which shall include all expenditures for payment of officers and employees of the state; including salaries and wages, workmen's compensation, unemployment compensation benefits (if enacted into law), insurance premiums for workmen's compensation coverage, the state's contributions to the Public Employees' Retirement Fund, the Teachers' Retirement Fund, the University of California Retirement Fund to provide for that portion of retirement costs to be provided for Hastings College of Law in Item 322 of this Budget Act, the Old Age and Survivors' Insurance Revolving Fund, the State Employees' Contingency Reserve Fund, and the state's cost of a basic health benefits plan; but do not include compensation of independent contractors rendering personal services to the state under contract;

(b) "Operating expenses and equipment" which shall include all expenditures for purchase of materials, supplies, equipment, services (other than services of state officers and employees), and all other proper expenses;

(c) "Construct" or "construction" when used in connection with a capital outlay project shall include all such related things as fixtures, installed equipment, and auxiliary facilities;

(d) "Working drawings" are defined as a complete set of plans

and specifications showing and describing all phases of a project, architectural, structural, mechanical, electrical, civil engineering, and landscaping systems to the degree necessary for the purposes of accurate bidding by contractors and for the use of artisans in constructing the project. All necessary professional fees and administrative service costs are included in the preparation of such drawings.

(e) "Minor projects" include construction, improvements, repairs and equipment projects not specifically set forth in the schedule.

For the purpose of further interpreting the meaning of the words, terms and phrases used in such schedules, reference is hereby made to those documents entitled, "State of California Governor's Budget for 1973–74 and State of California Budget Supplement for 1973–74," submitted by the Governor to the Legislature at the 1973 Regular Session, the uniform accounting system prescribed by the Department of General Services under the provisions of Section 13290 of the Government Code, and the appropriate portions thereof. The State Board of Control shall establish such interpretations as are necessary to carry out the provisions of this section and shall furnish the same to the State Controller and to every state agency to whom appropriations are made under this act.

SEC. 26.5. Whenever herein an appropriation is made for support or other expenses for an institution, department, board, bureau, commission, officer, employee, or other agency, there shall be charged to such appropriation from which salaries and wages are paid: workmen's compensation, the state's contribution to the Public Employees' Retirement Fund as provided by Sections 20751 and 20752 of the Government Code, the state's contribution to the Teachers' Permanent Fund and the Retirement Annuity Fund as provided by Sections 14209 and 14210 of the Education Code, the state's contribution to the Old Age and Survivors' Insurance Revolving Fund as provided by Sections 20782 and 20783 of the Government Code, the state's contribution to the State Employees' Contingency Reserve Fund and the state's contribution for the cost of a basic health benefits plan as provided by Sections 22828 and 22829 of the Government Code.

As of the effective date of this act, the state's contributions as provided by Sections 22828 and 22829 of the Government Code for any month shall be charged to the same appropriations used for payment of salaries and wages from which the employee premium contributions for such month are deducted.

The appropriations made by Sections 20751, 20752, 20782, 20783, 22828, and 22829 of the Government Code, by Sections 14209 and 14210 of the Education Code, shall continue to be available for expenditure, and shall be charged for any expenditure which is not chargeable to an appropriation for support or other expenses as provided in this section. This transfer may be chargeable to such appropriation for a previous fiscal year if there are no funds available from that fiscal year.

The State Controller may transfer to the State Payroll Revolving Fund the contributions required by Sections 20751, 20752, 20782, 20783, 22828, and 22829 of the Government Code, and upon certification by the Board of Administration of the Public Employees' Retirement System in accordance with Sections 20754 and 20784 of the Government Code, may transfer from the State Payroll Revolving Fund to the Public Employees' Retirement Fund and the Old Age and Survivors' Insurance Revolving Fund the amounts of contributions so certified.

SEC. 27. The Department of Finance may, pursuant to a request by the officer, department, division, bureau, board, commission, or other agency to whom an appropriation is made herein, authorize the augmentation of the amount available for expenditure for a category or project designated in any schedule set forth for such appropriation by transfer from any of the other designated categories or projects within the same schedule. The Department of Finance shall furnish the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee a report on all authorizations given pursuant to this section during the preceding month.

An augmentation of any amount available for expenditure for a category or project designated in any line of any schedule for personal services or operating expenses and equipment set forth for such appropriation by transfer from any of the other designated categories or projects within the same schedule shall not exceed, in the aggregate, 20 percent of the amount so scheduled on that line.

SEC. 27.1. Item 242.5 of the Budget Act of 1972 is hereby exempted from the provisions of Section 27 of the Budget Act of 1972.

It is the intent of the Legislature that present and future employees of neuropsychiatric institutes transferred to the University of California shall have the rights and privileges they would have had as employees of the Department of Health under civil service.

SEC. 27.5. The Director of Finance is authorized to transfer funds appropriated herein under Items 111 and 112, for the support of the Department of Food and Agriculture, Item 145, for the support of the State Fire Marshal, Item 172, for the support of the Department of Housing and Community Development, and Item 243, for the support of the Department of Health to and in augmentation of Item 154, for the support of the Department of Industrial Relations, in such amounts as the Director of Finance deems necessary to implement programs or activities which the Secretary of the Agriculture and Services Agency determines to be within the scope of the California State Plan approved under the provisions of the Occupational Safety and Health Act of 1970, Public Law 91-596; provided, that the authority to make such transfers is contingent upon the award of federal grant funds under Section 23(g) of the Occupational Safety and Health Act of 1970; provided further, that no such transfers shall be authorized by the Director of Finance prior

to notification in writing to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee.

SEC. 28. The Director of Finance may authorize the augmentation of the amount available for expenditure for any category in the schedule set forth for any appropriation in this act or any additional category in the amount of any funds which he estimates will be received by an officer, department, division, bureau, or other agency during the 1972–73 fiscal year from any other state agency, from any agency of local government or the federal government, from any appropriation made by the Legislature or from any other source which he determines has not been taken into consideration in said schedule, or is in excess of the amount so taken into consideration, except that the director may authorize expenditures for a new program not identified in the budget as such or for purposes which in his judgment constitute an increase in the level of services above that authorized by the Budget Act or other existing law not sooner than 30 days after notification in writing of the necessity therefor to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee, or not sooner than such lesser time as the chairman of said committee, or his designee, may in each instance determine.

The Director of Finance may also reduce any category whenever he determines that funds to be received will be less than the amount taken into consideration in the schedule.

SEC. 28.1. (a) The Regents of the University of California and the Trustees of the California State University and Colleges may not enter into a lease-purchase agreement with another entity, public or private, which involves building space, unless such agreement is reviewed and approved by the Legislature. Section (a) has no application to the transfer of the California State University and College headquarters to Long Beach.

(b) The Trustees of the California State University and Colleges shall not finalize any contractual agreement regarding the Long Beach office building until there has been a full and complete review and approval of associated plans, specifications, contract, lease, or other building document whatever, including any financial arrangements, by the Public Works Board.

SEC. 28.2. The Director of General Services may not initiate a lease agreement between the state and another entity, public or private, in which the state is lessee when the agreement is to be for the lease of a building or building space or both which will be for the occupancy of any agency or agencies of the state with a firm lease period of five years or longer and an annual rental in excess of $5,000 or if the agreement contains an option for the purchase of the lease property, unless not less than 30 days prior to such authorization he notifies the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative

Budget Committee or his designee in writing of his intention to initiate such an agreement, or not sooner than such lesser time as the chairman of said committee, or his designee, may in each instance determine, provided that no funds appropriated in this act may be encumbered or expended for any lease entered into on or after July 1, 1973, for office space in the County of Sacramento unless the lease terms contain a provision that such lease may at the option of the state be canceled without penalty in the event the state builds or has built state office buildings in the City of Sacramento into which the state agency under the lease may be directed by the state to occupy, except that provisions to pay a lessor for the unamortized capital improvements put in at the state's request shall not be considered a penalty for purposes of this section.

SEC. 28.3. The Department of Social Welfare shall submit to the Department of Finance, on a quarterly basis, for its approval all assumptions underlying all estimates related to (1) average monthly caseloads for each of the categorical aid programs, (2) the average grant for each of the categorical aid programs, (3) the total estimated expenditures for each of the categorical aid programs, (4) savings or costs associated with all regulatory or statutory changes. Such approval of the Department of Finance must be secured prior to the utilization of any such estimates. A listing of all of the approved assumptions, as well as all supporting data provided by the Department of Social Welfare or developed independently by the Department of Finance, shall be made available to the Joint Legislative Budget Committee immediately following approval of the assumptions by the Department of Finance.

SEC. 28.4. No funds appropriated by this act shall be encumbered or expended for the purpose of funding any increased local governmental costs arising from the issuance of an executive order subject to the provisions of Section 2164.3 of the Revenue and Taxation Code, unless notification in writing of the necessity therefor is given at least 30 days before such encumbrance or expenditure is made to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee or such lesser time as the chairman of said committee, or his designee, may in each instance determine.

SEC. 28.5. Approvals by the Department of Finance to the creation of deficiencies pursuant to Section 11006 of the Government Code and approvals to expend at rates which, in the opinion of the Director of Finance, will require a deficiency appropriation shall be made in writing and filed with the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee within 10 days after approval stating the reasons for and amount of such authorization.

SEC. 28.6. The Director of Parks and Recreation may not advertise to award any concession contract or agreement which involves a total investment for any private party in excess of $100,000 or involves projected concessionaire gross receipts in excess of

$100,000 under the terms of the proposed agreement unless not less than 30 days prior to such advertising date, the Director of Finance notifies the Chairman of the Joint Legislative Budget Committee or his designee in writing of his intention to initiate advertising for such concession contract or agreement, or not sooner than such lesser time as the chairman of such committee or his designee, may in each instance determine; provided, that the notification shall include a finding by the Director of Parks and Recreation and the Director of Finance that the concession contract or agreement cannot reasonably be presented to the Legislature through the annual budgeting process.

SEC. 28.7. All appropriations for the support of the California State University and Colleges and the Trustees of the California State University and Colleges shall be subject to the provisions of Section 13320 of the Government Code and applicable Budget Act restrictions, with the following exception:

(a) The trustees may transfer, without the approval of the Department of Finance, excess salary savings funds from the salary savings reserve allotments for expenditure, provided they do not exceed 20 percent of salary savings. Excess salary savings funds are those funds projected to be in excess of the amount budgeted, provided that, the highest priority on the reallocaton of any funds pursuant to this section shall be the maintenance of the Educational Opportunity Program with 4,220 FTE new enrollees.

SEC. 28.8. Notwithstanding any provisions of law to the contrary, including Sections 27 and 28 of this act, no funds allocated by this act or derived from any other source may be used to fund the Center for the Study and Reduction of Violence at the Neuropsychiatric Institute, University of California at Los Angeles, or at any other state entity, without prior approval of the Legislature.

SEC. 29. Premiums for official bonds may be paid out of appropriations contained in this act, notwithstanding the period covered by such bonds.

SEC. 30. Whenever an expenditure is authorized from the Emergency Fund, from price increase funds, from the salary increase funds, or from a special fund pursuant to Section 11006 of the Government Code, in addition to an appropriation made by this act, such authorized expenditures may, for accounting purposes, be deemed to be an augmentation and increase of the appropriation made by this act.

SEC. 31. The appropriations under this act, unless otherwise provided, shall be subject to the provisions of Section 13320 of the Government Code requiring expenditures to be made in accordance with the allotments and other provisions of fiscal year budgets approved by the Department of Finance.

The fiscal year budget shall authorize in such manner as the Department of Finance shall prescribe all established positions whose continuance for the year is approved and all new positions. No new positions shall be established unless authorized by the

Department of Finance on the basis of work program and organization.

The Director of Finance, or his authorized designee, shall notify the Chairman of the Joint Legislative Budget Committee and the chairmen of the committees in each house which consider appropriations within 10 days of authorizing any position not authorized for that fiscal year by the Legislature or any reclassification to a position with a minimum step of $1,000 per month. He shall also report all transfers to blanket authorizations and the establishment of any permanent position out of a blanket authorization.

All positions created pursuant to this section during the fiscal year shall terminate at the end of the fiscal year unless specific authority for their continuance is granted by the Legislature. Positions terminated at the close of a fiscal year because the Legislature failed to give specific authority for continuation may not be administratively reestablished during the subsequent fiscal year.

Each fiscal year budget shall provide for a salary savings reserve to which shall be transferred on a document initiated by the agency and submitted to the Department of Finance the unencumbered balance remaining in each allotment for salaries and wages at the close of each quarter or other period of time covered by the allotment. The unencumbered balance remaining in each budget allotment for salaries and wages shall be computed by deducting from the amount of the allotment the expenditures and accrued obligations for salaries and wages chargeable to such allotment for the period covered thereby. The amount in the salary savings reserve shall not be available for expenditure except upon transfer to allotments for salaries and wages approved by the Department of Finance. Such transfer shall be approved only after it has been demonstrated to the satisfaction of the Department of Finance that the allotment to be augmented is insufficient to meet necessary expenditures for salaries and wages.

No money in any salary savings reserve may be expended to pay increases in salary ranges established after July 1, 1972, unless the Department of Finance certifies to the State Personnel Board, or other salary-fixing authority, prior to the adoption of such increased salary range that funds will be made available to pay the increased salaries resulting therefrom. Provided, that the provisions of this paragraph shall not apply to salaries fixed by the State Personnel Board based on prevailing rates pursuant to Government Code Section 18853.

A certification on a payroll claim that expenditures therein are in accordance with current budgetary provisions as approved by the Department of Finance shall be sufficient evidence to the State Controller that such expenditures comply with the provisions of this section.

Each agency, department, board, commission, and institution, for whose benefit and support appropriations are made in this act, shall

certify to the Director of Finance that its expenditures have been made for the purposes stated in the budget, as implemented by the Budget Act, except as the purposes stated have been revised, in accordance with law, by the Department of Finance subsequent to the enactment of the Budget Act.

SEC. 32. The officers of the various departments, boards, commissions and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditures in excess of such appropriations, except the consent of the Department of Finance be first obtained, and a certificate, in writing, duly signed by the director of said department, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the state in violation of the provisions of this section shall be absolutely null and void; and shall not be allowed by the State Controller nor paid out of any state appropriation. Any member of any such department, board, commission or institution, who shall vote for any expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act, except by the consent of the Department of Finance and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation to whom such indebtedness is owing.

The Department of Finance shall submit copies of certificates approved by it under this section to the Chairman of the Joint Legislative Budget Committee, and the chairman of the committee in each house which considers appropriations, quarterly, and shall indicate in the case of each certificate the code section or section of this act under which the department gave its consent to exceed the particular appropriation.

SEC. 32.5. Notwithstanding the provisions of any appropriation of state funds made in the Welfare and Institutions Code for the public assistance programs, expenditures of state funds for those programs for the fiscal year ending June 30, 1974, shall not exceed, in the aggregate, the sum of six hundred eighty million three hundred thirty-two thousand six hundred dollars ($680,332,600).

The Department of Social Welfare, subject to the limit placed on aggregate expenditures by this section, may transfer funds between categorical aid programs.

The Department of Social Welfare shall administer the public assistance programs so that the counties will bear no more than the amount of welfare costs that they would be obligated to bear under the applicable provisions of the Welfare and Institutions Code, without the expenditure limitations set forth herein, and so that the amount authorized to be expended under this section shall fully cover the state's share of aid payments and for services under such programs for the 1973–74 fiscal year.

The limitations on amounts imposed by this section shall apply to

any amounts which are determined by the Director of Finance to be necessary to meet increases in cost arising out of approvals made by the Department of Finance pursuant to the provisions contained in Item 275.

Provided further, that the Director of Finance is authorized to approve expenditures in those amounts made necessary by changes in either caseload or payments, or both, unrelated to any change in rule or regulation adopted during the current fiscal year which are in excess of Budget Bill estimates for 1973–74. If the Director of Finance determines during the third quarter that the estimate of expenditures will exceed the authorized expenditure in this section, he shall so report to the Legislature prior to the end of the third quarter. At such time as a report is made, the amount of the limitation shall be increased by the amount of such excess unless and until otherwise provided by law.

SEC. 32.6. No funds included in this act shall be expended for the support of any agency, board, bureau, commission, committee, council, department, division, office, or unit unless such body is operating in and reporting in the administrative structure to which it is assigned by statute, by a valid, effective, and operative reorganization plan of the Governor submitted to the Legislature, or by this act.

SEC. 32.8. As of June 30, 1973, the unencumbered balance of the revenues provided by Chapter 1326, Statutes of 1965, and appropriated by Section 32.7 of the Budget Act of 1967, shall be transferred to the unappropriated balance of the General Fund.

SEC. 32.9. No expenditure for park furnishings shall be made from any appropriation contained in this act for use by the Department of Parks and Recreation unless the department has made reasonable efforts to acquire such furnishings on a consolidated procurement basis. The department shall provide reasonable demonstration of such consolidated procurement to the Public Works Board and the Procurement Division of the Department of General Services before the board and division authorize an expenditure or approves procurement.

SEC. 33. If any item of appropriation in this act is vetoed, eliminated or reduced by the Governor under Section 10 of Article IV of the Constitution while approving portions of this act, such veto, elimination or reduction shall not affect the other portions of this act and these other portions of this act, so approved, shall have the same effect in law as if any vetoed or eliminated items of appropriation had not been present in this act and as if any reduced item of appropriation had not been reduced.

SEC. 34. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections,

sentences, clauses, or phrases be declared unconstitutional.

SEC. 35. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of Section 8 of Article IV of the Constitution of the State of California, take effect immediately.

SEC. 36. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There exists an extreme shortage of physical facilities for the operation of the custodial, mental treatment, educational, administrative, military and other agencies of the state government, the present facilities being entirely inadequate due to great increases in population and added governmental responsibilities. The capital outlay appropriations in this budget are all in continuation of an existing program to remedy the aforesaid shortage of facilities and to promote and sustain the economy of the state. If they are not available for expenditure on July 1, 1973, the existing program will be delayed. The expeditious correction of such condition and the efficient operation of the state's business requires the immediate availability of the new capital outlay appropriation and the uninterrupted availability of reappropriated capital outlay items contained in this measure. It is therefore necessary that this act go into immediate effect.

CHAPTER 130

An act to repeal Section 4300 of, and to add Section 4300 to, the Civil Code, relating to blood tests, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1973 Filed with Secretary of State June 30, 1973]

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

SECTION 1. Section 4300 of the Civil Code is repealed.

SEC. 2. Section 4300 is added to the Civil Code, to read:

4300. (a) Before any person, who is or may hereafter be authorized by law to issue marriage licenses, shall issue any such license, each applicant therefor shall file with him a certificate from a duly licensed physician which certificate shall state that the applicant has been given such examination, including a standard serological test, as may be necessary for the discovery of syphilis, made not more than 30 days prior to the date of issuance of such license, and that, in the opinion of such physician, the person either

is not infected with syphilis, or if so infected, is not in a stage of that disease which is or may become communicable to the marital partner.

(b) Such certificate shall also state whether the female applicant has laboratory evidence of immunological response to rubella (German measles). Such certificate shall not contain such evidence of response to rubella where the female applicant (1) is over 50 years of age, or (2) has had a surgical sterilization or (3) presents laboratory evidence of a prior test declaring her immunity to rubella.

This subdivision shall not become operative in a county until January 1, 1974, if the Department of Public Health determines on or before the effective date of this act that there are not sufficient laboratory facilities in the county to perform the test required by this subdivision. In making this determination, the Department of Public Health shall consider the number of people in the county, and the availability of facilities and qualified personnel.

(c) Any person who by law is validly able to obtain a marriage license in the State of California is validly able to give consent to any examinations and tests required by this article. In submitting the blood specimen to the laboratory the physician shall designate that this is a premarital test.

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 some counties there is an insufficient number of laboratories now capable of performing rubella tests. This will cause widespread inconvenience and delay to many individuals seeking marriage licenses. Additional time is necessary to develop an adequate number of laboratories who can perform the required tests in various areas of the state.

CHAPTER 131

An act to amend Section 13520.3 of, and to add Section 32110.5 to, the Education Code, relating to year-round schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1973. Filed with Secretary of State June 30, 1973]

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

SECTION 1. Section 13520.3 of the Education Code is amended 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 salary of an employee who is employed for the extended

school year and who previously had been assigned to a 9- or 10-month teaching position in the same district shall be adjusted in accordance with the ratio of the extension in the number of days expected to be taught by said employee to the number of days expected to be taught by employees in the district in the school year prior to the commencement of year-round operation.

A full-time probationary or permanent classroom teacher currently employed by a school district which converts to a continuous school program shall not, without his written consent, be required to teach under such program more than 180 days during a school year, or more than the number of days the schools of the district were maintained during the year preceding implementation of the continuous school program, whichever is the greater. This section shall not be construed as limiting the power of school district governing boards to govern the schools of the district, including the assignment of teachers employed by the district.

SEC. 2. Section 32110.5 is added to the Education Code, to read:

32110.5. Prior to implementing a continuous school program in any school of the district, the school district governing board shall consult in good faith in an effort to reach agreement with the certificated and classified employees of the school, with the parents of pupils who would be affected by the change, and with the community at large. Such consultation shall include at least one public hearing for which the board has given adequate notice to the employees and to the parents of pupils affected.

In school districts where a continuous school program is implemented in fewer than all of the schools maintained by the school district, the governing board of such a school district shall make every reasonable effort to assign certificated employees who prefer the regular school schedule to schools of the same level retaining the regular school schedule.

SEC. 3. Section 13520.3 of the Education Code, as amended by Section 1 of this act, shall become operative on July 1, 1973.

SEC. 4. Between the effective date of this section, and six months from such effective date, a school district in which an increase in the maximum tax rate was approved by the voters prior to January 1, 1973, for the purpose of purchasing air-conditioning equipment, and in which such work has been undertaken, may contract for the rental, lease, or lease-purchase of air-conditioning equipment or systems to be furnished, built, and installed for the school district for a period not to exceed five years, in order to facilitate the operation of year-round schools.

Air-conditioning equipment shall be deemed to be building equipment and not a building fixture. For the sole purpose of identifying that portion of each annual rental or lease payment which may represent tax exempt reimbursement to the vendor, lessor, or their assignees, bidders may include in their bids abstraction of their quotations indicating the pricing structure used to compute the annual rental or lease payments.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that school districts operating or planning the operation of year-round schools may anticipate and plan for the assignment of teachers thereto for the 1973–74 school year, it is essential that this act become effective immediately.

CHAPTER 132

An act to add Section 14613.2 to the Government Code, relating to California State Police.

[Approved by Governor June 30, 1973 Filed with Secretary of State June 30, 1973]

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

SECTION 1. Section 14613.2 is added to the Government Code, to read:

14613.2. The Chief of the California State Police may advance the initial cost of the uniform and equipment required of an entering member of the California State Police, such advance to be repaid, in equal installments, during the first 12 months of employment, or sooner, at the option of the officer.

CHAPTER 133

An act to amend Section 35201.5 of the Government Code, relating to city annexations.

[Approved by Governor June 30, 1973 Filed with Secretary of State June 30, 1973]

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

SECTION 1. Section 35201.5 of the Government Code is amended to read:

35201.5. Pursuant to this article, a city may annex noncontiguous territory not exceeding 100 acres in area which lies in the same county as that in which the city is situated and which is owned by the city and used for a municipal purpose except that no territory may be annexed under the provisions of this article if, at the time the territory is proposed for annexation, one or more registered voters reside in the territory. City employees and their families required to live in the territory in housing furnished by the city shall not be

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deemed to be registered voters residing within the territory. If after the completion of such annexation, the city sells such territory or any part thereof or one or more registered voters reside thereon, such territory or part thereof ceases to be a part of the city.

If territory is annexed pursuant to this section, the annexing city may not annex any territory not owned by it and not contiguous to it although such territory is contiguous to the territory annexed pursuant to this section.

Notwithstanding any other provision of this section to the contrary, a city which annexes territory pursuant to this section may annex pursuant to this article additional territory which is owned by the State of California and which is contiguous to such first annexed territory if the total acreage of the first annexed and the subsequently annexed territory together does not exceed 100 acres in area. If after the completion of such subsequent annexation, the city sells all of such first annexed territory or one or more registered voters reside thereon, the subsequently annexed territory ceases to be part of the city.

If territory annexed to a city pursuant to this section becomes contiguous to such city, the limitations imposed by this section shall terminate.

CHAPTER 134

An act to amend Sections 10203.5 and 10203.6 of the Insurance Code, relating to group life insurance.

[Approved by Governor June 30, 1973 Filed with Secretary of State June 30, 1973.]

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

SECTION 1. Section 10203.5 of the Insurance Code is amended to read:

10203.5. (a) Life insurance conforming to all the following conditions is another form of group life insurance:

(1) Covering one of the following groups:

(A) All members are or become borrowers from one financial institution, including subsidiary or affiliated persons, under an agreement to repay the sum borrowed.

(B) All members are or become purchasers of merchandise or other property (exclusive of securities, investment certificates and bank deposits) under an agreement to pay the balance of the purchase price.

(2) The group numbers not less than 100 new entrants yearly.

(3) The amount insured on any one borrower or purchaser does not exceed:

(A) The amount of the loan commitment in the case of an

agricultural or horticultural loan commitment (as defined in Section 10203.55) repayable in one sum or in irregular installments within a period not in excess of 18 months from the initial date of the loan commitment, or forty thousand dollars ($40,000), whichever is less, and

(B) In all other cases the balance of the indebtedness to the financial institution or vendor, or fifteen thousand dollars ($15,000), whichever is less, on any one life.

(4) The repayment or payment of purchase price is to be made, under the agreement of loan or purchase; in substantially equal installments over a period not exceeding 32 years; or in payments or installments in accordance with the usual terms of the creditor in the case of a revolving loan or revolving charge account; or in one sum or irregular installments within a period not in excess of 18 months from the initial date of the commitment on an agricultural or horticultural loan.

(5) The policy is issued upon application of and made payable to the financial institution, vendor, or a creditor to whom such vendor may transfer title to the indebtedness, as beneficiary, and the premiums are paid by or through the financial institution, vendor, or such creditor.

(b) A policy of insurance conforming to the provisions of this section is not subject to the provisions of Section 10209 or 10213.

SEC. 2. Section 10203.6 of the Insurance Code is amended to read:

10203.6. Life insurance conforming to all the following conditions is another form of group life insurance:

(a) Written under a policy issued to a credit union organized and operating under the Federal Credit Union Act of 1934 or Chapter 36 of the California Statutes of 1927 as amended.

(b) Covering the lives of every eligible member of a group of persons who are or become borrowers from one credit union under an agreement to repay the sum borrowed.

(c) The group numbers not less than 50 borrowers yearly.

(d) The amount insured on any one borrower does not exceed the balance of the indebtedness to the credit union and does not exceed fifteen thousand dollars ($15,000) on any one life.

(e) The repayment of the loan is to be made under the agreement of loan in installments over a period not exceeding 30 years.

(f) The policy is issued upon the application of and made payable to the credit union, as beneficiary, and the premiums are paid by the credit union, the borrower, or jointly by the credit union and the borrower.

A policy of insurance conforming to the provisions of this section is not subject to the provisions of Section 10209 or 10213.

CHAPTER 135

An act to amend Section 24951 of the Vehicle Code, relating to vehicles.

[Approved by Governor June 30, 1973. Filed with Secretary of State June 30, 1973.]

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

SECTION 1. Section 24951 of the Vehicle Code is amended to read:

24951. (a) Any vehicle may be equipped with a lamp-type turn signal system capable of clearly indicating any intention to turn either to the right or to the left.

(b) The following vehicles shall be equipped with a lamp-type turn signal system meeting the requirements of this chapter.

(1) Motortrucks, truck tractors, buses and passenger vehicles, other than motorcycles, manufactured and first registered on or after January 1, 1958.

(2) Trailers and semitrailers manufactured and first registered between December 31, 1957, and January 1, 1969, having a gross weight of 6,000 pounds or more.

(3) Trailers and semitrailers 80 or more inches in width manufactured on or after January 1, 1969.

(4) Motorcycles manufactured and first registered on or after January 1, 1973.

The requirements of this subdivision shall not apply to special mobile equipment, or auxiliary dollies.

(c) Turn signal lamps on vehicles manufactured on or after January 1, 1969, shall be mounted not lower than 15 inches.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 136

An act to amend Section 8602 of the Fish and Game Code, relating to commercial fishing.

[Approved by Governor June 30, 1973. Filed with Secretary of State June 30, 1973.]

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

SECTION 1. Section 8602 of the Fish and Game Code is amended to read:

8602. The length of the meshes of any net shall be determined by taking at least four meshes and measuring them inside the knots or, in the case of knotless nets, inside the points at which the meshes are joined while they are simultaneously drawn closely together.

CHAPTER 137

An act to amend Section 31703 of the Government Code, relating to county employees' retirement.

[Approved by Governor June 30, 1973. Filed with Secretary of State June 30, 1973.]

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

SECTION 1. Section 31703 of the Government Code is amended to read:

31703. Any member upon the effective date of his deferred retirement allowance is entitled to receive a retirement allowance as provided in Sections 31662 to 31664.65, inclusive, Sections 31673 to 31677, inclusive, or Section 31808.5, or Section 31808.6, whichever is applicable.

CHAPTER 138

An act to amend Sections 1336 and 1360 of the Financial Code, to amend Section 6860 of the Government Code, and to amend Section 1179 of the Insurance Code, relating to securities.

[Approved by Governor June 30, 1973. Filed with Secretary of State June 30, 1973.]

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

SECTION 1. Section 1336 of the Financial Code is amended to read:

1336. A nondepartmental bank shall not invest an amount exceeding 10 percent of its capital and surplus in the securities of any one obligor or maker, except:

(a) Obligations of the United States and those for which the faith and credit of the United States are pledged for the payment of principal and interest;

(b) Bonds, consolidated bonds, collateral trust debentures, or other obligations issued by federal land banks or federal intermediate credit banks established under the Federal Farm Loan

Act, as amended; in debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended; in consolidated notes, bonds, debentures and other obligations issued by federal land banks, federal intermediate credit banks, and banks for cooperatives under the Farm Credit Act of 1971; in bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act; in the bonds of any federal home loan bank established under said act; and in stock, bonds, debentures, participations, and other obligations of or issued by the Federal National Mortgage Association and the Government National Mortgage Association; and

(c) Obligations of the State of California and those for which the credit of the State of California is pledged for the payment of principal and interest.

SEC. 2. Section 1360 of the Financial Code is amended to read:

1360. An amount not exceeding in all 5 percent of the bank's savings deposits in bonds, consolidated bonds, collateral trust debentures, consolidated debentures, or other obligations issued by federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended, and the Farm Credit Act of 1971, in debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended, and the Farm Credit Act of 1971 in bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act, in the bonds of any federal home loan bank established under said act, and in stocks, bonds, debentures, participations, and other obligations of or issued by the Federal National Mortgage Association and the Government National Mortgage Association; provided:

(a) An amount exceeding 25 percent of the paid-up capital and surplus of the savings bank or exceeding 1 percent of the bank's savings deposits, whichever is greater, may not be invested in the bonds of any one federal land bank, in the consolidated bonds of federal land banks, in the debentures of any one federal intermediate credit bank, in the consolidated debentures of federal intermediate credit banks, in the debentures of the Central Bank for Cooperatives, in the consolidated debentures of banks for cooperatives, in the bonds or debentures of the Federal Home Loan Bank Board, or in the bonds of any one federal home loan bank.

SEC. 3. Section 6860 of the Government Code is amended to read:

6860. Notwithstanding any restrictions on investments contained in any laws, farm loan bonds, consolidated farm loan bonds, collateral trust debentures, consolidated debentures, or other obligations issued under the Federal Farm Loan Act approved July 17, 1916, as amended (Title 12 U.S.C. Sections 636 to 1012 inclusive, and Sections 1021 to 1129 inclusive), the Farm Credit Act of 1933, as amended (Title 12 U.S.C. Sections 1131 to 1138f inclusive), and the Farm

Credit Act of 1971 (Title 12 U.S.C. Sections 2001 to 2259 inclusive), are a lawful investment for all public funds, including but not limited to all funds of the state and of every local agency as defined by Section 53600 of this code, and for the funds of savings banks, insurance companies, executors, administrators, guardians, receivers, and trustees of every kind and nature. Whenever any bonds may by law be used as security for the performance of any act, such bonds and debentures may be so used. This section applies to farm loan bonds and consolidated farm loan bonds issued by federal land banks, consolidated collateral trust debentures and all other debentures issued by federal intermediate credit banks, debentures issued by the Central Bank for Cooperatives and consolidated debentures issued by banks for cooperatives. It is the purpose of this section to authorize any person, political subdivision, body, or officer, public or private, to use any funds owned or controlled by him or it, including sinking, insurance, investment, retirement, compensation, pension, and trust funds, and funds held on deposit, for the purchase of any such bonds, debentures, or other obligations. Nothing in this section relieves any person from any duty of exercising reasonable care in selecting securities.

SEC. 4. Section 1179 of the Insurance Code is amended to read:

1179. Such insurers may invest in farm loan bonds, consolidated farm loan bonds, collateral trust debentures, consolidated debentures, or other obligations issued under the Federal Farm Loan Act, approved July 17, 1916, as amended (Title 12 U.S.C. Sections 636 to 1012 inclusive, and Sections 1021 to 1129 inclusive), and the Farm Credit Act of 1933, as amended (Title 12 U.S.C. Sections 1131 to 1138f inclusive), and the Farm Credit Act of 1971 (Title 12 U.S.C. Sections 2001 to 2259 inclusive). Under this section such insurers may invest in farm loan bonds and consolidated farm loan bonds issued by federal land banks, consolidated collateral trust debentures and all other debentures issued by federal intermediate credit banks, debentures issued by the Central Bank for Cooperatives and consolidated debentures issued by banks for cooperatives.

CHAPTER 139

An act to amend Sections 500, 500.1, and 511.5 of the Military and Veterans Code, relating to the California Cadet Corps.

[Approved by Governor June 30, 1973 Filed with Secretary of State June 30, 1973.]

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

SECTION 1. Section 500 of the Military and Veterans Code is amended to read:

500. The students of any college, community college or high

school in this state, having 100 or more such students, 14 years of age or over, may be organized into a cadet company or companies under such rules and regulations as the governing body of the schools or colleges and the Adjutant General of the State of California may prescribe Said company or companies shall be of such strength as may be prescribed by the Adjutant General.

SEC. 2. Section 500.1 of the Military and Veterans Code is amended to read:

500.1. Except as hereinafter provided, each college, community college, high school and each senior high school in this state having 100 or more students of 14 years of age or over and in which there is not maintained an R.O.T.C. unit shall establish a cadet company or companies under such rules and regulations as the governing body of the schools and the Adjutant General may prescribe, and any college, community college, high school or senior high school in the state having less than 100 of such students may establish a cadet company or companies. Said company or companies shall be of such strength as shall be prescribed by the Adjutant General. A cadet company or companies is not required to be established in a high school, college or community college unless a number of qualified students sufficient to constitute a company or companies of the strength prescribed by the Adjutant General voluntarily enroll therein.

SEC. 3. Section 511.5 of the Military and Veterans Code is amended to read:

511.5. The Adjutant General, under such rules and regulations as he may adopt, may purchase and furnish the members of the California Cadet Corps uniforms including caps, helmets, liners, shirts, trousers, belts, jackets, skirts, blouses, ties and leggings. Such uniforms not to be furnished in excess of fifteen dollars ($15) in value per cadet, the number of cadets per unit to be based upon the average monthly strength report thereof.

CHAPTER 140

An act to maintain the codes by amending Sections 1322, 3507.1, 12804, 16154, and 53562 of, amending and renumbering Section 12532.8 of, and repealing Sections 6571.1, 11558, 25300, 25301, 25302, 28006, and 65013.2 of, the Government Code.

[Approved by Governor June 30, 1973 Filed with Secretary of State June 30, 1973]

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

SECTION 1. Section 1322 of the Government Code is amended to read:

1322. In addition to any other statutory provisions requiring

confirmation by the Senate of officers appointed by the Governor, the appointments by the Governor of the following officers and the appointments by him to the listed boards and commissions are subject to confirmation by the Senate:

(a) California Horse Racing Board.
(b) Certified Shorthand Reporters Board.
(c) Chief, Division of Industrial Safety.
(d) Chief, Division of Industrial Welfare.
(e) Chief, Division of Labor Law Enforcement.
(f) Commissioner of Corporations.
(g) Contractors State License Board.
(h) Director of Fish and Game.
(i) Director of Health.
(j) Real Estate Commissioner.
(k) State Athletic Commissioner.
(*l*) State Board of Barber Examiners.
(m) State Librarian.

SEC. 2. Section 3507.1 of the Government Code is amended to read:

3507.1. In the absence of local procedures for resolving disputes on the appropriateness of a unit of representation, upon the request of any of the parties, the dispute shall be submitted to the Division of Conciliation of the Department of Industrial Relations for mediation or for recommendation for resolving the dispute.

SEC. 3. Section 6571.1 of the Government Code is repealed.

SEC. 4. Section 11558 of the Government Code is repealed.

SEC. 5. Section 12532.8 of the Government Code, as amended and renumbered by Chapter 40 of the Statutes of 1972, is amended and renumbered to read:

12532.85. Every health care service plan delivered or issued for delivery in this state more than 120 days after the effective date of this section, which provides that coverage of a dependent child of a member shall terminate upon attainment of the limiting age for dependent children specified in the plan, shall also provide in substance that attainment of such limiting age shall not operate to terminate the coverage of such child while the child is and continues to be both (a) incapable of self-sustaining employment by reason of mental retardation or physical handicap and (b) chiefly dependent upon the member for support and maintenance, provided proof of such incapacity and dependency is furnished to the health care service plan by the member within 31 days of the child's attainment of the limiting age and subsequently as may be required by the plan but not more frequently than annually after the two-year period following the child's attainment of the limiting age.

Group or individual hospital, medical or surgical service agreements currently approved by the Attorney General which are delivered or issued for delivery more than 120 days after the effective date of this section shall be automatically construed to be in compliance with this section and need not be refiled or reprinted.

Such service agreements submitted to the Attorney General for approval on and after the effective date of this section shall contain provisions in compliance with this section.

SEC. 6. Section 12804 of the Government Code, as amended by Chapter 957 of the Statutes of 1972, is amended to read:

12804. The Youth and Adult Corrections Agency is hereby renamed the Agriculture and Services Agency.

The Agriculture and Services Agency consists of the following: the Department of Food and Agriculture; the Department of Commerce; the Department of General Services; the Department of Veterans Affairs; the Department of Consumer Affairs; the Franchise Tax Board; the Public Employees' Retirement System; the State Fire Marshal; the Department of Industrial Relations; and the State Teachers' Retirement System.

The Department of Corrections and the Department of the Youth Authority are hereby transferred from the Youth and Adult Corrections Agency to the Health and Welfare Agency.

SEC. 7. Section 16154 of the Government Code is amended to read:

16154. In addition to the report required by Section 16144, the Secretary of the Resources Agency shall require from local government agencies such other information relative to lands valued pursuant to the provisions of Article 28 of the California Constitution as is necessary for the proper administration of the provisions of Sections 16142 through 16153 and for periodic review of the policies established therein.

Information collected pursuant to this section shall be transmitted on request to the Legislature and to other state agencies, including, but not limited to, the State Board of Equalization, the Superintendent of Public Instruction, and the Department of Food and Agriculture.

SEC. 8. Section 25300 of the Government Code is repealed.

SEC. 9. Section 25301 of the Government Code is repealed.

SEC. 10. Section 25302 of the Government Code is repealed.

SEC. 11. Section 28006 of the Government Code is repealed.

SEC. 12. Section 53562 of the Government Code, as amended by Chapter 531 of the Statutes of 1972, is amended to read:

53562. The powers conferred by this article are in addition and supplemental to, and not in substitution for, and the limitations imposed by this article shall not affect the powers conferred by, any other law.

SEC. 13. Section 65013.2 of the Government Code is repealed.

SEC. 14. Any section of any act enacted by the Legislature at its 1973–74 Regular Session, which takes effect on or before January 1, 1974, and which amends, amends and renumbers, or repeals a section amended, amended and renumbered, or repealed by this act, shall prevail over this act whether such act is enacted prior or subsequent to this act.

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CHAPTER 141

An act to amend Section 14256 of the Government Code, relating to public works.

[Approved by Governor June 30, 1973. Filed with Secretary of State June 30, 1973]

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

SECTION 1. Section 14256 of the Government Code is amended to read:

14256. Where the nature of the work in the opinion of the department is such that its services in connection therewith are not required, it may authorize the carrying out of the project directly by the state agency concerned therewith if the estimated cost does not exceed one hundred thousand dollars ($100,000).

If the estimated total cost of any construction project or work carried out under this section exceeds five thousand dollars ($5,000), the district or agency shall solicit bids in writing and shall award the work to the lowest responsible bidder or reject all bids; provided, however, that the director may authorize the district or agency to carry out work in excess of five thousand dollars ($5,000) under the provisions of this section by day labor if he deems that the award of a contract, the acceptance of bids, or the acceptance of further bids is not in the best interests of the state; however, in no event shall the amount of work performed by day labor under this section exceed the sum of thirty-five thousand dollars ($35,000) in the case of agricultural district fair projects, or twenty thousand dollars ($20,000) in other cases.

CHAPTER 142

An act to amend Sections 600, 650, 1246, 2728, 2728.5, 4227, and 9599.5 of the Business and Professions Code, to amend Sections 4213 and 4302 of the Civil Code, to amend Sections 6756, 6880.46, and 13169.2 of the Education Code, to amend Sections 41302, 41332, and 41581 of the Food and Agricultural Code, to amend Sections 11200, 11501, 12538.4, 14670.1, 14670.2, 14670.3, 14672.9, 18107, and 20331.5 of the Government Code, to amend Sections 208, 311, 350, 351, 354, 429.40, 429.41, 429.50, 437.7, 438.4, 441.2, 442.7, 442.10, 542, 1176, 1481.2, 1685, 1686, 3226, 3380, 3400, 3402, 3500, 11217, 11480, 13143.6, 15021, 17926, 25111, 25112, 25737, 25771, 25955.5, 26636, 27041, 28211, 28322, 28616.1, 34700, 38003, 38200, 38202, 38203, 38250, and 38260 of, to amend and renumber Sections 310 and 311 of, and to add Sections 219, 220, and 1275 to, the Health and Safety Code, to amend Sections 6030, 12403, 12455, 12458, and 13020 of the Penal Code, to amend Sections 1435.7, 1461.3, 1516, 1550, 1558, 1853, 1901,

and 1905 of the Probate Code, to amend Section 19502.5 of the Revenue and Taxation Code, to amend Section 2801 of the Unemployment Insurance Code, to amend Sections 4006, 4010, 4114, 4301, 4302, 4307, 5119, 5170, 5174, 5329, 5355, 5366, 5366.1, 5602, 5650, 5652, 5655, 5664, 5703.1, 5719.1, 5751, 5755.6, 5764, 6324, 7354, 7354.1, 7515, 10020, 10053.5, 14053, 14057.5, 14105.5, 14110, 14113, 14118, 14124.5, 14125.1, 14180, 14201, 14251, 14259, 14260, and 14301 of, and to repeal Section 6719 of the Welfare and Institutions Code, and to amend Section 2 of Chapter 1130 of the Statutes of 1972, Section 14 of Chapter 1228 of the Statutes of 1972, Section 1 of Chapter 501 of the Statutes of 1971, Section 10 of Chapter 1377 of the Statutes of 1971, Section 2 of Chapter 1781 of the Statutes of 1971, and Section 15 of Chapter 1451 of the Statutes of 1969, and to repeal Section 598 of Chapter 1593 of the Statutes of 1971, relating to the Department of Health, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1973. Filed with Secretary of State June 30, 1973]

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

SECTION 1. Section 41302 of the Food and Agricultural Code is amended to read:

41302. Any act which is made unlawful by any provisions of Division 21 (commencing with Section 26000) of the Health and Safety Code is not made lawful by reason of any provision of this part. This part does not limit the powers of the State Department of Health.

SEC. 2. Section 41332 of the Food and Agricultural Code is amended to read:

41332. The Director of Health, for the purpose of enforcing this chapter, may do all of the following:

(a) Enter and inspect every place within the state where canned fruits or vegetables, including olives, are canned, stored, shipped, delivered for shipment, or sold, and inspect all fruits or vegetables, including olives, and containers which are found in any such place.

(b) Seize and retain possession of any canned olives or canned fruits or vegetables which are packed, shipped, delivered for shipment, or sold in violation of any provision of this chapter, and hold them pending the order of the court.

(c) Cause to be instituted and to be prosecuted in the superior court of any county of the state in which may be found canned olives or canned fruits or vegetables which are packed, shipped, delivered for shipment, or sold, in violation of any provision of this chapter, an action for the condemnation of canned olives or canned fruits or vegetables as provided by Division 21 (commencing with Section 26000) of the Health and Safety Code.

SEC. 3. Section 41581 of the Food and Agricultural Code is

amended to read:

41581. If the Director of Health finds, after investigation and examination, that any canned fruits or vegetables, including olives, which are found in the possession of any person, firm, company, or corporation are misbranded or mislabeled within the meaning of this chapter, he may seize such canned fruits or vegetables, including olives, and tag them "embargoed." Such canned fruits or vegetables, including olives, shall not thereafter be sold, removed, or otherwise disposed of pending a hearing and final disposition as provided by Division 21 (commencing with Section 26000) of the Health and Safety Code.

SEC. 4. Section 600 of the Business and Professions Code is amended to read:

600. Except as provided in Article 3 (commencing with Section 3230) of Chapter 4 of Division 4 of the Health and Safety Code and Sections 4008.5 and 25763, it is unlawful for any person, firm, corporation or association, except boards of health or agencies approved by the State Department of Health, to post or otherwise exhibit or distribute in any manner whatsoever in any place, any advertising or other printed matter concerning venereal diseases, lost manhood, lost vitality, impotency, seminal emissions, self-abuse, varicocele, or excessive sexual indulgence, and calling attention to any medicine, device, compound, treatment or preparation that may be used therefor.

Any person violating the provisions of this section shall upon conviction therefor be punished by a fine of not more than five hundred dollars ($500) or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment.

SEC. 5. Section 650 of the Business and Professions Code is amended to read:

650. The offer, delivery, receipt or acceptance, by any person licensed under this division of any rebate, refund, commission, preference, patronage dividend, discount, or other consideration, whether in the form of money or otherwise, as compensation or inducement for referring patients, clients, or customers to any person, irrespective of any membership, proprietary interest or coownership in or with any person to whom such patients, clients or customers are referred is unlawful.

It shall not be unlawful for any person licensed under this division to refer a person to any laboratory, pharmacy, clinic, or health care facility solely because such licensee has a proprietary interest or coownership in such laboratory, pharmacy, clinic, or health care facility; but such referral shall be unlawful if the prosecutor proves that there was no valid medical need for such referral.

"Health care facility" means a hospital, nursing home, medical care facility, or private mental institution licensed by the State Department of Health.

SEC. 6. Section 1246 of the Business and Professions Code is amended to read:

1246. Except as provided in Section 13354 of the Vehicle Code, an unlicensed person employed by a licensed clinical laboratory may perform venipuncture or skin puncture for the purpose of withdrawing blood for test purposes upon specific authorization from a licensed physician and surgeon provided that he meets all the following requirements:

(a) He works under the direct supervision of a person licensed under this chapter or of a licensed physician or surgeon.

(b) He has been trained by a licensed physician and surgeon or by a clinical laboratory bioanalyst in the proper procedure to be employed when withdrawing blood in accordance with training requirements established by the State Department of Health and has a statement signed by the instructing physician and surgeon or by the instructing clinical laboratory bioanalyst that such training has been successfully completed.

SEC. 7. Section 2728 of the Business and Professions Code is amended to read:

2728. If adequate medical and nursing supervision by a professional nurse or nurses is provided, nursing service may be given by attendants or psychiatric technicians in institutions under the jurisdiction of or subject to visitation by the State Department of Health or the Department of Corrections. Services so given by a psychiatric technician shall be limited to services which he is authorized to perform by his license as a psychiatric technician.

The Director of Health shall determine what shall constitute adequate medical and nursing supervision in any institution under the jurisdiction of the State Department of Health.

SEC. 8. Section 2728.5 of the Business and Professions Code is amended to read:

2728.5. Except for those provisions of law relating to directors of nursing services, nothing in this chapter or any other provision of law shall prevent the utilization of a licensed psychiatric technician in performing services used in the care, treatment, and rehabilitation of mentally ill, emotionally disturbed, or mentally retarded persons within the scope of practice for which he is licensed in facilities under the jurisdiction of or licensed by the State Department of Health, that he is licensed to perform as a psychiatric technician, including any nursing services under Section 2728, in facilities under the jurisdiction of the State Department of Health.

SEC. 9. Section 4227 of the Business and Professions Code, as amended by Chapter 1336 of the Statutes of 1972, 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 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. 10. Section 9599.5 of the Business and Professions Code, as added by Chapter 991 of the Statutes of 1972, is amended to read:

9599.5. The dangerously toxic concentrations of vapors of solvents not defined in this chapter shall be established by regulations adopted by the board. The board shall seek the advice of the State Department of Health in developing such regulations.

SEC. 11. Section 4213 of the Civil Code is amended to read:

4213. When unmarried persons, not minors, have been living together as man and wife, they may, without a license, be married by any clergyman, without the necessity of first obtaining health certificates. A certificate of marriage shall be filled out by the parties to the marriage and authenticated by the clergyman performing the ceremony. The certificate shall be filed by the clergyman with the office of the county clerk in the county in which the ceremony was performed within four days after the performance of the ceremony. The county clerk shall maintain this certificate as a permanent record which shall not be open to public inspection except upon order of the superior court issued upon a showing of good cause.

The form of the certificate of marriage shall be prescribed by the State Department of Health. The form shall be furnished to any clergyman by the county clerk without charge.

The total number of marriage certificates filed pursuant to this section shall be reported on a periodic basis to the department on

forms prescribed and furnished by it.

SEC. 12. Section 4302 of the Civil Code, as amended by Chapter 714 of the Statutes of 1972, is amended to read:

4302. Except as hereinafter provided, the certificate of a physician and the statement from a person in charge of a laboratory or from a person authorized to make reports for the laboratory shall be on a form to be provided and distributed by the State Department of Health to laboratories in the state approved by the State Department of Health. This form is hereinafter referred to in this article as "the certificate form."

Such form or an attachment thereto shall contain a statement to the effect that blood tests may identify carriers of genetic diseases, including, but not limited to, sickle cell anemia and Tay-Sachs disease, and that such tests may be performed at the same time as those tests required by Section 4300.

SEC. 13. Section 6756 of the Education Code, as amended by Chapter 1373 of the Statutes of 1972, 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 and one member from the State Department of 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. 14. Section 6880.46 of the Education Code, as amended and renumbered by Chapter 1093 of the Statutes of 1972, is amended to read:

6880.46. 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 State Department of Health to be appointed by the Director of 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.

The members of the committee shall serve without compensation, except that they may receive their actual and necessary expenses

incurred in the performance of their duties and responsibilities, including travel expenses.

SEC 15. Section 13169.2 of the Education Code is amended to read:

13169.2. The commission, or the Board of Governors of the California Community Colleges, as the case may be, is authorized to secure information, records, reports, and other data relative to the identification or fitness of any applicant for 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 State Bureau of Criminal Identification and Investigation shall furnish, upon application of the commission or by the Board of Governors of the California Community Colleges, all information pertaining to any applicant of whom there is a record in its office.

(b) Each state hospital under the jurisdiction of the State Department of Health shall furnish upon application of the commission or the Board of Governors of the California Community Colleges 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 commission or the Board of Governors of the California Community Colleges, as the case may be, 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 statute.

SEC. 16. Section 11200 of the Government Code is amended to read:

11200. The Governor, upon recommendation of the director of the following state departments, may appoint not to exceed two chief deputies for the Directors of the Departments of Finance, Transportation, General Services, and not to exceed one chief deputy for the Directors of the Departments of Social Welfare, Food and Agriculture, Insurance, Human Resources Development, Motor Vehicles, Consumer Affairs, and Water Resources.

The deputies provided for in this section shall be in addition to those authorized by any other law.

SEC. 17. Section 11501 of the Government Code, as amended by Chapter 749 of the Statutes of 1972, is amended to read:

11501. (a) The procedure of any agency shall be conducted pursuant to the provisions of this chapter only as to those functions to which this chapter is made applicable by the statutes relating to the particular agency.

(b) The enumerated agencies referred to in Section 11500 are:

Board of Dental Examiners of California.

Board of Medical Examiners of the State of California and the district review committees.

Board of Osteopathic Examiners of the State of California.
California Board of Nursing Education and Nurse Registration.
State Board of Optometry.
California State Board of Pharmacy.
State Department of Health.
Board of Examiners in Veterinary Medicine.
State Board of Accountancy.
California State Board of Architectural Examiners.
State Board of Barber Examiners.
State Board of Registration for Professional Engineers.
Registrar of Contractors.
State Board of Cosmetology.
State Board of Funeral Directors and Embalmers.
Structural Pest Control Board.
Department of Navigation and Ocean Development.
Director of Consumer Affairs.
Bureau of Collection and Investigative Services.
State Fire Marshal.
State Board of Registration for Geologists.
Director of Food and Agriculture.
Labor Commissioner.
Real Estate Commissioner.
Commissioner of Corporations.
Department of Social Welfare.
State Social Welfare Board.
Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun.
Board of Pilot Commissioners for Humboldt Bay and Bar.
Board of Pilot Commissioners for the Harbor of San Diego.
Fish and Game Commission.
State Board of Education.
Insurance Commissioner.
Savings and Loan Commissioner.
State Board of Dry Cleaners.
Board of Behavioral Science Examiners.
State Board of Chiropractic Examiners.
State Board of Guide Dogs for the Blind.
Department of Aeronautics.
Board of Administration, Public Employees' Retirement System.
Department of Motor Vehicles.
Bureau of Home Furnishings.
Cemetery Board.
Department of Conservation.
Department of Water Resources acting pursuant to Section 414 of the Water Code.
Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California.
Certified Shorthand Reporters Board.
Bureau of Repair Services.

California State Board of Landscape Architects.
Department of Alcoholic Beverage Control.
California Horse Racing Board.
School districts under Section 13443 of the Education Code.
State Fair Employment Practice Commission.
Bureau of Employment Agencies.

SEC. 17.5. Section 12538.4 of the Government Code, as amended by Chapter 1313 of the Statutes of 1972, 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 Health for recipients of public assistance shall not be subject to such registration fee.

SEC. 18. Section 14670.1 of the Government Code is amended to read:

14670.1. Notwithstanding Section 14670, the Director of General Services, with the consent of the State Department of Health, may let to a nonprofit corporation, for the purpose of conducting an educational and work program for mentally retarded persons, and for a period not to exceed 50 years, real property not exceeding 10 acres located within the grounds of the Napa State Hospital.

The lease authorized by this section shall be nonassignable and shall be subject to periodic review every five years. Such review shall be made by the Director of General Services, who shall:

(a) Assure the state the original purposes of the lease are being carried out;

(b) Determine what, if any, adjustment should be made in the terms of the lease.

The lease shall also provide for an initial capital outlay by the lessee of thirty thousand dollars ($30,000) prior to January 1, 1976. Such capital outlay may be, or may have been, contributed before or after the effective date of the act adding this section.

SEC. 19. Section 14670.2 of the Government Code, as added by Chapter 647 of the Statutes of 1972, is amended to read:

14670.2. Notwithstanding Section 14670, the Director of General Services, with the consent of the State Department of Health, may, in the best interests of the state, let to a public governmental agency, for the purpose of locating and conducting its trainable mentally retarded program, and for a period not to exceed 50 years, real property not exceeding 10 acres located within the grounds of the Napa State Hospital.

The lease authorized by this section shall be nonassignable and shall be subject to periodic review every five years. Such review shall be made by the Director of General Services, who shall:

(a) Assure the state the original purposes of the lease are being carried out;

(b) Determine what, if any, adjustment should be made in the terms of the lease.

The lease shall also provide for the establishment of a school building facility by the lessee prior to July 1, 1977. Such facility shall not be established until after the effective date of the act amending this section.

SEC. 20. Section 14670.3 of the Government Code, as added by Chapter 54 of the Statutes of 1972, is amended to read:

14670.3. Notwithstanding Section 14670, the Director of General Services, with the consent of the State Department of Health, may let to a nonprofit corporation, for the purpose of conducting an educational and work program for mentally retarded persons, and for a period not to exceed 55 years, real property not exceeding five acres located within the grounds of the Fairview State Hospital.

The lease authorized by this section shall be nonassignable and shall be subject to periodic review every five years. Such review shall be made by the Director of General Services, who shall:

(a) Assure the state that the original purposes of the lease are being carried out;

(b) Determine what, if any, adjustment should be made in the terms of the lease.

The lease shall also provide for an initial capital outlay by the lessee of thirty thousand dollars ($30,000) prior to January 1, 1976. Such capital outlay may be, or may have been, contributed before or after the effective date of the act adding this section.

SEC. 21. Section 14672.9 of the Government Code, as added by Chapter 154 of the Statutes of 1972, is amended to read:

14672.9. Notwithstanding Section 14670, the Director of General Services, with the consent of the State Department of Health, may let in the best interests of the state to a nonprofit corporation, for the purpose of conducting an educational and work program for mentally retarded persons, and for a period not to exceed 50 years, real property not exceeding 43.81 acres located within the grounds of the Agnews State Hospital.

The lease authorized by this section shall be nonassignable and shall be subject to periodic review every five years. Such review shall be made by the Director of General Services, who shall:

(a) Assure the state the original purposes of the lease are being carried out;

(b) Determine what, if any, adjustment should be made in the terms of the lease.

Any lease executed pursuant to this section shall include a provision that such lease shall be canceled if permanent facilities are not constructed on the leased land within five years after the effective date of this section.

SEC. 22. Section 18107 of the Government Code, as added by Chapter 1228 of the Statutes of 1972, is amended to read:

18107. Any employee of the State Department of Health performing functions which, prior to July 1, 1973, were vested in the

Department of Mental Hygiene and who is transferred on and after July 1, 1972, to county or local mental health programs as a result of state hospital closures or scheduled state hospital closures or as a result of a county undertaking the performance of mental health functions previously performed by the department shall be entitled while employed in a county or local mental health program, to use for a period of five years following transfer any unused sick leave balance the employee had accumulated while in state employment and had remaining to his credit at the time of termination of state employment. Such sick leave shall be held in a reserve account by the state to be used, if necessary, only at such time as the transferred employee's sick leave benefits accrued as a county employee become exhausted. When county sick leave benefits are exhausted such employee shall be entitled to utilize his state reserve account sick leave, until exhausted. The state reserve account for sick leave shall be administered according to the sick leave provisions of Division 5 (commencing with Section 18000) of Title 2 and corresponding State Personnel Board rules. Upon reemployment with the state, a transferred employee's sick leave credits will be reduced by the number of hours used from the state reserve during his employment in the county or local mental health program. The cost of preserving and paying for the state reserve account sick leave shall be totally funded by the state.

SEC. 23. Section 20331.5 of the Government Code is amended to read:

20331.5. Notwithstanding Section 20331, any member of this system employed in the State Department of Health at the Langley Porter Neuropsychiatric Institute, San Francisco, or at the Neuropsychiatric Institute, Los Angeles, who is transferred to university employment pursuant to an agreement between the department and the university respecting operation of such institutes shall have the right to elect to continue his membership in this system. To be effective, such election must be in writing and filed with the board prior to the date of his transfer of employment.

SEC. 23.5. Section 208 of the Health and Safety Code is amended to read:

208. (a) It may adopt and enforce rules and regulations for the execution of its duties.

(b) All regulations heretofore adopted by the State Board of Public Health and the State Department of Public Health pursuant to the authority granted in Sections 102, 308, and 1222 shall remain in effect and shall be fully enforceable unless and until readopted, amended, or repealed by the director.

(c) All regulations heretofore adopted by the State Department of Mental Hygiene pursuant to the authority granted in Section 4012, 4018, 4101, 4109, 4318, 4350 to 4370.5, inclusive, and 5400, 5750, and 5751 of the Welfare and Institutions Code, and Section 11217 of this code shall remain in effect and shall be fully enforceable unless and until readopted, amended, or repealed by the director.

SEC. 24. Section 219 is added to the Health and Safety Code, to read:

219. The director may investigate the work of the licensing boards specified in Section 101.5 of the Business and Professions Code in the department and may obtain a copy of all records and full and complete data in all official matters in possession of the boards, their members, officers, or employees, other than examination questions prior to submission to applicants at scheduled examinations.

SEC. 25. Section 220 is added to the Health and Safety Code, to read:

220. (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 licensing boards specified in Section 101.5 of the Business and Professions Code, shall take effect until submitted to the director for review. Any such rule, regulation, or 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, proposing the rule, regulation, or fee change.

SEC. 26. Section 310 of the Health and Safety Code, as added by Chapter 1745 of the Statutes of 1971, is amended and renumbered to read:

325. It is the policy of the State of California to make every effort to detect, as early as possible, sickle cell anemia, a heritable disorder which leads to physical defects.

The State Department of Health shall have the responsibility of designating tests and regulations to be used in executing this policy. Such tests shall be in accordance with accepted medical practices.

Testing for sickle cell anemia may be conducted at the following times:

(a) Upon first enrollment of a child at an elementary school in this state, such child may be tested.

(b) For any child not tested pursuant to subdivision (a), upon first enrollment at a junior high school or senior high school in this state, as the case may be, such child may be tested.

(c) Upon application of any person for a license to marry, the parties seeking to be married may be tested.

The provisions of this section shall not apply if a parent or guardian of a minor child sought to be tested or any adult sought to be tested objects to the test on the ground that the test conflicts with his religious beliefs or practices.

SEC. 27. Section 311 of the Health and Safety Code, as added by Chapter 1029 of the Statutes of 1971, is amended to read:

311. The State Department of Health may establish a five-year

pilot project in not more than six counties to serve areas designated by the city or county health department or city and county health department as areas of high nutritional need under guidelines established by the department. If the state department establishes a pilot project pursuant to this section, the first year of the pilot project shall be devoted to developing the project for review by the Legislature. Any pilot project established pursuant to this section shall comply with all the provisions of this article.

SEC. 28. Section 311 of the Health and Safety Code, as added by Chapter 1745 of the Statutes of 1971, is amended and renumbered to read:

326. The State Department of Health may require that a test be given for sickle cell anemia pursuant to Section 325 to any identifiable segment of the population which the department determines is susceptible to sickle cell anemia at a disproportionately higher ratio than is the balance of the population.

SEC. 28.3. Section 350 of the Health and Safety Code is amended to read:

350. The State Department of Health shall maintain a dental program including, but not limited to, the following:

(a) Development of comprehensive dental health plans within the framework of the State Plan for Health to maximize utilization of all resources.

(b) Provide the consultation necessary to coordinate federal, state, county, and city agency programs concerned with dental health.

(c) Encourage, support, and augment the efforts of city and county health departments in the implementation of a dental health component in their program plans.

(d) Provide evaluation of these programs in terms of preventive services.

(e) Provide consultation and program information to the health professions, health professional educational institutions, and volunteer agencies.

(f) For purposes of this article "State Plan for Health" means that comprehensive state plan for health being developed by the State Department of Health pursuant to Public Law 89-749 (80 Stat. 1180).

SEC. 28.4. Section 351 of the Health and Safety Code is amended to read:

351. The State Director of Health shall appoint a dentist licensed in the State of California to administer the dental program.

SEC. 28.5. Section 354 of the Health and Safety Code is amended to read:

354. The State Department of Health shall have the power to receive for the dental program any financial aid granted by any private, federal, state, district, or local or other grant or source, and the division shall use such funds to carry out the provisions and purposes of this article.

SEC. 28.6. Section 429.40 of the Health and Safety Code is

amended to read:

429.40. The State Department of Health shall provide financial assistance to county and areawide immunization campaigns under the direction of local health officers for the prevention of rubella.

SEC. 28.7. Section 429.41 of the Health and Safety Code is amended to read:

429.41. All moneys appropriated to the department for the purposes of this article shall be made available to local health departments, as defined in Section 1102, or to areawide associations of local health departments. All moneys received by such local departments or areawide associations shall be utilized only for the purchase of rubella vaccines, other necessary supplies and equipment for rubella immunization campaigns, and promotional costs of such campaigns. No moneys appropriated for the purpose of this article shall be used by the State Department of Health or by any local department or areawide association for administrative purposes, and no such moneys may be used to supplant or support local health department clinics and programs already regularly operated by such departments, but may be used only for additional county or areawide rubella immunization campaigns. All moneys appropriated for the purposes of this article shall be expended by March 31, 1971.

SEC. 28.8. Section 429.50 of the Health and Safety Code is amended to read:

429.50. The State Department of Health may do all of the following activities:

(1) Make a continuing study of births, deaths, marriages, and divorce, in order to provide a continuing analysis of such trends to state agencies and to the Legislature.

(2) Request and receive demographic and population data from the Department of Finance.

(3) Make any additional collection of data necessary to describe and analyze fertility, family formation and dissolution, abortion practices, and other factors related to population dynamics, public health, and the environment.

(4) Assess the health, environmental, and related effects of current and projected population.

(5) Formulate recommendations for programs, consistent with individual rights and the integrity of the environment, to respond to projected trends.

SEC. 29. Section 437.7 of the Health and Safety Code is amended to read:

437.7. In order to assure availability of objective and impartial review by planning groups (referred to as voluntary area health planning agencies) of hospitals and related facilities, including facilities licensed by the State Department of Health, or proposed projects for new, additional or revised hospital and related health facility projects, including facilities licensed by the State Department of Health, the Advisory Health Council, from time to time, shall

approve no more than one voluntary area health planning agency for any designated area of the state, provided such group shall meet the following criteria:

(a) Shall be incorporated as a nonprofit corporation and be controlled by a board of directors consisting of a majority representing the public and local government as consumers of health services with the balance being broadly representative of the providers of health services and the health professions.

(b) Shall review information on utilization of hospitals and related health facilities.

(c) Shall develop principles for the determination of community need and desirability to guide hospitals and related health facilities in acting in the public interest. Such principles shall be consistent with the general guidelines developed by the Advisory Health Council in accordance with Section 437.8.

(d) Shall conduct public meetings in which members of the health professions and consumers will be encouraged to participate.

(e) Shall review individual proposals for the construction of new or additional hospital and related health facilities, the conversion of one type of facility to a different category of licensure or the creation or expansion of new areas of service, and make decisions as to the need and desirability for the particular proposal in accordance with the principles developed pursuant to subdivision (c).

(f) Individual proposal reviews shall be in accordance with administrative procedures established by the Advisory Health Council, which shall include, but need not be limited to:

(1) A public hearing.

(2) Reasonable notice.

(3) Right to representation by counsel.

(4) Right to present oral and written evidence and confront and cross-examine opposing witnesses.

(5) Availability of transcript at applicant's expense.

(6) Written findings of fact and recommendations to be delivered to applicant and filed with the State Department of Health as a public record.

(g) Shall have a plan to finance the procedure which shall include, but not necessarily be limited to, filing fees and charges for processing and appeal.

Notwithstanding the foregoing, the following shall constitute the designated areas of this state for area health planning agencies: Area 1, consisting of Del Norte, Humboldt, Mendocino, and Lake Counties; Area 2, consisting of Siskiyou, Modoc, Trinity, Shasta, Lassen, Tehama, Plumas, Glenn, Butte, Colusa, Sutter, and Yuba Counties; Area 3, consisting of Sierra, Nevada, Placer, El Dorado, Sacramento, and Yolo Counties; Area 4, consisting of Sonoma, Napa, Solano, Marin, Contra Costa, San Francisco, Alameda, San Mateo, and Santa Clara Counties; Area 5, consisting of Amador, Alpine, Calaveras, San Joaquin, Stanislaus, Tuolumne, and Merced Counties; Area 6, consisting of Mariposa, Madera, Fresno, Kings, Tulare, and

Kern Counties; Area 7, consisting of Santa Cruz, San Benito, and Monterey Counties; Area 8, consisting of San Luis Obispo, Santa Barbara, and Ventura Counties; Area 9, consisting of Los Angeles County; Area 10, consisting of Orange County; Area 11, consisting of Riverside, San Diego, and Imperial Counties; and Area 12, consisting of Mono, Inyo, and San Bernardino Counties.

Voluntary area health planning agencies may divide their areas into local areas for purposes of more efficient health facility planning, with the approval of the Advisory Health Council. Such local areas shall be of a geographic size and contain adequate population to insure a broad base for planning decisions. Each local area shall contain a voluntary local health planning agency which shall meet the criteria in subdivisions (a) through (g) of this section.

An organization which meets the criteria in subdivisions (a) through (g) of this section may make application to its voluntary area health planning agency for designation as a voluntary local health planning agency for a designated area. After a complete application has been received, the area agency shall reach a decision concerning the application. The decision, or lack of decision, of the area agency may be appealed to the Advisory Health Council. Any appeal shall be made within 30 days of the decision or lack of decision.

Approval of voluntary area and local area health planning agencies, adoption of statewide general principles for planning and the adoption of administrative procedures for voluntary area and local area health planning agencies shall be made by the Advisory Health Council only after notice and public hearing.

SEC. 29.5. Section 438.4 of the Health and Safety Code is amended to read:

438.4. The voluntary area health planning agency, acting upon an application originally or reviewing a recommendation of a voluntary local health planning agency or the consumer members of a voluntary area health planning agency acting as an appeals body, and the Advisory Health Council shall make one of the following decisions:

(a) Approve the application in its entirety;

(b) Deny the application in its entirety;

(c) Approve the application subject to modification by the applicant, as recommended by the body involved.

A decision shall become final when all rights to appeal have been exhausted. Approval shall terminate 12 months after the date of such approval unless the applicant has commenced construction or conversion to a different license category and is diligently pursuing the same to completion as determined by the voluntary area health planning agency; or unless the approval is extended by the voluntary area health planning agency for an additional period of up to 12 months upon the showing of good cause for the extension. If the Advisory Health Council finds that the voluntary area health planning agency has dissolved, it may grant such extension upon a showing by the applicant of good cause for the extension.

SEC. 30. Section 441.2 of the Health and Safety Code is amended to read:

441.2. The term "Section 441.2 hospital" as used in this part shall include all of the following:

(a) All hospitals of a type required to be licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2.

(b) Institutions conducted, maintained or operated by this state or any state department, authority, district, bureau, commission or officer or by the Regents of the University of California, or by a board of supervisors of a county under the provisions of Chapter 2.5 (commencing with Section 1440) of Division 2, which, except for the exemption provided by Section 1312, would be encompassed by the terms of subdivision (a).

SEC. 31. Section 442.7 of the Health and Safety Code is amended to read:

442.7. In order to assist the commission in the performance of its duties pursuant to this part, there is hereby created an Advisory Council to the California Hospital Commission, to be composed of all of the following:

(a) Three members who shall represent consumers of hospital care services; one of whom shall be a member of and represent a labor union organized under the provisions of Chapter 7 of Title 29 of the United States Code; and one of whom shall be an accountant licensed under Chapter 1 (commencing with Section 5000) of Division 3 of the Business and Professions Code with at least five years' experience as an accountant or financial officer with responsibility for auditing and supervising the financial affairs of one or more hospitals subject to the provisions of this part.

(b) Five members who shall be broadly representative of the interests of investor-owned, county, university, district, and not-for-profit hospitals which are subject to the provisions of this part.

(c) One member appointed by, and to serve at the pleasure of, the Director of Health.

The three members who are to represent consumers of health care services shall be appointed directly by the commission for a term of three years. The members provided for under subdivision (b) shall be appointed by the commission for a term of three years as follows:

Within 30 days after this section goes into effect, and thereafter within 30 days after any vacancy occurs, any organization, association, or institution whose members may be qualified to fill the vacancy or vacancies then existing may submit to the commission the names of persons qualified to represent it on said advisory council, from which such names the commission shall make its appointments.

No member shall be appointed to a position on the council for more than two consecutive full terms.

SEC. 32. Section 442.10 of the Health and Safety Code is amended to read:

442.10. For the purposes of funding such contracts of the

commission as are authorized by the provisions of this part and for meeting the costs of the commission in carrying out its duties in the administration thereof, fees shall be collected by the State Department of Health as follows and shall be deposited in the California Hospital Commission Fund which is hereby established:

(a) Every Section 441.2 hospital is hereby charged a special fee of 0.02 of 1 percent of the hospital's gross operating cost for the provision of health care services for its last fiscal year ending on or before June 30, 1971. The fee shall be due on the first day of the first calendar month which commences after the effective date of this section, and delinquent on the last day of the first calendar month which commences after the effective date of this section, and shall be collected by the State Department of Health. Institutions included in Section 441.2 which are exempt from licensure pursuant to the provisions of Section 1312 shall pay the fee required by this subdivision to the Department of Health within the time schedules provided in this section.

(b) For 1973 and every year thereafter, the State Department of Health shall, concurrent with applications for licensure, set, and charge to, and collect from all Section 441.2 hospitals a special fee, which shall be due on January 1 and delinquent on January 31 of each year beginning with the year 1973, of not more than 0.02 of 1 percent of the hospital's gross operating cost for the provision of health care services for its last fiscal year which ended on or before June 30 of the preceding calendar year. Each year the Director of Health shall, after consultation with the commission, establish the fee to produce revenues equal to the appropriation for these purposes in the Budget Act for the current fiscal year. The State Department of Health shall collect such fee from all hospitals licensed by the department which are included within the definition of Section 441.2. Institutions included in Section 441.2 which are exempt from licensure pursuant to the provisions of Section 1312 shall pay the fee required by this subdivision to the State Department of Health within the time schedules provided in this section.

(c) Any amounts raised by the collection of the special fees provided for by subdivisions (a) and (b) of this section which are not required to meet appropriations in the Budget Act for the current fiscal year shall be available to the commission in succeeding years, when appropriated by the Legislature, for expenditure under the provisions of this part and shall reduce the amount of such special fees which the State Department of Health is authorized to set and charge.

(d) No hospital against which the fees required by this section are charged shall be issued a license or have an existing license renewed unless the fees are paid; nor shall any hospital, which is exempt from licensure pursuant to the provisions of Section 1312 but is a Section 441.2 hospital, be permitted to continue to operate without the payment of the fees required by this section. The commission may bring an action to enjoin the violation or threatened violation of this

subdivision in the superior court in and for the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this subdivision shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except the commission shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

The license of any hospital against which the fees required by this section are charged for the year 1972 shall be revoked, after notice and hearing, if it is determined by the department by which such hospital is licensed that the fee for 1972 was not paid within the time prescribed by subdivision (a).

SEC. 32.5. Section 542 of the Health and Safety Code is amended to read:

542. The state department shall certify as a registered sanitarian any person who qualifies himself by one of the following procedures:

(a) The state department shall accept for registration as a registered sanitarian (1) any person who on or before January 1, 1946, has passed an official civil service examination as certified by an official agency qualifying him as a sanitarian, food and market inspector, sanitary inspector, or housing inspector, given by the state, or by any city, county or local health district of the state; or (2) any person who has prior to the effective date hereof been employed as a sanitarian, food and market inspector, sanitary inspector, or housing inspector by the state, any city, any county, or any city and county, or any local health district of the state.

(b) The state department may hold examinations in various parts of the state for the purpose of determining persons who are qualified and competent to act as registered sanitarians who desire to become employed on a full-time basis in health departments of the state, or of any city, or any county, or of any local health district of the state in the enforcement of state statutes relative to public health, the rules and regulations of the state department and local ordinances pertaining to public health. The state department shall issue a certificate as a registered sanitarian to each person who passes such examination. The state department may by rule establish minimum standards and qualifications for such persons.

SEC. 33. Section 1176 of the Health and Safety Code is amended to read:

1176. Unless the context otherwise requires, the definitions in this section govern the construction of this part:

(a) "Department" means the State Department of Health.

(b) "Director" means the Director of Health.

(c) "Medi-Cal" means the program for providing health care as specified in the Medi-Cal Act in Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code.

(d) "Health maintenance organization" means an organization

which provides basic health care, including at least the following:

(1) Inpatient hospital services;

(2) Outpatient hospital services;

(3) Laboratory and X-ray services;

(4) Physician services;

(5) Prescribed drugs.

(e) "Subscriber" means a person who receives health care services from a health maintenance organization.

SEC. 33.5. Section 1275 is added to the Health and Safety Code, to read:

1275. (a) The regulations relating to the licensing of hospitals, heretofore adopted by the Department of Public Health pursuant to Chapter 2 (commencing with Section 1400) of Division 2, of this code, and in effect immediately prior to the effective date of the repeal of such provisions by Sections 2 and 20 of Chapter 1148, Statutes of 1972, shall remain in effect and shall be fully enforceable with respect to any hospital required to be licensed by the provisions of this chapter, unless and until such regulations are readopted, amended, or repealed by the director.

(b) The regulations relating to private institutions receiving or caring for any mentally disordered persons, mentally retarded persons, and other incompetent persons, heretofore adopted by the Department of Mental Hygiene pursuant to Chapter 1 (commencing with Section 7000) of Division 7 of the Welfare and Institutions Code, and in effect immediately prior to the effective date of the repeal of such provisions of the Welfare and Institutions Code by Sections 11 and 20 of Chapter 1148 of the Statutes of 1972, shall remain in effect and shall be fully enforceable with respect to any facility, establishment, or institution for the reception and care of mentally disordered persons, mentally retarded persons and other incompetent persons, required to be licensed by the provisions of this chapter unless and until said regulations are readopted, amended, or repealed by the director.

SEC. 34. Section 1481.2 of the Health and Safety Code is amended to read:

1481.2. Each county conducting a pilot program pursuant to this article shall submit a report to the Legislature and to the State Department of Health, not later than 30 days from the first calendar day of the 1974 Regular Session, evaluating any such pilot program conducted at any hospital operated by the county or under contract with the county. The report shall include an evaluation of the competency and effectiveness of the performance by the mobile intensive care paramedics in their duties in staffing rescue units and in the rendering of medical and nursing care pursuant to this article. The report may include recommendations relating to the extension or modification of the provisions of this article.

SEC. 35. Section 1685 of the Health and Safety Code, as amended by Chapter 618 of the Statutes of 1972, is amended to read:

1685. The governing body of a city, county, city and county or

school district may employ one or more school audiometrists, each of whom shall be registered with the State Department of Health and possess such qualifications as may at the date of registration be prescribed by the state department.

Audiometric testing as conducted by the qualified school audiometrist, pursuant to Section 13300 of the Education Code, or by other qualified certificated school personnel, as defined in Sections 11751 and 11824 of the Education Code, shall meet the standards which the State Department of Health determines necessary to insure the adequacy of hearing testing in the schools. Subject to Section 11822 of the Education Code, audiometric tests may be administered to school and preschool children in school buildings and other places as are or may be used by schools, health departments or other agencies that provide qualified personnel to conduct such tests.

SEC. 36. Section 1686 of the Health and Safety Code, as amended by Chapter 618 of the Statutes of 1972, is amended to read:

1686. The State Department of Health shall, subject to the provisions of Section 1685, issue certificates of registration to school audiometrists and to qualified supervisors of health, pursuant to Sections 11751 and 11823 of the Education Code. The department shall prescribe such qualifications as may be necessary for the testing of the hearing of schoolchildren.

Candidates for registration who present evidence of having satisfactorily completed the required training in audiology and audiometry at an accredited university or college, as prescribed by the State Department of Health, may be issued certificates of registration without further examination.

The state department shall require a registration fee not in excess of ten dollars ($10) for each certificate issued. Such fee shall be based upon a determination by the department as to the amount that is reasonably necessary to pay for the costs of the issuance of certificates of registration.

SEC. 36.5. Section 3226 of the Health and Safety Code is amended to read:

3226. The laboratory shall submit such laboratory reports or records to the State Department of Health as are required by regulation of the department. The health officer may destroy any copies of reports which have been retained by him pursuant to this section for a period of two years.

SEC. 37. Section 3380 of the Health and Safety Code is amended to read:

3380. No person may be unconditionally admitted as a pupil of a private elementary or secondary school or as a pupil of any school district unless prior to his first admission to school in California he has been immunized against poliomyelitis in the manner and with immunizing agents approved by the State Department of Health.

A person who presents evidence that he has received one such immunizing dose of poliomyelitis vaccine may be admitted on

condition that within a period designated by regulation of the State Department of Health he presents evidence that he has been fully immunized against poliomyelitis.

A person who has not received any poliomyelitis vaccine may be admitted on condition that within two weeks of the date of his admission he shall present evidence that he has obtained his first such immunizing dose and shall thereafter within a period designated by regulation of the State Department of Health present evidence that he has been fully immunized against poliomyelitis.

This chapter does not apply to any person over the age of 16 years.

SEC. 38. Section 3400 of the Health and Safety Code is amended to read:

3400. No person may be unconditionally admitted as a pupil of a private elementary or secondary school or as a pupil of any school district unless prior to his first admission to school in California he has been immunized against measles (rubeola) in the manner and with immunizing agents approved by the State Department of Health.

A person who has not received an immunizing dose of measles (rubeola) vaccine may be admitted on condition that within two weeks of the date of his admission he shall present evidence that he has been fully immunized against measles (rubeola).

This chapter does not apply to any person over the age of 16 years

SEC. 38.5. Section 3402 of the Health and Safety Code is amended to read:

3402. The county health officer of each county shall organize and have in operation by January 1, 1968, an immunization program so that immunization is made available to all persons required by this chapter to be immunized. He shall also determine how the cost of such a program is to be recovered. To the extent that the cost to the county is in excess of that sum recovered from persons immunized, the cost shall be paid by the county in the same manner as other expenses of the county are paid.

Immunization performed by a private physician shall be acceptable for admission to school if the immunization is performed and records are made in accordance with rules established by the State Department of Health.

SEC. 39. Section 3500 of the Health and Safety Code is amended to read:

3500. Pupils of public and private elementary and secondary schools, except pupils of community colleges, shall be provided the opportunity to receive within the school year the topical application of fluoride or other decay-inhibiting agent to the teeth in the manner approved by the State Department of Health. The program of topical application shall be under the general direction of a dentist licensed in the state and may include self-application.

SEC. 39.4. Section 11217 of the Health and Safety Code, as added by Chapter 1407 of the Statutes of 1972, is amended to read:

11217. No person shall treat an addict for addiction to a narcotic drug which is an opiate except in one of the following:

(a) An institution approved by the Board of Medical Examiners, 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 Health 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.

SEC. 39.5. Section 11480 of the Health and Safety Code, as added by Chapter 1407 of the Statutes of 1972, is amended to read:

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 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

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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 those research projects approved by the panel, the nature of each research project, and, where available, the conclusions of the research project.

SEC. 42. Section 13143.6 of the Health and Safety Code, as amended by Chapter 410 of the Statutes of 1972, is amended to read:

13143.6. The State Fire Marshal, with the advice of the State Fire Advisory Board, shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used or intended for use as a home or institution for the housing of any person of any age when such person is referred to or placed within such home or institution for protective social care and supervision services by any governmental agency. Occupancies within the meaning of this section shall be those not otherwise specified in Sections 13113 and 13143 and shall include, but are not limited to those commonly referred to as "certified family care homes," "out-of-home placement facilities," and "halfway houses." Regulations adopted pursuant to this section shall establish minimum standards relating to the means of egress and the adequacy of exits, the installation and maintenance of fire extinguishing and fire alarm systems, the storage, handling, or use of combustible or flammable materials or substances, and the installation and maintenance of appliances, equipment, decorations, and furnishings that may present a fire, explosion, or panic hazard. Such minimum standards shall be predicated on the height, area, and fire-resistive qualities of the building or structure used or intended to be used.

Any building or structure within the scope of this section used or intended to be used for the housing of more than six nonambulatory

persons shall have installed and maintained in proper operating condition an automatic sprinkler system approved by the State Fire Marshal. "Nonambulatory person," as used in this section shall include, but is not limited to, any profoundly or severely mentally retarded, totally deaf, or blind person.

The ambulatory or nonambulatory status of any mentally retarded person within the scope of this section shall be determined by the Director of Health.

Any building or structure within the scope of this section used or intended to be used for the housing of more than six ambulatory persons shall have installed or maintained in proper operating condition an automatic fire alarm system approved and listed by the State Fire Marshal which will respond to products of combustion other than heat.

In adopting regulations pursuant to this section, the State Fire Marshal shall give reasonable consideration to the continued use of existing buildings' housing occupancies established prior to the effective date of this section.

In preparing and adopting regulations pursuant to this section, the State Fire Marshal shall also secure the advice of the appropriate governmental agencies involved in the affected protective social care programs in order to provide compatibility and maintenance of operating programs in this state.

No governmental agency shall refer any person to, or cause their placement in, any home or institution subject to this section without first obtaining verification of conformance to the fire safety standards adopted by the State Fire Marshal pursuant to this section from the fire authority having jurisdiction pursuant to Sections 13145 and 13146.

When a building or structure within the scope of this section is used to house either ambulatory or nonambulatory persons, or both, and an automatic fire sprinkler system, approved by the State Fire Marshal, is installed, this section shall not be construed to also require the installation of an automatic fire alarm system.

SEC. 42.5. Section 15021 of the Health and Safety Code, as added by Chapter 1130 of the Statutes of 1972, is amended to read:

15021. There is in the state department a Building Safety Board which shall advise and act as a board of appeals with regard to seismic structural safety of hospitals. The State Director of Health, with the advice of the Department of General Services, shall appoint the members of the Building Safety Board, which shall advise and act as a board of appeals in all matters affecting seismic structural safety in the administration and enforcement of this chapter. The board shall consist of 11 members appointed by the State Director of Health and six ex officio members who are: the State Director of Health, the State Architect, the State Fire Marshal, the State Geologist, the Chief of the Bureau of Health Facilities Planning and Construction in the state department and the Chief Structural Engineer of the Schoolhouse Section of the Office of Architecture and Construction

in the Department of General Services. Of the appointive members, two shall be structural engineers, two shall be architects, one shall be an engineering geologist, one shall be a soils engineer, one shall be a seismologist, one shall be a mechanical engineer, one shall be an electrical engineer, and one shall be a hospital administrator. The appointive members shall serve at the pleasure of the director. He may also appoint as many other ex officio members as he may desire. Ex officio members are not entitled to vote. Board members, qualified by close connection with hospital design and construction and highly knowledgeable in their respective fields with particular reference to seismic safety, shall be appointed from nominees recommended by the governing bodies of the Structural Engineers Association of California; the California Council, American Institute of Architects; the Earthquake Engineering Research Institute; the Association of Engineering Geologists; the Consulting Engineers Association of California; the California Hospital Association. Board members shall be residents of California.

SEC. 42.6. Section 17926 of the Health and Safety Code, as added by Chapter 1424 of the Statutes of 1972, is amended 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 Health.

The members of the advisory committee shall serve without compensation, but shall be allowed necessary expenses incurred in the performance of duty.

SEC. 42.7. Section 25111 of the Health and Safety Code, as added by Chapter 1236 of the Statutes of 1972, is amended to read:

25111. "Department" means the State Department of Health.

SEC. 42.8. Section 25112 of the Health and Safety Code, as added by Chapter 1236 of the Statutes of 1972, is amended to read:

25112. "Director" means the Director of Health.

SEC. 43. Section 25737 of the Health and Safety Code is amended to read:

25737. The secretary shall disseminate to the public factual data and information and interpretations thereof concerning atomic energy development and the uses of radiation in the state with the view to providing a reliable source of accurate information relating to the benefits and hazards of such development and uses. Data and information relating to hazards of radiation shall be developed and disseminated in cooperation with the State Department of Health, as

provided for in paragraph (3) of subdivision (e) of Section 25811.

SEC. 44. Section 25771 of the Health and Safety Code is amended to read:

25771. The State Department of Health shall keep current information on the permits or licenses issued by the United States Atomic Energy Commission in the state and, along with current information on the radiation sources licensed or registered under the provisions of Section 25815, shall transmit such information upon request to any state department or agency or member of the public.

SEC. 45. Section 25955.5 of the Health and Safety Code is amended to read:

25955.5. The State Department of Health shall by regulation establish and maintain a system for the reporting of therapeutic abortions so as to determine the demographic effects of abortion and assess the experience in relation to legal and medical standards pertaining to abortion practices. The reporting system shall not require, permit, or include the identification by name or other means of any person undergoing an abortion. The State Department of Health shall make a report to the Legislature not later than the 30th calendar day each even-numbered year on its findings related to therapeutic abortions and their effects.

The state department shall seek, in addition to any other funds made available to it, federal funds in order to carry out the purposes of this act.

SEC. 46. Section 26636 of the Health and Safety Code, as amended by Chapter 253 of the Statutes of 1972, is amended to read:

26636. Any drug subject to Section 26660 is misbranded unless the manufacturer, packer, or distributor of the drug includes, in all advertisements and other descriptive matter issued or caused to be issued by the manufacturer, packer, or distributor with respect to that drug, a true statement of all of the following:

(a) The established name, printed prominently and in a type at least half as large as that used for any proprietary name of the drug.

(b) The formula showing quantitatively each ingredient of the drug to the extent required for labels under Section 26635.

(c) The name and place of business of the manufacturer that produced the finished dosage form of the drug, as prescribed by regulations issued by the State Department of Health. This subdivision shall apply only to advertisements or descriptive matter issued for drugs manufactured in finished dosage form on or after April 1, 1973.

(d) Such other information, in brief summary relating to side effects, contraindications, and effectiveness as shall be required by regulations promulgated by the department.

Regulations relating to side effects, contraindications, and effectiveness issued pursuant to Section 502(n) of the federal act (21 U.S.C. Sec. 352(n)) are the regulations establishing information requirements relating to side effects, contraindications and effectiveness in this state. The department may, by regulation, make

other requirements relating to side effects, contraindications, and effectiveness whether or not in accordance with the regulations adopted under the federal act.

SEC. 47. Section 27041 of the Health and Safety Code is amended to read:

27041. The provisions of this chapter shall be administered by the State Department of Health in accordance with the provisions of Division 21 (commencing with Section 26000) of this code.

SEC. 48. Section 28211 of the Health and Safety Code is amended to read:

28211. All bakery products produced, prepared, packed, sold or offered for sale shall comply with the provisions of Division 21 (commencing with Section 26000) of this code, except as exempted in Section 28210. The State Department of Health shall enforce the provisions of this section which pertain to adulteration, standards of identity, and labeling of bakery products.

SEC. 49. Section 28322 of the Health and Safety Code is amended to read:

28322. A nonalcoholic soft drink, whether or not carbonated, shall be deemed to be misbranded if in a bottle or other closed container unless the name and address of the bottler or distributor thereof appears on such container by being molded, printed, or otherwise labeled thereon, or said name and address is shown on the crown or cap of such container if such container is a permanently and distinctively branded bottle. Such a beverage shall not be deemed to be misbranded under this section if in a bottle or other closed container on which is molded, printed or otherwise labeled the product name, trademark or brand of the distributor or bottler thereof and if a sworn affidavit has been filed with the Department of Health stating the name, trademark, or brand of such beverage, a full and complete description of each territory or area of the state in which such beverage is to be distributed, and the names and addresses of such persons as are responsible for compliance with this division in the bottling and distribution of such beverage in each territory or area of the state in which such beverage is distributed. Nothing in this section shall be deemed to exempt any bottler or distributor of a beverage or beverages from any provision of Division 21 (commencing with Section 26000) of this code.

SEC. 50. Section 28616.1 of the Health and Safety Code is amended to read:

28616.1. All mobile units, upon which food is prepared, except mobile units to which the local health officer has issued written authorization to operate at a special public event, shall operate out of a commissary or other facility approved by the local health officer. All mobile units upon which food is prepared shall be subject to approval by the local health officer and shall be cleaned at the approved commissary or other approved facility after each day's use and before being used again. The commissary shall meet the requirements of Article 2 (commencing with Section 28540) of this

chapter, any rules and the regulations applicable to commissaries adopted by the State Department of Health pursuant to Section 28694.5, and any additional local standards applicable to commissaries. All mobile units upon which food is prepared shall meet the requirements of Article 3 (commencing with Section 28590) of this chapter, any rules and regulations applicable to mobile units adopted by the State Department of Health pursuant to Section 28694.5, and any additional local standards applicable to mobile units.

No food, beverage, or ingredient of food or beverage may be placed on a mobile unit upon which food is prepared except at an approved commissary or other approved facility or directly from a vendor under inspection by the state department or a local health department, or both.

The operator of a mobile unit upon which food is prepared shall maintain a record on such mobile unit which shows the source of all foods, beverages and ingredients of foods and beverages used on such mobile unit and the location of the commissary or other approved facility from which the mobile unit is operated. Such record shall be available for examination by the local health officer or any representative of the state department when the mobile unit is being operated. The failure to maintain such record or the refusal to permit the examination shall be sufficient ground for the revocation of the approval of the mobile unit to operate.

SEC. 50.1. Section 34700 of the Health and Safety Code, as added by Chapter 1393 of the Statutes of 1972, is amended to read:

34700. As used in this part "department" means the Department of Corrections, the Department of Health, the Department of Rehabilitation, or the Department of the Youth Authority.

SEC. 51. Section 38003 of the Health and Safety Code is amended to read:

38003. As used in this division:

(a) "Regional center" means a regional diagnostic, counseling and service center for mentally retarded persons and their families.

(b) "Director" means the Director of the State Department of Health.

(c) "Department" means the State Department of Health.

(d) "Secretary" means the Secretary of the Health and Welfare Agency.

(e) "State council" means the State Developmental Disabilities Planning and Advisory Council.

(f) "Area board" means an areawide mental retardation program board.

(g) "Area plan" means an areawide mental retardation plan.

(h) "Developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy, or other neurological-handicapping condition found to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals. Such disability originates before an individual attains age 18, continues, or can be expected to continue,

indefinitely, and constitutes a substantial handicap for such individual.

SEC. 52. Section 38200 of the Health and Safety Code is amended to read:

38200. There is in the Health and Welfare Agency the State Developmental Disabilities Planning and Advisory Council.

The council shall consist of 15 voting members. Six members shall represent consumers of services for persons with developmental disabilities of whom one member shall be the parent of a mentally retarded child who is not in a state hospital and one member shall be the parent of a mentally retarded child who is a patient in a state hospital.

Five members shall be representatives of local agencies, nongovernmental organizations, and groups concerned with services for persons with developmental disabilities.

The Governor shall appoint the following seven members of the council: the six representatives of consumers of services for persons with developmental disabilities and one representative of a local agency or nongovernmental organization serving the retarded. The Senate Rules Committee and the Speaker of the Assembly shall each appoint two representatives of local agencies or nongovernmental organizations serving the retarded.

The State Director of Health, the Director of Social Welfare, the Superintendent of Public Instruction, and the Director of the Department of Rehabilitation shall serve as members of the council.

Of the members appointed by the Governor, three shall hold office for three years, two shall hold office for two years, and two shall hold office for one year. The members appointed by the Senate Rules Committee and by the Speaker of the Assembly each shall hold office for three years.

SEC. 53. Section 38202 of the Health and Safety Code is amended to read:

38202. The state council shall advise the Advisory Health Council, the secretary, the Governor and the Legislature on the initiation, coordination, and implementation of programs and projects for the mentally retarded and other developmentally disabled persons including, but not limited to, the following:

(a) Present and proposed programs of state, local governmental, and voluntary agencies for persons with developmental disabilities.

(b) The development by the secretary of a state plan for services for persons with developmental disabilities and the system of priorities contained in a program budget to be developed by the secretary.

(c) The development by the Advisory Health Council of that portion of the state plan for all health services for persons with developmental disabilities.

(d) Standards for services in various facilities that are now being operated or which will hereafter be created.

(e) Standards and rates of state payment for any services

purchased for mentally retarded persons through the regional centers.

(f) The development of uniform recordkeeping in all services for the mentally retarded.

(g) The coordination of services and research activities in the field of developmental disabilities, including the evaluation of services and programs, studies of the prevalence of developmental disabilities, and the development of experimental programs.

(h) The stimulation of planning for professional training in the state universities and colleges.

SEC. 53.5. Section 38203 of the Health and Safety Code is amended to read:

38203. The state council shall prepare and render annually a written report of its activities and its recommendations to the Advisory Health Council, the Secretary of the Health and Welfare Agency, the Governor and the Legislature.

SEC. 54. Section 38250 of the Health and Safety Code is amended to read:

38250. It is the intent of this division that state funds previously allocated to other agencies for the provision of out-of-home prehospital, hospital and posthospital care be allocated, to the fullest extent feasible, to regional centers to contract with appropriate agencies for the provision of out-of-home placements.

In the event either the Governor or the Legislature should obtain federal approval to transfer programs for the mentally retarded from other state departments to the State Department of Health under the provisions of Public Law 90-577 (Intergovernmental Cooperation Act of 1968), the State Controller shall, upon approval of the Director of Finance, transfer to the State Department of Health such parts of the appropriation of the other departments that are related to mental retardation programs; provided further, that such transfer shall enable the state to make maximum utilization of available state and federal funds.

It is the intent of this division that the regional center program be funded by the state on a regional basis using the maximum of federal funds available, and that all funds be transmitted through the department to each regional center.

SEC. 54.5. Section 38260 of the Health and Safety Code is amended to read:

38260. State funds appropriated for the purposes of this division shall not be used to supplant city or county matching funds required under the Budget Act of 1969.

For purposes of this section, city or county matching funds required under the Budget Act of 1969 for services specified in Section 38106 which are provided under the Short-Doyle Act shall be deemed to be the amount of matching funds specified for such services in the city or county Short-Doyle plan as approved by the Director of Health for the 1969–70 fiscal year.

For the purposes of this section, the Secretary, with the approval

of the Department of Finance, shall determine the amount of city or county matching funds with respect to each city or county.

SEC. 55. Section 6030 of the Penal Code is amended to read:

6030. (a) The Board of Corrections shall establish minimum standards for local detention facilities by July 1, 1972. The Board of Corrections shall review such standards biennially and make any appropriate revisions.

(b) The standards shall include, but not be limited to, the following: health and sanitary conditions, fire and life safety, security, rehabilitation programs, recreation, treatment of persons confined in local detention facilities, and personnel training.

(c) In establishing minimum standards, the Board of Corrections shall seek the advice of the following:

(1) For health and sanitary conditions:

The State Department of Health, physicians, psychiatrists, local public health officials, and other interested persons.

(2) For fire and life safety:

The State Fire Marshal, local fire officials, and other interested persons.

(3) For security, rehabilitation programs, recreation, and treatment of persons confined in local detention facilities:

The Department of Corrections, the Department of the Youth Authority, local juvenile justice commissions, local correction officials, experts in criminology and penology, and other interested persons.

(4) For personnel training:

The Commission on Peace Officer Standards and Training, psychiatrists, experts in criminology and penology, the Department of Corrections, the Department of the Youth Authority, local correctional officials, and other interested persons.

SEC. 55.1. Section 12403 of the Penal Code, as amended by Chapter 1377 of the Statutes of 1972, 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 Health; 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. 55.2. Section 12455 of the Penal Code, as amended by Chapter 1377 of the Statutes of 1972, 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 Health has recommended that the weapon is not acceptable.

SEC. 55.3. Section 12458 of the Penal Code, as amended by Chapter 1377 of the Statutes of 1972, is amended to read:

12458. Prior to certification, the department shall request from the State Department of Health a report on each type and brand of tear gas weapon submitted to it by the department. The State Department of 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 Health.

(b) Investigations conducted by independent laboratories.

(c) Any other investigations approved by the State Department of Health.

The applicant shall reimburse the State Department of Health for any actual expenses incurred by it in preparing such reports.

SEC. 55.4. Section 13020 of the Penal Code, as amended by Chapter 1377 of the Statutes of 1972, 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 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. 56. Section 1435.7 of the Probate Code is amended to read:

1435.7. If a spouse alleged in the petition to be incompetent has not been so found in proceedings under Division 4 or Division 5, or thereafter has been restored to capacity as in this code provided, such spouse, if able to attend, must be produced at the hearing. If such spouse is not able to attend by reason of mental or physical condition, the affidavit or certificate of a duly licensed physician, surgeon, or other medical practitioner, or the certificate of the medical superintendent or acting medical superintendent of a state hospital in this state in which such spouse is a patient, shall be prima facie evidence of the facts therein stated as to the inability of the spouse to attend.

If such spouse is not represented at the hearing by his guardian, or by the public guardian or public administrator or his deputy or assistant, or by the Director of the State Department of Health, the court may, in its discretion, appoint a guardian ad litem to represent the interests of such spouse, and he may be allowed a reasonable fee to be fixed by the court and paid out of the cash proceeds of the transaction or otherwise as the court shall direct.

SEC. 57. Section 1461.3 of the Probate Code is amended to read:

1461.3. If the alleged insane or incompetent person is a patient in or on leave of absence from a state institution under the jurisdiction of the State Department of Health and such fact is known to the petitioner, the petitioner shall name the institution in the petition, and shall give notice of the filing of the petition for appointment of a guardian and of the time and place of the hearing by mailing such notice and a copy of the petition to the Director of the State Department of Health at his office in Sacramento at least 15 days before the hearing unless the time is shortened by the court for good cause shown.

SEC. 58. Section 1516 of the Probate Code is amended to read:

1516. In all cases where no other or no different procedure is provided by statute, the court on petition of the guardian, creditor or other interested party may from time to time instruct the guardian as to the administration of the ward's estate and the disposition, management, care, protection or preservation of the

estate or any property thereof. Notice of the hearing of such petition shall be given for the period and in the manner required by Section 1200. When the ward is or has been, during the guardianship, confined in a state hospital in this state, notice of hearing and copy of the petition must be given to the Director of the State Department of Health at his office in Sacramento at least 15 days before the hearing.

SEC. 59. Section 1550 of the Probate Code is amended to read:

1550. Within three months after his appointment, or within such further time as the court or judge for a reasonable cause may allow, the guardian must file with the clerk of the court an inventory and appraisement of the state of his ward, together with a copy of the same which copy shall be delivered by the clerk to the county assessor. The guardian shall make oath to the inventory, and the property therein described shall be appraised by the guardian and an inheritance tax referee in the manner provided for the inventory and appraisement of estates of decedents. The guardian may appraise the assets which an executor or administrator could appraise under Section 605. Whenever any ward is or has been during the guardianship confined in a state hospital in this state the guardian must deliver or mail a copy of the inventory to the Director of the State Department of Health at his office in Sacramento. Whenever any property of the ward is discovered which was not included in the inventory, and whenever any other property has been inherited or acquired by the ward, other than by purchase by the guardian, like proceedings must be had for the inventory and appraisement thereof and the delivery or mailing of a copy thereof as are herein provided in relation to the first inventory.

SEC. 60. Section 1558 of the Probate Code is amended to read:

1558. On the application of the guardian or next of kin of an insane or incompetent person, the court may direct the guardian to pay and distribute surplus income, not used for the support and maintenance of the ward, or any part of such surplus income, to the next of kin whom the ward would, in the judgment of the court, have aided, if said ward had been of sound mind. The granting of such allowance and the amounts and proportions thereof shall be discretionary with the court, but the court shall give consideration to the amount of surplus income available after due provision has been made for the proper support and maintenance of the ward, to the circumstances and condition of life to which the ward and said next of kin have been accustomed and to the amount which the ward would, in the judgment of the court, have allowed said next of kin, had said ward been of sound mind. Notice of the hearing of said application shall be given as provided in Section 1557 of this code. When the ward is or has been, during the guardianship, confined in a state hospital in this state, notice of hearing and copy of the petition must be given to the Director of the State Department of Health at his office in Sacramento at least 15 days before the hearing.

The term "surplus income," as used herein, includes any income

received by the guardian during the guardianship, whether received before or after September 15, 1935.

SEC. 61. Section 1853 of the Probate Code is amended to read:

1853. On the application of the conservator, made at any time, which application may be included in a petition filed pursuant to Section 1754, the court may grant to a conservator of the estate or of the person and estate of a conservatee any or all of the following additional powers, which may be exercised with or without notice, hearings, confirmation, or approval of the court and which may be exercised without regard to whether or not other requirements of this code shall have been complied with, except such requirements as shall have been specifically and expressly provided, whether directly or by reference, in the order granting such additional powers:

To institute and maintain all actions and other proceedings for the benefit of and to defend all actions and other proceedings against the conservatee or the conservatorship estate; to take, collect and hold the property of the conservatee; to contract for the conservatorship and to perform outstanding contracts and thereby bind the conservatorship estate; to operate at the risk of the estate any business, farm or enterprise constituting an asset of the conservatorship, to grant and take options; to sell at public or private sale; to create by grant or otherwise easements and servitudes; to borrow money and give security for the repayment thereof; to purchase real or personal property; to alter, improve and repair or raze, replace and rebuild conservatorship property; to let or lease property for any purpose including exploration for and removal of gas, oil and other minerals and natural resources and for any period, including a term commencing at a future time; to loan money on adequate security; to exchange conservatorship property; to sell on credit provided that any unpaid portion of the selling price shall be adequately secured; to vote in person or by proxy all shares and securities held by the conservator; to exercise stock rights and stock options; to participate in and become subject and to consent to the provisions of any voting trust and of any reorganization, consolidation, merger, dissolution, liquidation or other modification or adjustment affecting conservatorship property; to effect necessary insurance for the proper protection of the estate, to pay, collect, compromise, arbitrate or otherwise adjust any and all claims, debts or demands upon the conservatorship, including those for taxes; to abandon valueless property, and to employ attorneys, accountants, investment counsel, agents, depositaries and employees and to pay the expense therefor from the conservatorship estate.

Such additional powers shall be in addition to the general powers of conservators. The granting of said additional powers shall be discretionary with the court. Notice of the hearing of the application therefor, except when the application is included in a petition filed pursuant to Section 1754, shall be given in the manner provided in Section 1200 and whenever any conservatee is or has been during the

conservatorship confined in a state hospital in this state, such notice also shall be given by the conservator to the Director of the State Department of Health at his office in Sacramento. When additional powers are granted to a conservator, his letters shall state that he has the powers authorized in this section. If such additional powers are granted by a subsequent order, new letters shall be issued and shall state that he has such power or powers as have been granted. The grant of additional powers to the conservator shall not affect the right of the conservator to petition the court as provided in Section 1860.

SEC. 62. Section 1901 of the Probate Code is amended to read:

1901. Within three months after his appointment, or within such further time as the court or judge for a reasonable cause may allow, the conservator of the estate or person and estate of a conservatee shall file with the clerk of the court an inventory and appraisement of the estate of the conservatee, made as of the date of the appointment of the conservator, together with a copy of the same, which copy shall be delivered by the clerk to the county assessor. The conservator shall make oath to the inventory and the property therein described other than money must be appraised, by a conservator and an inheritance tax referee in the manner provided for the inventory and appraisement of estates of decedents. The conservator may appraise the assets which an executor or administrator could appraise under Section 605. Whenever any conservatee is or has been during the conservatorship confined in a state hospital in this state, the conservator shall deliver or mail a copy of the inventory to the Director of the State Department of Health at his office in Sacramento. Whenever any other property of the conservatee is discovered, or is inherited or acquired by the conservatee other than by the actions of the conservator in the investment and management of the estate, like proceedings must be had for the inventory and appraisement thereof as in the case of the original inventory.

SEC. 63. Section 1905 of the Probate Code is amended to read:

1905. No account of the conservator of a conservatee who is or has been during the conservatorship confined in a state hospital in this state shall be settled or allowed unless notice of the time and place of hearing and a copy of the account have been mailed, postage prepaid, to the State Department of Health at least fifteen (15) days before the hearing or unless the court for good cause dispenses with such notice. Unless such notice is so dispensed with, the statute of limitations shall not run against any claim of the State Department of Health against the estate of the conservatee if the account is settled without giving the notice prescribed above.

SEC. 64. Section 19502.5 of the Revenue and Taxation Code is amended to read:

19502.5. (a) A claimant shall not lose his residence for purposes of this part if he or she is temporarily confined to a hospital or medical institution for medical reasons where the homestead was the principal place of residence of the claimant immediately prior to

such confinement.

(b) For purposes of this section, "medical institution" means a facility operated by, or licensed by, the United States, one of the several states, a political subdivision of a state, the State Department of Health, or exempt from such licensure pursuant to subdivision (c) of Section 1312 of the Health and Safety Code.

SEC. 65. Section 2801 of the Unemployment Insurance Code, as amended by Chapter 863 of the Statutes of 1972, is amended to read:

2801. During confinement in a hospital or nursing home, an individual eligible for benefits under this part is entitled to receive in addition to all benefits otherwise provided in this division and irrespective of his receipt of remuneration from his employer, the amount of twelve dollars ($12) for each day not in excess of 20 days in any one disability benefit period, during which he is so confined pursuant to orders of his physician or of a practitioner duly authorized by any bona fide church, sect, denomination, or organization whose principles or teachings call for dependence for healing entirely upon prayer or spiritual means.

For the purposes of this part, "hospital" includes those institutions operated as hospitals but exempt from licensing by the State Department of Health under the provisions of subdivision (c) of Section 1312 of the Health and Safety Code.

For the purposes of this part, "nursing home" shall mean an extended care facility, as defined in subsection (j) of Section 1395x of Title 42 of the United States Code. "Nursing home" shall also mean any nursing home conducted by and for the adherents of any well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.

SEC. 65.4. Section 4006 of the Welfare and Institutions Code is amended to read:

4006. With the approval of the Department of General Services and for use in the furtherance of the work of the State Department of Health, the director may accept any or all of the following:

(a) Grants of interest in real property.

(b) Grants of money received by this state from the United States, the expenditure of which is administered through or under the direction of any department of this state.

(c) Gifts of money from public agencies or from persons, organizations, or associations interested in scientific, educational, charitable, or mental hygiene fields.

SEC. 65.5. Section 4010 of the Welfare and Institutions Code is amended to read:

4010. Except as in this chapter otherwise prescribed, the provisions of the Government Code relating to state officers and departments shall apply to the State Department of Health.

SEC. 65.6. Section 4114 of the Welfare and Institutions Code is amended to read:

4114. The authorities for the several hospitals shall furnish to the State Department of Health the facts mentioned in Section 4019 of this code and such other obtainable facts as the department from time to time requires of them, with the opinion of the superintendent thereon, if requested. The superintendent or other person in charge of a hospital shall, within 10 days after the admission of any person thereto, cause an abstract of the medical certificate and order on which such person was received and a list of all property, books, and papers of value found in the possession of or belonging to such person to be forwarded to the office of the department, and when a patient is discharged, transferred, or dies, the superintendent or person in charge shall within three days thereafter, send the information to the office of the department, in accordance with the form prescribed by it.

SEC. 66. Section 4301 of the Welfare and Institutions Code is amended to read:

4301. The Director of the State Department of Health shall appoint and define the duties, subject to the laws governing civil service, of the medical director and the hospital administrator for each state hospital.

The director shall appoint a program director for each program at a state hospital.

SEC. 66.5. Section 4302 of the Welfare and Institutions Code is amended to read:

4302. The Director of the State Department of Health shall have the final authority for determining all other employee needs after consideration of program requests from the various hospitals.

SEC. 67. Section 4307 of the Welfare and Institutions Code is amended to read:

4307. As often as a vacancy occurs in a hospital under the jurisdiction of the Director of the State Department of Health, he shall appoint, as provided in Section 4301, a medical director, a hospital administrator, and program directors.

A hospital administrator shall be a college graduate preferably with an advanced degree in hospital, business or public administration and shall have had experience in this area. He shall receive a salary which is competitive with other private and public mental hospital administrators.

Medical directors shall be physicians who have passed, or shall pass, an examination for a license to practice medicine in California and shall be qualified specialists in a branch of medicine that includes diseases affecting the brain and nervous system and be well qualified by training or experience to have proven skills in mental hospital program administration.

The standards for the professional qualifications of a program director shall be established by the Director of the State Department of Health for each patient program except that if the duties of the program director include the providing, supervising, or consulting with regard to the medical care of patients, the qualifications of the

program director shall be the same as medical director with regard to licensing and medical speciality training.

SEC. 68. Section 5119 of the Welfare and Institutions Code, as added by Chapter 1228 of the Statutes of 1972, is amended to read:

5119. On and after July 1, 1972, when a person who is an employee of the State Department of Health at the time of employment by a county in a county mental health program or on and after July 1, 1972, when a person has been an employee of the State Department of Health within the 12-month period prior to his employment by a county in a county mental health program, the board of supervisors may, to the extent feasible, allow such person to retain as a county employee, those employee benefits to which he was entitled or had accumulated as an employee of the State Department of Health or provide such employee with comparable benefits provided for other county employees whose service as county employees is equal to the state service of the former employee of the State Department of Health. Such benefits include, but are not limited to, retirement benefits, seniority rights under civil service, accumulated vacation and sick leave.

The county may on and after July 1, 1972, establish retraining programs for the State Department of Health employees transferring to county mental health programs provided such programs are financed entirely with state and federal funds made available for that purpose.

For the purpose of this section "employee of the Department of Health" means an employee of such department who performs functions which, prior to July 1, 1973, were vested in the Department of Mental Hygiene.

SEC. 69. Section 5170 of the Welfare and Institutions Code is amended to read:

5170. When any person is a danger to others, or to himself, or gravely disabled as a result of inebriation, a peace officer, member of the attending staff, as defined by regulation, of an evaluation facility designated by the county, or other person designated by the county may, upon reasonable cause, take, or cause to be taken, the person into civil protective custody and place him in a facility designated by the county and approved by the State Department of Health as a facility for 72-hour treatment and evaluation of inebriates.

SEC. 70. Section 5174 of the Welfare and Institutions Code is amended to read:

5174. It is the intent of the Legislature (a) that facilities for 72-hour treatment and evaluation of inebriates be subject to state funding under Part 2 (commencing with Section 5600) of this division only if they primarily provide medical services and would normally be considered an integral part of a community health program; (b) that state reimbursement under Part 2 (commencing with Section 5600) for such 72-hour facilities and intensive treatment facilities under this article shall not be included as priority funding

as are reimbursements for other county expenditures under this part for involuntary treatment services, but may be provided on the basis of new and expanded services if funds for new and expanded services are available; that while facilities receiving funds from other sources may, if eligible for funding under this division, be designated as 72-hour facilities or intensive treatment facilities for the purposes of this article, funding of such facilities under this division shall not be substituted for such previous funding.

No 72-hour facility or intensive treatment facility for the purposes of this article shall be eligible for funding under Part 2 (commencing with Section 5600) of this division until approved by the Director of Health in accordance with standards established by the State Department of Health in regulations adopted pursuant to this part. To the maximum extent possible, each county shall utilize services provided for inebriates and persons impaired by chronic alcoholism by federal and other funds presently used for such services, including federal and other funds made available to the State Department of Rehabilitation and the State Department of Social Welfare. McAteer funds shall not be utilized for the purposes of the 72-hour involuntary holding program as outlined in this chapter.

SEC. 70.5. Section 5329 of the Welfare and Institutions Code is amended to read:

5329. Nothing in this chapter shall be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards set by the State Director of Health.

SEC. 71. Section 5355 of the Welfare and Institutions Code is amended to read:

5355. If the conservatorship investigation results in a recommendation for conservatorship, the recommendation shall designate the most suitable person or state or local agency or county officer or employee designated by the county to serve as conservator. No person, nor agency, shall be designated as conservator whose interests, activities, obligations or responsibilities are such as to compromise his or their ability to represent and safeguard the interests of the conservatee. Nothing in this section shall be construed to prevent the State Department of Health from serving as guardian pursuant to Section 7284, or the function of the conservatorship investigator and conservator being exercised by the same public officer or employee.

When a public guardian is appointed conservator, his official bond and oath as public guardian are in lieu of the conservator's bond and oath on the grant of letters of conservatorship. No bond shall be required of any other public officer or employee appointed to serve as conservator.

SEC. 72. Section 5366 of the Welfare and Institutions Code is amended to read:

5366. On or before June 30, 1970, the medical director of each state hospital for the mentally disordered shall compile a roster of those mentally disordered or chronic alcoholic patients within the

institution who are gravely disabled. The roster shall indicate the county from which each such patient was admitted to the hospital or, if the hospital records indicate that the county of residence of the patient is a different county, the county of residence. The officer providing conservatorship investigation for each county shall be given a copy of the names and pertinent records of the patients from that county and shall investigate the need for conservatorship for such patients as provided in this chapter. After his investigation and on or before July 1, 1972, the county officer providing conservatorship shall file a petition of conservatorship for such patients that he determines may need conservatorship. Court commitments under the provisions of law in effect prior to July 1, 1969, of such patients for whom a petition of conservatorship is not filed shall terminate and the patient shall be released unless he agrees to accept treatment on a voluntary basis.

Each state hospital and the State Department of Health shall make their records concerning such patients available to the officer providing conservatorship investigation.

SEC. 72.5. Section 5366.1 of the Welfare and Institutions Code is amended to read:

5366.1. Any person detained as of June 30, 1969, under court commitment, in a private institution, a county psychiatric hospital, facility of the Veterans Administration, or other agency of the United States government, community mental health service, or detained in a state hospital or facility of the Veterans Administration upon application of a local health officer, pursuant to former Section 5567 or Sections 6000 to 6019, inclusive, as they read immediately preceding July 1, 1969, may be detained, after January 1, 1972, for a period no longer than 180 days, except as provided in this section.

Any person detained pursuant to this section on the effective date of this section shall be evaluated by the facility designated by the county and approved by the State Department of Health pursuant to Section 5150 as a facility for 72-hour treatment and evaluation. Such evaluation shall be made at the request of the person in charge of the institution in which the person is detained. If in the opinion of the professional person in charge of the evaluation and treatment facility or his designee, the evaluation of the person can be made by such professional person or his designee at the institution in which the person is detained, the person shall not be required to be evaluated at the evaluation and treatment facility, but shall be evaluated at the institution where he is detained, or other place to determine if the person is a danger to others, himself, or gravely disabled as a result of mental disorder.

Any person evaluated under this section shall be released from the institution in which he is detained immediately upon completion of the evaluation if in the opinion of the professional person in charge of the evaluation and treatment facility, or his designee, the person evaluated is not a danger to others, or to himself, or gravely disabled as a result of mental disorder, unless the person agrees voluntarily to

remain in the institution in which he has been detained.

If in the opinion of the professional person in charge of the facility or his designee, the person evaluated requires intensive treatment or recommendation for conservatorship, such professional person or his designee shall proceed under Article 4 (commencing with Section 5250) of Chapter 2, or under Chapter 3 (commencing with Section 5350), of Part 1 of Division 5.

If it is determined from the evaluation that the person is gravely disabled and a recommendation for conservatorship is made, and if the petition for conservatorship for such person is not filed by June 30, 1972, the court commitment or detention under a local health officer application for such person shall terminate and the patient shall be released unless he agrees to accept treatment on a voluntary basis.

SEC. 73. Section 5602 of the Welfare and Institutions Code is amended to read:

5602. By July 1, 1969, the board of supervisors of every county, or the boards of supervisors of counties acting under the joint powers provisions of Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code shall establish a community mental health service to cover the entire area of the county or counties. Services to mentally disordered persons in the county or counties by county agencies and county institutions, by private agencies or facilities, and by the hospitals of the State Department of Health shall be provided in accordance with the county Short-Doyle plan. Services of the State Department of Health shall be provided to the county, or counties acting jointly, pursuant to Section 5401, or, if both parties agree, the state facilities may, in whole or in part, be leased, rented or sold to the county or counties for county operation, subject to such terms and conditions as are approved by the Director of General Services.

SEC. 74. Section 5650 of the Welfare and Institutions Code is amended to read:

5650. On or before October 1 of each year, the board of supervisors of each county, or boards of supervisors of counties acting jointly, shall adopt, and submit to the Director of the State Department of Health in the form and according to the procedures specified by the director, an annual county Short-Doyle plan for the next fiscal year for mental health services in the county or counties. The purpose of a county plan shall be to provide the basis for reimbursement pursuant to the provisions of this division and to coordinate services as specified in this chapter in such a manner as to avoid duplication, fragmentation of services, and unnecessary expenditures.

To achieve this purpose, a county Short-Doyle plan shall provide for the most appropriate and economical use of all existing public and private agencies, licensed private institutions, and personnel. A county Short-Doyle plan shall include the fullest possible and most appropriate participation by existing city Short-Doyle programs,

local public and private general and psychiatric hospitals, state hospitals, city, county, and state health and welfare agencies, public guardians, mental health counselors, alcoholism programs, probation departments, physicians, psychologists, social workers, public health nurses, psychiatric technicians, and all such other public and private agencies and personnel as are required to, or may agree to, participate in the county Short-Doyle plan.

SEC. 75. Section 5652 of the Welfare and Institutions Code is amended to read:

5652. When the county Short-Doyle plan is submitted to the Director of the State Department of Health it shall be accompanied by a document indicating the plan has been reviewed by the local mental health advisory board.

SEC. 76. Section 5655 of the Welfare and Institutions Code is amended to read:

5655. All departments of state government and all local public agencies shall cooperate with county officials to assist them in mental health planning. The State Department of Health shall, upon request and with available staff, provide consultation services to the local mental health directors, local governing bodies and local mental health advisory boards.

SEC. 77. Section 5664 of the Welfare and Institutions Code, as added by Chapter 1228 of the Statutes of 1972, is amended to read:

5664. Each county Short-Doyle plan adopted for the 1973–74 fiscal year and each fiscal year thereafter for a county or counties in which a state hospital is scheduled to be closed shall contain a complete program, to be developed jointly by the State Department of Health and the county, for absorbing as many of the staff of such hospital into the local mental health programs as may be needed by the county. Such programs shall include a redefinition of occupational positions, if necessary, and a recognition by the counties of licensed psychiatric technicians for treatment of the mentally disordered, mentally retarded, drug abusers, and alcoholics.

SEC. 78. Section 5703.1 of the Welfare and Institutions Code is amended to read:

5703.1. On or before March 15, 1972, and on or before March 15 of each year thereafter, each county shall submit to the State Department of Health a revised county plan for the next succeeding fiscal year which includes such revisions as are necessary or desirable to make the plan compatible with the budget for that fiscal year submitted by the Governor to the Legislature. Such revised plan shall include a revised estimate of the county's utilization of the state hospital by numbers of admissions and patient-days for the next succeeding fiscal year. By May 1, 1972, and by May 1 of each year thereafter, the State Department of Health shall review and approve each county plan together with such revisions and revised estimates. Such approval shall be subject to the amount appropriated for the purposes of such plans in the Budget Act for such fiscal year as enacted into law.

If the amount appropriated in the Budget Act for such fiscal year as enacted into law differs from the amount in the budget submitted by the Governor for such fiscal year, each county shall submit an additional revised plan in the form and at the time required by the State Department of Health.

SEC. 78.4. Section 5719.1 of the Welfare and Institutions Code is amended to read:

5719.1. Notwithstanding the provisions of Section 5705, the net costs of conservatorship investigation, as defined by regulations of the State Department of Health, shall be reimbursed on a basis of 60 percent state funds and 40 percent county funds for conservatorship investigation services provided in fiscal year 1970–71, on a basis of 65 percent state funds and 35 percent county funds for conservatorship investigation services provided in fiscal year 1971–72, on a basis of 75 percent state funds and 25 percent county funds for conservatorship investigation services provided in fiscal year 1972–73, and on a basis of 90 percent state funds and 10 percent county funds for conservatorship investigation services provided in fiscal year 1973–74 and in each fiscal year thereafter.

SEC. 78.5. Section 5751 of the Welfare and Institutions Code is amended to read:

5751. The State Director of Health, after approval by the California Conference of Local Mental Health Directors, shall by regulation establish standards of education and experience for professional, administrative and technical personnel employed in mental health services and for the organization and operation of mental health services. No regulations shall be adopted which prohibit a psychiatrist, psychologist or clinical social worker from employment in a local mental health program in any professional, administrative or technical positions in mental health services.

Regulations pertaining to the qualifications of directors of local mental health services shall be administered in accordance with Section 5607. Such standards may include the maintenance of records of services, finances, and expenditures, which shall be reported to the State Department of Health in a manner and at such times as it may specify.

Regulations pertaining to the position of director of local mental health services, where the local director is other than the local health officer or medical administrator of the county hospitals, shall require that the director be a psychiatrist, psychologist, clinical social worker, or hospital administrator, who meets the standards of education and experience established by the State Director of Health. Where the director is not a psychiatrist, the program shall have a psychiatrist licensed to practice medicine in this state and who shall provide to patients medical care and services as authorized by Section 2137 of the Business and Professions Code.

The regulations shall be adopted in accordance with the Administrative Procedure Act, Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of the Government Code.

This section shall remain in effect only until Reorganization Plan No. 1 becomes operative and on such date is repealed.

SEC. 78.7. Section 5751 of the Welfare and Institutions Code is amended to read:

5751. The Director of Health, after approval by the California Conference of Local Mental Health Directors, shall by regulation establish standards of education and experience for professional, administrative, and technical personnel employed in mental health services and for the organization and operation of mental health services. No regulations shall be adopted which prohibit a psychiatrist, psychologist or clinical social worker from employment in a local mental health program in any professional, administrative or technical positions in mental health services.

Regulations pertaining to the qualifications of directors of local mental health services shall be administered in accordance with Section 5607. Such standards may include the maintenance of records of services, finances and expenditures, which shall be reported to the State Department of Health in a manner and at such times as it may specify.

Regulations pertaining to the position of director of local mental health services, where the local director is other than the local health officer or medical administrator of the county hospitals, shall require that the director be a psychiatrist, psychologist, clinical social worker or hospital administrator, who meets standards of education and experience established by the Director of Health. Where the director is not a psychiatrist, the program shall have a psychiatrist licensed to practice medicine in this state and who shall provide to patients medical care and services as authorized by Section 2137 of the Business and Professions Code.

The regulations shall be adopted in accordance with the Administrative Procedure Act, Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of the Government Code.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 78.9. Section 5755.6 of the Welfare and Institutions Code, as added by Chapter 1228 of the Statutes of 1972, is amended to read:

5755.6. Beginning July 1, 1973, the State Department of Health shall notify the counties and the Legislature at least nine months in advance of planned state hospital closures. To the extent feasible, the full supporting details of any planned state hospital closures shall be included in the budget required by the State Constitution to be submitted by the Governor at each regular session of the Legislature for the 1973–74 fiscal year and each fiscal year thereafter.

SEC. 79. Section 5764 of the Welfare and Institutions Code is amended to read:

5764. The Citizens Advisory Council shall have the powers and authority necessary to carry out the duties imposed upon it by this chapter including, but not limited to the following:

(a) To advise the Director of the State Department of Health on

the development of the state five-year mental health plan and the system of priorities contained in that plan.

(b) To periodically review all mental health services in California, conducting independent investigations and studies as necessary. The Citizens Advisory Council may prepare such reports as necessary to the Governor, the Legislature, and the Director of the State Department of Health, and the State Advisory Health Council.

(c) To suggest rules, regulations and standards for the administration of this division.

(d) To encourage, whenever necessary and possible the coordination on a regional basis of community mental health resources, with the purpose of avoiding duplication and fragmentation of services.

(e) To mediate disputes between counties and the state arising under this part.

(f) To employ such administrative, technical and other personnel as may be necessary for the performance of its powers and duties, subject to the approval of the Department of Finance.

(g) To fix the salaries of the personnel employed pursuant to this section which salaries shall be fixed as nearly as possible to conform to salaries established by the State Personnel Board for classes of positions in the state civil service involving comparable duties and responsibilities.

(h) To accept any federal fund granted, by act of Congress or by executive order, for purposes within the purview of the Citizens Advisory Council, subject to the approval of the Department of Finance.

(i) To accept any gift, donation, bequest, or grants of funds from private and public agencies for all or any of the purposes within the purview of the Citizens Advisory Council, subject to the approval of the Department of Finance.

SEC. 79.4. Section 6324 of the Welfare and Institutions Code is amended to read:

6324. The provisions of Section 4025 and of Article 4 (commencing with Section 7275) of Chapter 3 of Division 7 relative to the property and care and support of persons in state hospitals, the liability for such care and support, and the powers and duties of the State Department of Health and all officers and employees thereof in connection therewith shall apply to persons committed to state hospitals pursuant to this article the same as if such persons were expressly referred to in said Section 4025 and said Article 4 (commencing with Section 7275) of Chapter 3 of Division 7.

SEC. 79.5. Section 6719 of the Welfare and Institutions Code is repealed.

SEC. 80. Section 7354 of the Welfare and Institutions Code, as amended by Chapter 1298 of the Statutes of 1972, 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 State

Department of Health 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 the State Department of Health. Such payments shall be made from funds available to the department for that purpose.

The State Department of Health 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 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 State Department of Health 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 (commencing with Section 5000) 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 State Department of Health 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. 81. Section 7354.1 of the Welfare and Institutions Code, as amended and renumbered by Chapter 1298 of the Statutes of 1972, is amended to read:

7354.1. The State Department of Health 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. 82. Section 7515 of the Welfare and Institutions Code is amended to read:

7515. The medical director may, with the approval of the State Department of Health, cause the preemptory discharge of any person who has been a patient for the period of one month.

SEC. 83. Section 10020 of the Welfare and Institutions Code is amended to read:

10020. No person having private health care coverage shall be entitled to receive the same health care furnished or paid for by a publicly funded health care program. As used in this chapter, "publicly funded health care program" shall mean care or services rendered by a local government or any facility thereof, or health care services for which payment is made under the California Medical Assistance Program established by Chapter 7 (commencing with Section 14000) of Part 3 of this division by the State Department of Health or by its fiscal intermediary or by a carrier or organization with which said department has contracted to furnish such services or to pay providers who furnish such services. As used in this chapter, "private health care coverage" means: (a) service benefit plans under which payment is made by a carrier under contracts with physicians, hospitals, or other providers of health services rendered to employees or annuitants or family members, or under which, under certain conditions, payment is made by a carrier to the employee or annuitant or family member; (b) indemnity benefit plans under which a carrier agrees to pay certain sums of money, not in excess of actual expenses incurred, for health services; and (c) individual practice prepayment plans which offer health services in whole or in part on a prepaid basis, with professional services thereunder provided by individual physicians who agree, under such conditions as may be prescribed by the board, to accept the payments provided by the plans as full payment for covered services rendered by them.

If such person receives health care furnished or paid for by a publicly funded health care program, the carrier of his private health care coverage shall reimburse the publicly funded health care program the cost incurred in rendering such care to the extent of the benefits provided under the terms of the policy for the services rendered.

SEC. 84. Section 10053.5 of the Welfare and Institutions Code, as amended by Chapter 1298 of the Statutes of 1972, is amended to read:

10053.5. The State Department of Health or through the county department shall provide protective social services:

(a) For the care of mentally retarded and developmentally disabled patients released from state hospitals of the State Department of Health, 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 State Department of Health, to the extent funds are appropriated and available, shall pay for the cost of providing for care in a private home, certified by the State Department of Health, for mentally disordered, 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 State Department of Health 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 State Department of Health expense, if requested by the local director of mental health services in the case of mentally disordered persons, the State Department of Health may provide from local assistance budget funds, at a rate to be determined by the secretary of the Health and Welfare Agency, moneys necessary to furnish clothing and to meet incidental living expenses. No such moneys shall be provided by the State Department of Health for mentally retarded patients after July 1, 1971.

Any funds expended for the care of persons in a private home certified by the State Department of Health, including costs of administration and staffing and including money necessary to furnish clothing and to meet incidental living expenses, at the request of the local director of a mental health service pursuant to this section shall be expended by the State Department of Health only if the State Department of Health and the local mental health service enter a contract in accordance with the Short-Doyle Act (commencing with Section 5600) under which the county shall reimburse the State Department of Health for 10 percent of the amount expended by the State Department of Health, exclusive of such portion of the cost as is provided by the federal government.

The provision for such 10-percent county share shall be inapplicable with respect to any county with a population of under 100,000 which has not elected to participate financially in providing services under Division 5 of this code in accordance with Section 5709.5.

The State Department of Health may provide services pursuant to

this section directly or through contract with public or private entities.

The State Department of Health, or through the county department may 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 State Department of Health, for judicially committed patients released from a state hospital on leave of absence or parole, and payments therefor shall be made from funds available to the State Department of Health for that purpose or for the support of patients in state hospitals.

SEC. 86. Section 14053 of the Welfare and Institutions Code, as amended by Chapter 32 of the Statutes of 1972, is amended to read:

14053. "Health care services" means:

1. Inpatient hospital services (other than services in a medical institution for tuberculosis or mental diseases except to the extent permitted by federal law) in and by a medical institution or facility operated by, or licensed by, the United States, one of the several states, a political subdivision of a state, the State Department of Health, or exempt from such licensure pursuant to subdivision (c) of Section 1312 of the Health and Safety Code.

2. Outpatient hospital services.

3. Laboratory and X-ray services.

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

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

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

7. Home health care services.

8. Private duty nursing services.

9. Outpatient clinic services.

10. Dental services.

11. Physical therapy and related services.

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

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

14. Intermediate care facility services (other than such services in

an institution for tuberculosis or mental diseases except to the extent permitted by federal law) for individuals who are determined, in accordance with Title XIX of the Federal Social Security Act, to be in need of such care.

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

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

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

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

SEC. 87. Section 14057.5 of the Welfare and Institutions Code is amended to read:

14057.5. "Contract hospital" means a nonprofit medical facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code, with which the board of supervisors of a county which does not maintain a county hospital has executed a contract, currently in effect, to care for medically indigent individuals.

SEC. 91. Section 14105.5 of the Welfare and Institutions Code, as amended by Chapter 1059 of the Statutes of 1972, is amended to read:

14105.5. The director or prepaid health plans shall make no payment for services to any hospital facility which secures a license under the provisions of Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code after July 1, 1970, covering a new facility or additional bed capacity or the conversion of existing bed capacity to a different license category, unless such licensee received a favorable final decision by the voluntary area health planning agency in the area, the consumer members of a voluntary area health planning agency acting as an appeals body or the Advisory Health Council pursuant to Sections 437.7 to 438.5, inclusive, of the Health and Safety Code; or unless the licensee had filed an application for a license prior to January 1, 1970, and the application met all then-existing requirements and regulations of the appropriate state agency at the time of application including, at least, preliminary submission of plans, and if such licensee commences construction of his project prior to July 1, 1971, and if such licensee has on file with the State Department of Health a notarized affidavit from the building department having jurisdiction indicating that substantial progress on the approved project was attained by January 1, 1973, and such licensee has on file with the county recorder and State Department of Health a valid notice of construction completion indicating January 1, 1974, as the completion date; except that the State Department of Health shall extend the foregoing dates by no more than a total of one year in the case of projects where good cause has been shown why such extension should be granted. The

exception provided for in the preceding sentence with respect to applications filed prior to January 1, 1970, except for transfers executed before November 30, 1970 or after July 1, 1971, shall not apply to transferees of the applications of the original applicants.

Voluntary area health planning agencies may extend, until July 1, 1972, the date upon which applicants, qualifying under the exception in this section, shall commence construction, if the voluntary area health planning agencies declare that good cause has been shown why such extension should be granted, provided that an applicant applying for such extension had, prior to January 1, 1970, received approval of a health planning association in the county wherein the applicant is located. Applicants receiving extension of the construction commencement date shall have on file with the State Department of Health a notarized affidavit from the building department having jurisdiction indicating that substantial progress on the approved project was attained by January 1, 1974, and have on file with the county recorder and State Department of Health a valid notice of construction completion indicating January 1, 1975, as the completion date; except that the State Department of Health shall extend each of the foregoing dates by no more than a total of one year in the case of projects where good cause has been shown why such extension should be granted.

(a) For the purposes of this section, "substantial progress" is defined and evidenced as follows:

(1) For structures of three or fewer stories, completion of the foundations and footings; the structural frame; the mechanical, electrical, and plumbing rough-in; the rough flooring; the exterior walls and windows; and the finished roof.

(2) For structures of more than three stories, a contractor's schedule of work shall be filed with the State Department of Health by January 1, 1973. Every three months thereafter, until completion, evidence shall be submitted to the department that construction is progressing on that schedule.

(b) For the purposes of this section, construction of a project is deemed commenced on the date the applicant was so notified by the State Department of Health, if so notified, or on the date the applicant has completed not less than all of the following:

(1) Submission to the appropriate state agency of a written agreement executed between the applicant and a licensed general contractor to construct and complete the facility within a designated time schedule in accordance with final architectural plans and specifications approved by such agency.

(2) Obtaining such initial permits or approval for commencing work on the project as is customarily issued for projects of the scope of applicant by the governmental agency having jurisdiction over the construction.

(3) Completion of construction work on the project to such a degree as to justify and require a progress payment by the applicant to the general contractor under terms of the construction

agreement.

SEC. 92. Section 14110 of the Welfare and Institutions Code is amended to read:

14110. No payment for care or services shall be made under Medi-Cal to a medical or health care facility unless it has been certified by the department for participation, and:

(a) It is licensed by the State Department of Health; or

(b) It is licensed by a comparable agency in another state; or

(c) It is exempt from licensure; or

(d) It is operated by the Regents of the University of California.

(e) It meets the utilization review plan criteria for certification or is certified as an institutional provider of services under Title XVIII of the Federal Social Security Act and regulations issued thereunder.

Nothing in this section shall preclude payments for care for aged patients in medical facilities or institutions operated or licensed by the State Department of Health, State Department of Rehabilitation, or by the State Department of Social Welfare.

SEC. 93. Section 14113 of the Welfare and Institutions Code is amended to read:

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

SEC. 94. Section 14118 of the Welfare and Institutions Code, as amended by Chapter 1366 of the Statutes of 1972, 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 State Department of Health, 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. 94.5. Section 14124.5 of the Welfare and Institutions Code is amended to read:

14124.5. (a) The department shall adopt, amend or repeal, in accordance with Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of the Government Code, such reasonable rules and regulations as may be necessary or proper to carry out the purposes and intent of this chapter and to enable it to exercise the powers and perform the duties conferred upon it by this chapter, not inconsistent with any of the provisions of any statute of this state.

(b) All regulations heretofore adopted by the department shall remain in effect and shall be fully enforceable unless and until readopted, amended, or repealed by the Director of Public Health, or his successor, the Director of Health.

SEC. 95. Section 14125.1 of the Welfare and Institutions Code is amended to read:

14125.1. The commission shall consist of 15 members as follows:

(a) One member who has at least five years experience in the field of health insurance or in the administration of a health care service plan.

(b) One member who is experienced in the management of a comprehensive group-practice prepayment health care service plan registered under Article 2.5 (commencing with Section 12530) of Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code.

(c) One member who is a chief executive officer of a hospital or group of hospitals subject to the provisions of Part 1.7 of Division 1 of the Health and Safety Code.

(d) One member who is a physician licensed under the provisions of Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code with at least five years' experience in the practice of medicine in this state and who is currently practicing medicine in this state.

(e) Three members who are representatives of the general public as consumers of health care services, one of whom shall be a representative of a labor organization which provides its membership with a comprehensive health care plan and one of whom shall be a person eligible for health care services under this chapter.

(f) Two representatives of county government, one of whom shall be a county supervisor and one of whom shall be a county

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administrative officer. Both shall be appointed with the advice of the County Supervisors Association of California.

(g) Two members to be appointed by the Senate Rules Committee to serve at its pleasure.

(h) Two members to be appointed by the Speaker of the Assembly to serve at his pleasure.

(i) The Director of Health, and the Director of Social Welfare, or their designees, shall serve as ex officio members of the commission.

SEC. 96. Section 14180 of the Welfare and Institutions Code is amended to read:

14180. There is in the State Department of Health the Medical Therapeutics and Drug Advisory Committee, hereinafter referred to as the committee.

SEC. 97. Section 14201 of the Welfare and Institutions Code, as added by Chapter 1366 of the Statutes of 1972, is amended to read:

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 State Department of Health.

SEC. 98. Section 14251 of the Welfare and Institutions Code, as added by Chapter 1366 of the Statutes of 1972, is amended to read:

14251. "Prepaid health plan" is any carrier or association of providers of medical and health services who agree with the State Department of Health 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 medical and health care services.

SEC. 99. Section 14259 of the Welfare and Institutions Code, as added by Chapter 1366 of the Statutes of 1972, is amended to read:

14259. "Director" means the Director of the State Department of Health.

SEC. 100. Section 14260 of the Welfare and Institutions Code, as added by Chapter 1366 of the Statutes of 1972, is amended to read:

14260. "Department" means the State Department of Health.

SEC. 101. Section 14301 of the Welfare and Institutions Code, as added by Chapter 1366 of the Statutes of 1972, is amended to read:

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 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 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 Health, or be exempt from licensure by the State Department of 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.

SEC. 103.5. Section 2 of Chapter 1130 of the Statutes of 1972 is amended to read:

Sec. 2. It is the intent of the Legislature that hospitals, which house patients having less than the capacity of normally healthy persons to protect themselves, and which must be completely functional to perform all necessary services to the public after a disaster, shall be designed and constructed to resist, insofar as practicable, the forces generated by earthquakes, gravity, and winds. In order to accomplish this purpose the Legislature intends to establish proper building standards for earthquake resistance based upon current knowledge, and intends that procedures for the design and construction of hospitals be subjected to independent review. It is further the intent of the Legislature that Division 12.5 (commencing with Section 15000) of the Health and Safety Code shall be administered by the State Department of Health, which shall contract for enforcement of such provisions with the Department of General Services which now successfully enforces the provisions of the "Field Act."

SEC. 103.6. Section 14 of Chapter 1228 of the Statutes of 1972 is amended to read:

Sec. 14. There is hereby appropriated to the State Department of Health from the General Fund the sum of two hundred thousand dollars ($200,000), or so much thereof as may be necessary, for the purposes of funding county retraining programs established pursuant to Section 5119 of the Welfare and Institutions Code.

SEC. 104. Section 1 of Chapter 501 of the Statutes of 1971 is amended to read:

Section 1. To the extent additional federal funds become available, the State Department of Health shall establish and maintain four regional centers for mentally retarded persons and their families pursuant to Chapter 3 (commencing with Section

38100) of Division 25 of the Health and Safety Code, as follows:

(a) One regional center to serve the Counties of Del Norte, Humboldt, Lake, and Mendocino.

(b) One regional center to serve the Counties of Napa, Sonoma and Solano.

(c) One regional center to serve Kern County and portions of counties whose boundaries are contiguous with the boundaries of Kern County.

(d) One regional center to serve the Counties of San Bernardino, Riverside, Inyo, and Mono.

SEC. 105. Section 10 of Chapter 1377 of the Statutes of 1971 is amended to read:

Sec. 10. The Department of General Services may, with the approval of the State Department of Health, lease for a term not to exceed 30 years approximately 2½ acres of state-owned real property at Metropolitan State Hospital in Norwalk provided that the lessee is required to construct facilities on the property for use of the state during the term thereof, with title to the facilities vesting in the state at the expiration of the term or earlier. Such lease may contain such other terms and conditions as the Department of General Services may deem to be in the best interest of the state.

SEC. 105.5. Section 598 of Chapter 1593 of the Statutes of 1971 is repealed.

SEC. 106. Section 2 of Chapter 1781 of the Statutes of 1971 is amended to read:

Sec. 2. As of June 30, 1972, up to but not to exceed five hundred thousand dollars ($500,000) of the unexpended balance of the appropriation made by Item 229, Budget Act of 1971, is appropriated to the State Department of Health for expenditure without regard to fiscal years by the department in carrying out the purposes of Part 3 (commencing with Section 1175) of Division 1 of the Health and Safety Code.

SEC. 107. Section 15 of Chapter 1451 of the Statutes of 1969 is amended to read:

Sec. 15. Within 90 days of the effective date of this act, the Advisory Health Council shall adopt guidelines pursuant to Section 437.7 of the Health and Safety Code. By July 1, 1970, all voluntary area health planning agencies shall adopt guidelines pursuant to Section 437.7 of such code. This act shall not apply to applicants who have filed applications for licenses, prior to January 1, 1970, which meet all requirements and regulations of the appropriate state agency existing at the time of application, including at least preliminary submission of plans, but only if such applicants commence construction of their projects prior to July 1, 1971, and have on file with the State Department of Health a notarized affidavit from the building department having jurisdiction indicating that substantial progress on the approved project was attained by January 1, 1973, and have on file with the county recorder and State Department of Health a valid notice of construction completion indicating January

1, 1974, as the completion date; except that the State Department of Health shall extend the foregoing dates by no more than a total of one year in the case of projects where good cause has been shown why such extension should be granted. Except for those transfers executed before November 30, 1970, or after July 1, 1971, the exception provided for in the preceding sentence shall not apply to transferees of the applications of such applicants.

Voluntary area health planning agencies may extend, until July 1, 1972, the date upon which applicants, qualifying under the exception in this section, shall commence construction, if the voluntary area health planning agencies declare that good cause has been shown why such extension should be granted, provided that an applicant applying for such extension had, prior to January 1, 1970, received approval of a health planning association in the county wherein the applicant is located. Applicants receiving extensions of the construction commencement date shall have on file with the State Department of Health a notarized affidavit from the building department having jurisdiction indicating that substantial progress on the approved project was attained by January 1, 1974, and have on file with the county recorder and State Department of Health a valid notice of construction completion indicating January 1, 1975, as the completion date; except that the State Department of Health shall extend each of the foregoing dates by no more than a total of one year in the case of projects where good cause has been shown why such extension should be granted.

For purposes of this section, "substantial progress" is defined and evidenced as follows:

(a) For structures of three or fewer stories, completion of the foundations and footings; the structural frame; the mechanical, electrical, and plumbing rough-in; the rough flooring; the exterior walls and windows; and the finished roof.

(b) For structures of more than three stories, a contractor's schedule of work shall be filed with the State Department of Health by January 1, 1973. Every three months thereafter, until completion, evidence shall be submitted to the department that construction is progressing on that schedule.

For purposes of this section, construction of a project is deemed commenced on the date the applicant was so notified by the State Department of Health, if so notified, or on the date the applicant has completed not less than all of the following:

(a) Submission to the appropriate state agency of a written agreement executed between the applicant and a licensed general contractor to construct and complete the project within a designated time schedule in accordance with final architectural plans and specifications approved by such agency.

(b) Obtaining such initial permits or approval for commencing work on the project as is customarily issued for projects of the scope of applicant by the governmental agency having jurisdiction over the construction.

(c) Completion of construction work on the project to such a degree as to justify and require a progress payment by the applicant to the general contractor under terms of the construction agreement.

SEC. 108. The provisions of this act transferring the functions of the State Board of Public Health, the Health Planning Council, and the Health Review and Program Council to the Advisory Health Council shall become operative on July 1, 1973.

SEC. 109. This act shall become operative on July 1, 1973.

SEC. 110. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Under Reorganization Plan No. 1 of 1970, the State Department of Health on July 1, 1973, succeeds to and becomes vested with all the duties, powers, purposes, responsibilities and jurisdiction of the Department of Mental Hygiene, the Department of Public Health, the Department of Health Care Services, the Department of Social Welfare with respect to social service functions thereof, the Department of Rehabilitation with respect to its alcoholism program, the Department of Consumer Affairs with respect to the healing arts boards, and the State Board of Public Health with respect to its powers to issue, amend, and revoke, rules and regulations and licenses or permits.

Upon such reorganization plan becoming operative, the Legislature enacted Chapter 1593 of the Statutes of 1971 to effect such changes in the statutes as was necessary to reflect the changes made by the reorganization plan. However, various other statutes were enacted by the Legislature at both its 1971 and 1972 sessions affecting the various state departments and other units of state government, and the new State Department of Health, and the reorganization plan itself, all of which require the immediate enactment of this act to conform the statutes to effectively execute the reorganization plan. Unless this act becomes effective immediately, various duties, powers, purposes, responsibilities, and the jurisdiction of the State Department of Health will be subject to confusion, doubt or legal challenge by both the public and by those officers and employees of the State Department of Health who are required to carry out the intent of the Legislature. In order that this situation may be alleviated at the earliest possible time, it is necessary for this act to take effect immediately.

SEC. 110.5. If both this act and Assembly Bill No. 423 are enacted into law at the 1973–74 Regular Session of the Legislature, Sections 24 and 25 of this act shall not become operative.

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CHAPTER 143

An act to add Section 5212 to the Education Code, relating to public schools, and declaring the urgency thereof, to take effect immediately

[Approved by Governor June 30, 1973. Filed with Secretary of State July 3, 1973]

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

SECTION 1. Section 5212 is added to the Education Code, to read:

5212. Notwithstanding any other provisions of this article, the governing board of any school district providing, or any county superintendent of schools providing by agreement with the governing board of one or more school districts, programs and classes in outdoor science education and conservation education pursuant to Article 6 (commencing with Section 6011) of Chapter 6 of this division may maintain the programs and classes in outdoor science education and conservation education (a) on the fourth day of July when it does not fall on either a Saturday or a Sunday or (b) when it falls on either a Saturday or a Sunday, on the respective Friday or Monday which would otherwise, pursuant to subdivision (f) or (e), respectively, of Section 5201, be a holiday on which the public schools would be required to be closed.

Credit may be granted for attendance at programs and classes authorized by this section only for those pupils attending the program.

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

In order to permit this act to be operative for July 4, 1973, and so effectuate the intent of the Legislature as soon as possible, it is necessary that this act take effect immediately.

CHAPTER 144

An act to add Section 5714 to the Education Code, relating to school districts.

[Approved by Governor July 6, 1973. Filed with Secretary of State July 6, 1973]

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

SECTION 1. Section 5714 is added to the Education Code, to read:

5714. (a) Whenever the governing board of a school district maintaining an adult school or classes for adults is unable to maintain

the school or classes in the district because of its inability to secure a teacher or teachers, or because of lack of facilities, the board may, with the approval of the county superintendent of schools and the Superintendent of Public Instruction, maintain the school or classes of the district elsewhere than within the district or contract for instruction of the students in such school or classes with the governing board of another district.

(b) Notwithstanding the provisions of subdivision (a) of this section, whenever the governing board of a school district offering automobile driver training in an adult school or classes for adults determines that such training cannot be conducted effectively wholly within the district's boundaries, it may cause the training to be conducted outside the boundaries of the district.

CHAPTER 145

An act to amend Section 830.4 of, and to add Section 832.1 to, the Penal Code, relating to peace officers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1973. Filed with Secretary of State July 6, 1973.]

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

SECTION 1. Section 830.4 of the Penal Code is amended to read:

830.4. (a) The following persons are peace officers while engaged in the performance of the duties of their respective employments:

(1) Security officers of the California State Police Division.

(2) The Sergeant at Arms of each house of the Legislature.

(3) Bailiffs of the Supreme Court and of the courts of appeal.

(4) Guards and messengers of the Treasurer's office.

(5) The Director of the Department of Navigation and Ocean Development and employees of such department designated by him pursuant to Section 71.2 of the Harbors and Navigation Code.

(6) Members of the state college police department appointed pursuant to Section 24651 of the Education Code.

(7) The hospital administrator of a state hospital under the jurisdiction of the Department of Mental Hygiene and police officers designated by him pursuant to Section 4312 of the Welfare and Institutions Code.

(8) Any railroad or steamboat company policeman commissioned by the Governor pursuant to Section 8226 of the Public Utilities Code.

(9) Persons designated by a cemetery authority pursuant to Section 8325 of the Health and Safety Code.

(10) Harbor policemen regularly employed and paid as such by a

county, city, or district, and the port warden and special officers of the Harbor Department of the City of Los Angeles. However, notwithstanding the provisions of Section 171c, 171d, or 12027, such persons are not peace officers for purposes of such sections except when designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, as peace officers for such purposes.

(11) (A) Special officers of the Department of Airports of the City of Los Angeles commissioned by the city police commission.

(B) Any such officer so commissioned on the effective date of the amendments made to this section at the 1973–74 Regular Session of the Legislature shall have completed the course of instruction required by Section 832 by September 1, 1973. Any officer so commissioned after such effective date shall have completed the course of instruction within 60 days after such commissioning. Any person who, within the time prescribed by this paragraph for such person, does not satisfactorily complete the course of instruction required by Section 832, shall not have the powers of a peace officer thereafter.

(C) Notwithstanding subdivision (b), the authority of such airport security officers shall not extend beyond the territory of the airport boundaries, except when in pursuit of any offender or suspected offender.

(12) The chief of toll services, captains, lieutenants, and sergeants employed by the Department of Public Works on vehicular crossings pursuant to Chapter 13 (commencing with Section 23250) of Division 11 of the Vehicle Code.

(13) Persons employed as members of a security patrol of a school district pursuant to Section 15832 of the Education Code.

(14) Duly authorized federal employees, when they are engaged in enforcing applicable state or local laws on property owned or possessed by the United States government and with the written consent of the sheriff or the chief of police, respectively, in whose jurisdiction such property is situated.

(15) Security guards of the County of Los Angeles.

(16) (A) Persons regularly employed and designated by the board of directors of the Monterey Peninsula Airport District as airport policemen.

(B) Any such person employed on the effective date of the amendments made to this section at the 1973–74 Regular Session of the Legislature shall have completed the course of instruction required by Section 832 by September 1, 1973. Any person so employed after such effective date shall have completed the course of instruction within 60 days after such employment. Any person who, within the time prescribed by this paragraph for such person, does not satisfactorily complete the course of instruction required by Section 832, shall not have the powers of a peace officer thereafter.

(C) Notwithstanding subdivision (b), the authority of such airport security officers does not extend beyond the territory of the airport

boundaries, except when in pursuit of any offender or suspected offender.

(17) Any person regularly employed as an airport security officer by any airport operated by the City and County of San Francisco or Orange County if he meets the following requirements:

(A) If employed on the effective date of the amendments made to this section at the 1973–74 Regular Session of the Legislature, he shall have completed the course of instruction required by Section 832 by September 1, 1973; or if employed after such effective date, he shall have completed such course of instruction within 60 days after such employment. Any person who, within the time prescribed by this paragraph for such person, does not satisfactorily complete the course of instruction required by Section 832, shall not have the powers of a peace officer thereafter.

(B) He shall be commissioned as a peace officer by the police commission or the board of supervisors of the city and county, or county, as the case may be, operating the airport.

(C) Notwithstanding subdivision (b), the authority of such airport security officers shall not extend beyond the territory of the airport boundaries, except when in pursuit of any offender or suspected offender.

(D) The provisions of this paragraph (17), shall have no force and effect on and after one year after the effective date of the amendments to the section made at the 1973–74 Regular Session of the Legislature.

(E) In the case of any person regularly employed as an airport security officer by any such airport located in the County of San Mateo, he shall either be deputized by, or have the written consent of, the Sheriff of San Mateo County.

(b) The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed with respect to persons or property the protection of which is the immediate duty of such officer.

SEC. 2. Section 830.4 of the Penal Code is amended to read:

830.4. (a) The following persons are peace officers while engaged in the performance of the duties of their respective employments:

(1) Security officers of the California State Police Division.

(2) The Sergeant at Arms of each house of the Legislature.

(3) Bailiffs of the Supreme Court and of the courts of appeal.

(4) Guards and messengers of the Treasurer's office.

(5) The Director of the Department of Navigation and Ocean Development and employees of such department designated by him pursuant to Section 71.2 of the Harbors and Navigation Code.

(6) Members of a state university or college police department appointed pursuant to Section 24651 of the Education Code.

(7) The hospital administrator of a state hospital under the jurisdiction of the Department of Mental Hygiene or, on or after July

1, 1973, the State Department of Health, and police officers designated by him pursuant to Section 4312 of the Welfare and Institutions Code.

(8) Any railroad or steamboat company policeman commissioned by the Governor pursuant to Section 8226 of the Public Utilities Code.

(9) Persons designated by a cemetery authority pursuant to Section 8325 of the Health and Safety Code.

(10) Harbor policemen regularly employed and paid as such by a county, city, or district, and the port warden and special officers of the Harbor Department of the City of Los Angeles. However, notwithstanding the provisions of Section 171c, 171d, or 12027, such persons are not peace officers for purposes of such sections except when designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, as peace officers for such purposes.

(11) (A) Special officers of the Department of Airports of the City of Los Angeles commissioned by the city police commission.

(B) Any such officer so commissioned on the effective date of the amendments made to this section at the 1973–74 Regular Session of the Legislature shall have completed the course of instruction required by Section 832 by September 1, 1973. Any officer so commissioned after such effective date shall have completed the course of instruction within 60 days after such commissioning. Any person who, within the time prescribed by this paragraph for such person, does not satisfactorily complete the course of instruction required by Section 832, shall not have the powers of a peace officer thereafter.

(C) Notwithstanding subdivision (b), the authority of such airport security officers shall not extend beyond the territory of the airport boundaries, except when in pursuit of any offender or suspected offender.

(12) The chief of toll services, captains, lieutenants, and sergeants employed by the Department of Transportation on vehicular crossings pursuant to Chapter 13 (commencing with Section 23250) of Division 11 of the Vehicle Code.

(13) Persons employed as members of a security patrol of a school district pursuant to Section 15832 of the Education Code.

(14) Duly authorized federal employees, when they are engaged in enforcing applicable state or local laws on property owned or possessed by the United States government and with the written consent of the sheriff or the chief of police, respectively, in whose jurisdiction such property is situated.

(15) Security guards of the County of Los Angeles.

(16) (A) Persons regularly employed and designated by the board of directors of the Monterey Peninsula Airport District as airport policemen.

(B) Any such person employed on the effective date of the amendments made to this section at the 1973–74 Regular Session of

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the Legislature shall have completed the course of instruction required by Section 832 by September 1, 1973. Any person so employed after such effective date shall have completed the course of instruction within 60 days after such employment. Any person who, within the time prescribed by this paragraph for such person, does not satisfactorily complete the course of instruction required by Section 832, shall not have the powers of a peace officer thereafter.

(C) Notwithstanding subdivision (b), the authority of such airport security officers shall not extend beyond the territory of the airport boundaries, except when in pursuit of any offender or suspected offender.

(17) Persons regularly employed and designated by the Board of Directors of the Santa Maria Airport District, with the approval of the City Council of the City of Santa Maria, as airport policemen. Notwithstanding subdivision (b), the authority of such airport policemen shall not extend beyond the territory of the district. Every person designated an airport policeman pursuant to this paragraph shall be approved by the Chief of Police of the City of Santa Maria and shall be certified pursuant to Article 2 (commencing with Section 13510) of Chapter 1, Title 4, Part 4 by the Commission on Peace Officer Standards and Training of the Department of Justice before assuming any duties or responsibilities.

(18) Any person regularly employed as an airport security officer by any airport operated by the City and County of San Francisco or Orange County if he meets the following requirements:

(A) If employed on the effective date of the amendments made to this section at the 1973–74 Regular Session of the Legislature, he shall have completed the course of instruction required by Section 832 by September 1, 1973; or if employed after such effective date, he shall have completed such course of instruction within 60 days after such employment. Any person who, within the time prescribed by this paragraph for such person, does not satisfactorily complete the course of instruction required by Section 832, shall not have the powers of a peace officer thereafter.

(B) He shall be commissioned as a peace officer by the police commission or the board of supervisors of the city and county, or county, as the case may be, operating the airport.

(C) Notwithstanding subdivision (b), the authority of such airport security officers shall not extend beyond the territory of the airport boundaries, except when in pursuit of any offender or suspected offender.

(D) The provisions of this paragraph (18), shall have no force and effect on and after one year after the effective date of the amendments to this section made at the 1973–74 Regular Session of the Legislature.

(E) In the case of any person regularly employed as an airport security officer by any such airport located in the County of San Mateo, he shall either be deputized by, or have the written consent of, the Sheriff of San Mateo County.

(b) The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed with respect to persons or property the protection of which is the immediate duty of such officer.

SEC. 3. Section 832.1 is added to the Penal Code, to read:

832.1. Any airport security officer, airport policeman, or airport special officer regularly employed and paid by a city, county, city and county, or district who is a peace officer shall have completed a course of training relative to airport security approved by the Commission on Peace Officers Standards and Training. Any such officer so employed on the effective date of this section shall have completed the course of instruction required by this section by September 1, 1973. Any officer so employed after such effective date shall have completed the course of instruction within 90 days after such employment.

Any officer who has not satisfactorily completed such course within such prescribed time shall not continue to have the powers of a peace officer until they have satisfactorily completed such course.

SEC. 4. It is the intent of the Legislature, if this bill and Senate Bill No. 270 are both chaptered and amend Section 830.4 of the Penal Code, and this bill is chaptered after Senate Bill No. 270, that Section 830.4 of the Penal Code, as amended by Section 1 of Senate Bill No. 270 be further amended on the operative date of this act in the form set forth in Section 2 of this act to incorporate the changes in Section 830.4 proposed by this bill. Therefore, Section 2 of this act shall become operative only if Senate Bill No. 270 is chaptered before this bill and amends Section 830.4, and in such case Section 2 of this act shall become operative on the operative date of this act and Section 1 of this act shall not become operative.

SEC. 5. It is the intent of the Legislature that the changes effected by this legislation shall serve only to define peace officers, and that there be no change in the status of individual peace officers or classes of peace officers for purposes of retirement, workmen's compensation or similar injury or death benefits, or other employee benefits.

SEC. 6. This is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

On February 6, 1973, federal regulations required the deployment of armed security guards with peace officer powers at airport boarding gates. Under existing law most airport security personnel do not have authorized peace officer status. In order to assist local governmental agencies in complying with these federal regulations it is necessary that peace officer status be authorized for airport security personnel, and that this act go into immediate effect.

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CHAPTER 146

An act to repeal Section 1051 of the Code of Civil Procedure, relating to civil actions.

[Approved by Governor July 6, 1973. Filed with Secretary of State July 6, 1973]

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

SECTION 1. Section 1051 of the Code of Civil Procedure is repealed.

CHAPTER 147

An act to amend Sections 264, 6466, 6499.60, and 6907 of, to repeal Sections 6434, 6759, 6803.1, and 6880.50 of, and to add Sections 6434, 6759, 6803.1, and 6880.50 to, the Education Code, relating to the Department of Education.

[Approved by Governor July 6, 1973 Filed with Secretary of State July 6, 1973.]

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

SECTION 1. Section 264 of the Education Code is amended to read:

264. The Director of Education shall employ such persons as are necessary for the coordination and the supervision of services for hard-of-hearing children.

SEC. 2. Section 6434 of the Education Code is repealed.

SEC. 3. Section 6434 is added to the Education Code, to read:

6434. The Director of Education shall employ such persons as are necessary for the coordination and supervision of services for mentally gifted minors.

SEC. 4. Section 6466 of the Education Code is amended to read:

6466. There is in the Department of Education the office of Director of Compensatory Education. The Director of Compensatory Education shall be appointed by the State Board of Education, upon nomination by the Superintendent of Public Instruction, and he shall be subject to state civil service. In performing his duties and responsibilities under this chapter the director shall act as the representative of the Department of Education. The Director of Compensatory Education shall be provided with such facilities and staffing necessary to provide him with such technical and clerical assistance as is required in order for him to carry out his duties under the provisions of this chapter.

SEC. 5. Section 6499.60 of the Education Code is amended to read:

6499.60. The Department of Education shall administer the provisions of this chapter and all programs financed under the provisions of Title VIII of the Elementary and Secondary Act of 1965 (Public Law 89-10, as amended).

SEC. 6. Section 6759 of the Education Code is repealed.

SEC. 7. Section 6759 is added to the Education Code, to read:

6759. The Director of Education shall employ such persons as are necessary for the coordination and supervision of services for educationally handicapped pupils.

SEC. 8. Section 6803.1 of the Education Code is repealed.

SEC. 9. Section 6803.1 is added to the Education Code, to read:

6803.1. The Director of Education shall employ such persons as are necessary for the coordination and supervision of services of multihandicapped pupils.

SEC. 10. Section 6907 of the Education Code is amended to read:

6907. The Director of Education shall employ such persons as are necessary to carry out the purposes of Sections 6901 to 6913, inclusive, and of Sections 895 to 895.10, inclusive.

SEC. 11. Section 6880.50 of the Education Code is repealed.

SEC. 12. Section 6880.50 is added to the Education Code, to read:

6880.50. The Director of Education shall employ such persons as are necessary to the coordination and supervision of services provided by development centers for the handicapped.

CHAPTER 148

An act to add Section 190.6 to the Streets and Highways Code, relating to grade separation projects, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1973 Filed with Secretary of State July 6, 1973]

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

SECTION 1. Section 190.6 is added to the Streets and Highways Code, to read:

190.6. Eighth Street, which is a part of Route 243 in the City of Banning, is hereby declared to be a city street, as of September 1, 1972, within the meaning of Sections 189 and 190, and is eligible for allocation of funds for grade separation pursuant to Section 190.

The Legislature hereby finds and declares that although Eighth Street is located on the adopted highway route of Route 243, the department is unlikely to initiate construction within the reasonable future, and during an interim period the City of Banning has responsibility for construction and maintenance of the existing street. Because of critical traffic hazards at the existing Eighth Street railroad grade crossings in the City of Banning, and because the city

is frequently severed by moving and standing freight trains, impairing adequate fire, police and other emergency services, it is necessary that Eighth Street be eligible for a grade separation allocation as soon as possible.

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 contituting such necessity are:

The City of Banning is presently divided by railroad tracks in such a fashion that when long trains are using the tracks there is no way for traffic, including firefighting equipment and other emergency vehicles, to move between one part of the city and the other. In order to initiate the construction of a grade separation as quickly as possible, it is necessary that this act go into effect immediately.

CHAPTER 149

An act to add Section 53069.9 to the Government Code, relating to fire hydrants, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1973 Filed with Secretary of State July 6, 1973.]

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

SECTION 1. Section 53069.9 is added to the Government Code, to read:

53069.9. Any public agency providing water for fire protection purposes may, by ordinance or resolution, fix and collect a charge to pay the costs of installing and of maintaining fire hydrants.

Any such charge fixed pursuant to this section may be made on all land within the public agency to which water is made available for fire protection purposes. The legislative body of the agency which fixes such a charge may establish schedules varying the charges in different localities within the agency depending on the actual cost of installing and maintaining the fire hydrants. Such charges may be collected at the same time and in the same manner as other water rates or charges collected by the public agency, or in any other manner as may be determined by the agency.

SEC. 2. The Legislature hereby finds and declares that this act is declaratory of existing state law.

SEC. 3. The Legislature hereby finds and declares that it is the intention of the Legislature that this act shall not constitute a limitation upon the right of any public agency providing retail water service to impose additional charges for costs attributable to other water services necessary to maintain and provide for an adequate system of fire protection.

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

In order to prevent undue economic hardship upon persons currently required to install fire hydrants for fire protection purposes, it is necessary that this act go into immediate effect.

CHAPTER 150

An act relating to the San Mateo County Flood Control District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1973. Filed with Secretary of State July 6, 1973.]

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

SECTION 1. Article 4 (commencing with Section 2169) of Chapter 1.5 of Part 4 of Division 1 of the Revenue and Taxation Code shall not apply with respect to any project initiated by the San Mateo County Flood Control District within the Colma Creek Flood Control Zone, provided a resolution of intention concerning such project is adopted by the district no later than January 1, 1974, until such time as aggregate revenues of eight million four hundred thousand dollars ($8,400,000) have been realized from taxes levied after June 30, 1973, within such zone pursuant to Section 8 of Chapter 2108 of the Statutes of 1959, as amended by Chapter 1294 of the Statutes of 1972.

SEC. 2. The Legislature finds that prior to the enactment of Chapter 1406 of the Statutes of 1972, adding Section 2169 to the Revenue and Taxation Code, the Legislature, by Chapter 1294 of the Statutes of 1972, authorized the district to levy a limited tax. The Legislature further finds that Chapter 1406 nullified the previous authority for the San Mateo County Flood Control District and the nullification was inadvertent and unintended. The purpose of this act is to implement the intent of Chapter 1294.

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

The Colma Creek Flood Control Zone of the San Mateo County Flood Control District has experienced massive flooding, amounting to damage estimated in excess of 10 million dollars in the recent winter. A locally financed project is currently being planned, which project must be commenced as soon as possible to provide future flood protection. In order that the San Mateo County Flood Control District may have sufficient revenues for the 1973–74 fiscal year to

proceed with this vital project, it is necessary that this act take effect immediately.

CHAPTER 151

An act to add Sections 6820.4 and 6912.3 to the Education Code, relating to special education.

[Approved by Governor July 6, 1973. Filed with Secretary of State July 6, 1973.]

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

SECTION 1. Section 6820.4 is added to the Education Code, to read:

6820.4. Notwithstanding Section 6820, 6820.1, or 6820.2, any person may be employed to teach physically handicapped pupils in a sheltered workshop, occupational training program, or any other vocational education program if that person holds a designated subjects teaching credential in a subject related to the program in which the person is employed.

SEC. 2. Section 6912.3 is added to the Education Code, to read:

6912.3. Notwithstanding Section 6912, any person may be employed to teach mentally retarded pupils in a sheltered workshop, occupational training program, or any other vocational education program if that person holds a designated subjects teaching credential in a subject related to the program in which the person is employed.

CHAPTER 152

An act to amend Sections 2611.4, 2922, 4112, 4221, 4377 of, and to repeal Section 569 of, the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 6, 1973 Filed with Secretary of State July 6, 1973.]

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

SECTION 1. Section 569 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 2611.4 of the Revenue and Taxation Code is amended to read:

2611.4. In addition to Sections 2611.1, 2611.2 and 2611.3 of this code, and upon authorization of the board of supervisors and the approval of the county counsel, or district attorney if there is no

county counsel, any county department, officer or employee may refrain from collecting any tax assessment, penalty or cost, license fees or money owing to the county where the amount to be collected is one dollar ($1) or less. County department officers or employees desiring to secure such authorization shall file an application therefor with the board of supervisors of the county, accompanied by a statement of the circumstances.

SEC. 3. Section 2922 of the Revenue and Taxation Code is amended to read:

2922. (a) Taxes on the unsecured roll as of July 31st if unpaid are delinquent August 31st at 5 p.m., and thereafter a delinquent penalty of 6 percent attaches to them. Taxes added to the unsecured roll after July 31st, if unpaid are delinquent at 5 p.m. on the last day of the month succeeding the month in which the assessment was added to the unsecured roll and thereafter a delinquent penalty of 6 percent attaches to them, except that taxes transferred to the unsecured roll pursuant to Section 4986 of this code to which penalties had attached while on the secured roll and also were transferred shall be subject only to the additional penalties prescribed by subdivision (b). If August 31st or the last day of any month falls on Saturday, Sunday or a legal holiday, the time of delinquency is 5 p.m. on the next business day.

(b) If taxes on the unsecured roll are unpaid by 5 p.m. of the last day of the second succeeding month after the 6 percent penalty attaches pursuant to subdivision (a), an additional penalty of 1 percent attaches to them on the first day of each month thereafter to the time of payment or to the time a court judgment is entered for the amount of the unpaid taxes and penalties, whichever occurs first. If the last day of any month falls on Saturday, Sunday or a legal holiday, the time of delinquency is 5 p.m. on the next business day.

SEC. 4. Section 4112 of the Revenue and Taxation Code, as amended by Section 4 of Chapter 586 of the Statutes of 1972, is amended to read:

4112. On redemption, the deed becomes null and any interest acquired by virtue of the sale to the state ceases.

A certificate of redemption which is issued on tax-deeded property shall be the authorization for the recording of a release of equity, or quitclaim, of the property redeemed which had been previously deeded to the state. Such release shall be executed and recorded by the tax collector for and on behalf of the state, and shall be in the form prescribed by the State Controller. The release shall be acknowledged by the county clerk, without charge, and shall be recorded with the county recorder for the recording fee of six dollars ($6). The tax collector shall collect the recording fee in addition to the redemption amount and transmit it to the county recorder.

SEC. 5. Section 4221 of the Revenue and Taxation Code is amended to read:

4221. In each succeeding fiscal year the redemptioner shall pay, before the delinquency date of the last installment of current taxes,

the sum of the following:

(a) That amount which is computed to be not less than the difference between the amounts previously paid under the provisions of this article, excepting amounts paid as interest, and

(1) 40 percent of the redemption amount when the payment is made during or prior to the first fiscal year following the year in which election was made to pay delinquent taxes in installments.

(2) 60 percent of the redemption amount when the payment is made during or prior to the second fiscal year following the year in which election was made to pay delinquent taxes in installments.

(3) 80 percent of the redemption amount when the payment is made during or prior to the third fiscal year following the year in which election was made to pay delinquent taxes in installments.

(4) 100 percent of the redemption amount when the payment is made during or prior to the fourth fiscal year following the year in which election was made to pay delinquent taxes in installments.

(b) On parcels sold to the state prior to June 15, 1974, interest shall be computed at the rate of ½ percent per month accruing on the first day of each month following the preceding payment, on the balance of the redemption amount.

(c) On parcels sold to the state on and after June 15, 1974, interest shall be computed at the rate of 1 percent per month accruing on the first day of each month following the preceding payment, on the balance of the redemption amount.

Payments made under this section shall be computed and paid in the same manner as a redemption, and the receipts for such payments shall show that the payments are for the use of the real estate under this plan for payment of delinquent taxes in installments.

SEC. 6. Section 4377 of the Revenue and Taxation Code is amended to read:

4377. Any delinquent tax roll more than 12 years old and original secured roll on which it is based containing the information set forth in the abstract list may be destroyed by the county officer or officers in possession of the rolls; except that (a) no original secured roll for the year 1912 (fiscal year 1912–1913) shall be so destroyed, (b) such destruction shall, in all cases, first be approved by order of the board of supervisors of the county, and (c) the abstract list shall first have been certified as correct and complete by the county auditor.

The abstract list prepared under Sections 4371 and 4373, or any photographic record thereof, shall be permanently retained by the tax collector.

CHAPTER 153

An act to amend Section 7030.5 of the Business and Professions Code, relating to contractors, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1973 Filed with Secretary of State July 6, 1973]

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

SECTION 1. Section 7030.5 of the Business and Professions Code is amended to read:

7030.5. Every person licensed pursuant to this chapter shall include his license number in: (a) all construction contracts; (b) subcontracts and calls for bid; and (c) all forms of advertising, as prescribed by the registrar of contractors, used by such a person.

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:

Compliance with Section 7030.5 of the Business and Professions Code, relating to contractor's identification numbers, places a prohibitive, economic cost burden on certain contractors. In order to avoid undue hardship to those parties, and avoid unnecessary hardship to the public and needless litigation, it is necessary that this act take effect at the earliest possible time.

SEC. 3. This act shall become operative on July 1, 1973.

CHAPTER 154

An act to amend Sections 37853, 37883, and 37943 of the Food and Agricultural Code, relating to food.

[Approved by Governor July 6, 1973 Filed with Secretary of State July 6, 1973]

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

SECTION 1. Section 37853 of the Food and Agricultural Code is amended to read:

37853. Pasteurized process cheese food shall be sold to the consumer in the original unopened package. Nothing in this section shall preclude the sale of pasteurized process cheese food for institutional or industrial use or the use of pasteurized process cheese food in prepared foods.

SEC. 2. Section 37883 of the Food and Agricultural Code is amended to read:

37883. Pasteurized cheese spreads shall be sold to the consumer

in the original unopened package. Nothing in this section shall preclude the sale of pasteurized cheese spread for institutional and industrial use or the use of pasteurized cheese spreads in prepared foods.

SEC. 3. Section 37943 of the Food and Agricultural Code is amended to read:

37943. Coldpack cheese food shall be sold to the consumer in a prepackaged form which shall be labeled in accordance with the requirements of Section 37944. Nothing in this section shall preclude the sale of coldpack cheese food for institutional and industrial use or the use of coldpack cheese food in prepared foods. Coldpack cheese food may be cut, wrapped, and packaged on the premises of sale or any room meeting the requirements of Section 33901.

CHAPTER 155

An act relating to the removal or conversion of the La Jenelle shipwreck located at Port Hueneme on state tidelands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1973 Filed with Secretary of State July 6, 1973.]

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

SECTION 1. The State Lands Commission shall take all steps necessary to effect the removal of the beached vessel "La Jenelle" from state tide and submerged lands at Port Hueneme, Ventura County. The commission, in carrying out the provisions of this act, shall consider alternatives to complete removal of the vessel and may, in lieu of complete removal, remove a portion of the vessel and construct a fishing jetty over the remaining portion contingent upon the County of Ventura contracting with the commission to maintain and operate the jetty in perpetuity. The commission shall take appropriate steps to acquire title to the vessel prior to any such conversion.

SEC. 2. Notwithstanding any other provisions of law, the State Lands Commission may contract directly with any agency of the federal government for the removal or conversion of the La Jenelle shipwreck.

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 La Jenelle shipwreck, which is approximately 500 feet in length, constitutes a grave danger to human life, particularly to young persons fishing or bathing in the area, and must be removed as soon as possible. Due to weather conditions, it may only be

removed or converted to fishing jetty use during the summer months. It is therefore necessary that this act take immediate effect.

CHAPTER 156

An act to add Section 26821.3 to the Government Code, relating to court fees.

[Approved by Governor July 6, 1973 Filed with Secretary of State July 6, 1973]

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

SECTION 1. Section 26821.3 is added to the Government Code, to read:

26821.3. The fee for filing an application to the superior court for relief specified in Section 11625 of the Elections Code shall be five dollars ($5) and shall be the total fee collected at the time of filing, notwithstanding other provisions of the law.

CHAPTER 157

An act relating to supplemental support, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1973. Filed with Secretary of State July 6, 1973.]

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

SECTION 1. For the purposes of Article 7.1 (commencing with Section 17920) of Chapter 3 of Division 14 of the Education Code, the tax rate of an elementary district for the 1972–73 fiscal year shall be deemed to be the rate which had been approved by the governing board of the district if the county auditor failed to levy the tax rate authorized by Section 17925.5, and because of this failure the district would not be otherwise eligible for supplemental support.

The tax rate of any school district to which an apportionment is made pursuant to this section shall be increased in the 1973–74 fiscal year by an amount equal to the difference between the tax rate actually levied and the tax rate which would have been sufficient to meet the requirements of Section 17924.

Such increase shall occur notwithstanding the provisions of Article 6 (commencing with Section 20902) of Chapter 3 of Division 16 and for the purposes of that article the 1972–73 fiscal year tax rate of the district shall be deemed to have included the rate required to be levied pursuant to this act.

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

It has come to the attention of the Legislature that at least one school district will not be eligible for supplemental support for the 1972–1973 fiscal year solely because of administrative oversight. In order to prevent this unfortunate result, and to permit appropriate apportionments and allowances to be made for the 1972–73 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 158

An act to add Section 2164.6 to the Revenue and Taxation Code, relating to property tax limitations and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1973. Filed with Secretary of State July 6, 1973.]

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

SECTION 1. Section 2164.6 is added to the Revenue and Taxation Code, to read:

2164.6. If a city, county, or special district, has been providing a service or program at its own option which is subsequently transferred to another special district, or a county service area, in addition to the maximum property tax rate authorized in Section 2169, a special district, or a county service area assuming the service or program may levy a rate sufficient to finance the service or program being so transferred. The maximum property tax rate of the city, county, or special district transferring the service or program shall be reduced by that amount of tax levy required of the city, county, or special district, to produce the amount necessary to finance the service or program being transferred to the special district or county service area.

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

In order that special districts and county service areas assuming services or programs previously performed by another unit of local government may raise sufficient revenues for the 1973–74 fiscal year to provide such services or programs, it is necessary that this act take immediate effect.

CHAPTER 159

An act to amend Sections 2530.5, 2532, 2535, and 2535.1 of the Business and Professions Code, relating to speech pathologists and audiologists, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1973 Filed with Secretary of State July 6, 1973]

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

SECTION 1. Section 2530.5 of the Business and Professions Code is amended to read:

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 restrict persons practicing their 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 Section 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 Commission for Teacher Preparation and Licensing;

(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.

SEC. 2. Section 2532 of the Business and Professions Code is amended to read:

2532. (a) On and after July 1, 1974, 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.

SEC. 3. Section 2535 of the Business and Professions Code is amended to read:

2535. Licenses issued pursuant to this chapter shall expire on December 31st of each even-numbered year, if not renewed.

SEC. 4. Section 2535.1 of the Business and Professions Code is amended to read:

2535.1. To renew an unexpired license, the holder, on or before December 31st of each even-numbered year, shall apply for renewal on a form prescribed by the committee, and pay the renewal fee prescribed by this chapter.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Present law prohibits any person from engaging in the practice of speech pathology or audiology without a license after July 1, 1973. There is the need to extend this time to July 1, 1974, so as to allow qualified persons ample time to comply with the requirements of the statute. Therefore, it is necessary that this act take effect immediately.

CHAPTER 160

An act to add Sections 53704 and 53705 to the Government Code, relating to local agencies, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1973. Filed with Secretary of State July 6, 1973.]

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

SECTION 1. Section 53704 is added to the Government Code, to read:

53704. A city, county or city and county which has entered into and operated a federal grant program pursuant to the authority

contained within Section 53703 may continue the operation of such program for a period not exceeding two years from the termination of any federal grant or authority for such program. The board of supervisors or city council may appropriate funds for such programs and may do all acts necessary to continue the program in operation.

SEC. 2. Section 53705 is added to the Government Code, to read:

53705. A city, county or city and county may appropriate funds and may do all acts necessary to assume and carry out or continue any program, or part thereof, which is operated by any other public agency, private person or corporation and whereby federal funds have been granted to such public agency, private person or corporation for purposes of health, education, welfare, public safety, law enforcement activities which have not been preempted by state law, prevention or reduction of crime, rehabilitation of persons convicted of crime or juvenile offenders, or public works or community improvements, where the federal funds for such programs are to be terminated or substantially reduced by the federal government; provided however, that no such program shall be operated pursuant to this section for a period exceeding two years. A city, county or city and county may perform any act or service authorized by this section by means of a contract with an independent contractor. The independent contractor may be a public agency, private person or corporation.

The board of supervisors or city council may appropriate funds for such programs and may do all acts necessary to continue the program in action.

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 effect immediately. The facts constituting such necessity are:

The federal government has announced its decision to curtail a substantial number of programs funded by the Federal Office of Economic Opportunity. Such programs are now scheduled to be terminated immediately. The termination of these programs will seriously curtail the ability of the local governmental agencies to meet the health, welfare and educational needs of the citizens of this state. In order to avoid this result, it is necessary that this act take effect immediately.

SEC. 4. The Legislature hereby finds and declares that it is the intent of this legislation not to preclude the state from providing funds for the continuance of such programs.

CHAPTER 161

An act to amend Sections 38120 and 38121 of the Health and Safety Code, relating to mentally retarded persons, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1973. Filed with Secretary of State July 6, 1973.]

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

SECTION 1. Section 38120 of the Health and Safety Code is amended to read:

38120. Every adult who is or has been admitted to a state hospital as a mentally retarded patient shall have a right to a hearing by writ of habeas corpus for his release from the hospital after he or any person acting on his behalf makes a request for release to any member of the treatment staff of the state hospital or to any employee of a regional center.

The member of the treatment staff or regional center employee to whom a request for release is made shall promptly provide the person making the request for his signature or mark a copy of the form set forth below. The member of the treatment staff, or regional center employee, as the case may be, shall fill in his own name and the date, and, if the person signs by mark, shall fill in the person's name, and shall then deliver the completed copy to the medical director of the state hospital, or his designee, notifying him of the request. As soon as possible, the person notified shall inform the superior court for the county in which the state hospital is located of the request for release and shall transmit a copy of the request for release to the person's parent, guardian, or conservator together with a statement that notice of judicial proceedings taken pursuant to such request will be forwarded by the court. The copy of the request for release and such notice shall be sent by registered or certified mail with proper postage prepaid addressed to the addressee's last known address and with a return receipt requested. The person notified shall also transmit a copy of the request for release and the name and address of the person's parent, guardian, or conservator to the court.

Any person who intentionally violates this section is guilty of a misdemeanor.

The form for a request for release shall be substantially as follows:

(Name of the state hospital or regional center)_____ day of _____ 19__

I, _____ (member of the treatment staff of the state hospital or employee of the regional center), have today received a request for the release from _____ (name of state hospital) State Hospital of _____ (name of patient) from the undersigned patient on his own behalf or from the undersigned person on behalf of the patient.

Signature or mark of patient making request for release

Signature or mark of person making request on behalf of patient

SEC. 2. Section 38121 of the Health and Safety Code, as amended by Section 2 of Chapter 1081 of the Statutes of 1972, is amended to read:

38121. Judicial review shall be in the superior court for the county in which the state hospital is located. The adult requesting to be released shall be informed of his right to counsel by a member of the treatment staff of the state hospital and by the court; and if he does not have an attorney for the proceedings, the court shall immediately appoint the public defender or other attorney to assist him in preparation of a petition for the writ of habeas corpus and to represent him in the proceedings. The person shall pay the costs of such legal service if he is able.

At the time the petition for the writ of habeas corpus is filed with court, the clerk of the court shall transmit a copy of the petition, together with notification as to the time and place of any evidentiary hearing in the matter, to the parent, guardian, or conservator of the person seeking release or for whom release is sought. Such notice shall be sent by registered or certified mail with proper postage prepaid addressed to the addressee's last known address and with a return receipt requested.

The court shall either release the adult or order an evidentiary hearing to be held not sooner than five judicial days nor more than 10 judicial days after a copy of the petition and notice to the adult's parent, guardian, or conservator are deposited in the United States mail pursuant to this section. If the court finds (a) that the adult requesting release or for whom release is requested is not mentally retarded, or (b) that he is mentally retarded and that he is able to provide safely for his basic personal needs for food, shelter, and clothing, he shall be immediately released. If the court finds that he is mentally retarded and that he is unable to provide safely for his basic personal needs for food, shelter, or clothing, but that a responsible person or a regional center or other public or private agency is willing and able to provide therefor, the court shall release the mentally retarded adult to such responsible person or regional center or other public or private agency, as the case may be, subject to any conditions which the court deems proper for the welfare of the mentally retarded adult and which are consistent with the purposes of this division.

If in any proceeding under this section, the court finds that the adult is mentally retarded and has no parent, guardian, or

conservator, and is in need of a guardian or conservator, the court shall order the appropriate regional center or the Department of Public Health to initiate, or cause to be initiated, proceedings for the appointment of a guardian or conservator for the mentally retarded adult.

This section shall remain in effect only until Reorganization Plan No. 1 of 1970 becomes effective and on such date is repealed.

SEC. 3. Section 38121 of the Health and Safety Code, as added by Section 3 of Chapter 1081 of the Statutes of 1972, is amended to read:

38121. Judicial review shall be in the superior court for the county in which the state hospital is located. The adult requesting to be released shall be informed of his right to counsel by a member of the treatment staff of the state hospital and by the court; and if he does not have an attorney for the proceedings, the court shall immediately appoint the public defender or other attorney to assist him in preparation of a petition for the writ of habeas corpus and to represent him in the proceedings. The person shall pay the costs of such legal service if he is able.

At the time the petition for the writ of habeas corpus is filed with court, the clerk of the court shall transmit a copy of the petition, together with notification as to the time and place of any evidentiary hearing in the matter, to the parent, guardian, or conservator of the person seeking release or for whom release is sought. Such notice shall be sent by registered or certified mail with proper postage prepaid addressed to the addressee's last known address and with a return receipt requested.

The court shall either release the adult or order an evidentiary hearing to be held not sooner than five judicial days nor more than 10 judicial days after the petition and notice to the adult's parent, guardian, or conservator are deposited in the United States mail pursuant to this section. If the court finds (a) that the adult requesting release or for whom release is requested is not mentally retarded, or (b) that he is mentally retarded and that he is able to provide safely for his basic personal needs for food, shelter, and clothing, he shall be immediately released. If the court finds that he is mentally retarded and that he is unable to provide safely for his basic personal needs for food, shelter, or clothing, but that a responsible person or a regional center or other public or private agency is willing and able to provide therefor, the court shall release the mentally retarded adult to such responsible person or regional center or other public or private agency, as the case may be, subject to any conditions which the court deems proper for the welfare of the mentally retarded adult and which are consistent with the purposes of this division.

If in any proceeding under this section, the court finds that the adult is mentally retarded and has no parent, guardian, or conservator, and is in need of a guardian or conservator, the court shall order the appropriate regional center or the Department of Health to initiate, or cause to be initiated, proceedings for the

appointment of a guardian or conservator for the mentally retarded adult.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 4. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act, because the cost of implementing this legislation is minimal on a statewide basis in relation to the effect on local tax rates.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to efficiently administer statutory provisions requiring judicial review of requests for release from state hospitals made by, or in behalf of, adults admitted thereto as mentally retarded patients, it is necessary that the law be changed to require that notice of such proceedings be given to a parent, guardian, or conservator of the person seeking release or for whom release is sought.

CHAPTER 162

An act to amend Section 1733 of the Public Utilities Code, relating to the Public Utilities Commission.

[Approved by Governor July 6, 1973 Filed with Secretary of State July 6, 1973]

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

SECTION 1. Section 1733 of the Public Utilities Code is amended to read:

1733. (a) Any application for a rehearing made 10 days or more before the effective date of the order as to which a rehearing is sought, shall be either granted or denied before the effective date, or the order shall stand suspended until the application is granted or denied; but, absent further order of the commission, the order shall not stand so suspended for more than 60 days after the date of filing of the application, at which time the suspension shall lapse, the order shall become effective, and the application may be taken by the party making it to be denied.

(b) Any application for a rehearing made within less than 10 days before the effective date of the order as to which a rehearing is sought, and not granted within 60 days, may be taken by the party making the application to be denied, unless the effective date of the order is extended for the period of the pendency of the application.

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CHAPTER 163

An act to amend Section 25171 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 6, 1973 Filed with Secretary of State July 6, 1973]

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

SECTION 1. Section 25171 of the Business and Professions Code is amended to read:

25171. Any rectifier or wholesaler of distilled spirits who delivers to the premises of any on- or off-sale general licensee or any on- or off-sale general licensee who sells or has in his possession at the licensed premises distilled spirits in packages containing more than one gallon or less than one-half pint is guilty of a misdemeanor, except that this section does not apply to packages of distilled spirits in containers less than one-half pint which are sold and delivered to railroad, sleeping car, steamship companies, or common carriers operating vessels, as defined in Section 238 of the Public Utilities Code, under a certificate of public convenience and necessity, in transit in the Pacific Ocean from points on the California shore to points in California off the California shore, or air common carriers for use and consumption on trains, boats, or airplanes.

CHAPTER 164

An act to repeal Article 6.6 (commencing with Section 6070) of Chapter 6 of Division 6 of, to repeal Article 5 (commencing with Section 7251) of Chapter 12 of Division 6 of, and to repeal Article 6 (commencing with Section 7301) of Chapter 12 of Division 6 of, the Education Code, relating to county superintendents of schools.

[Approved by Governor July 6, 1973 Filed with Secretary of State July 6, 1973.]

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

SECTION 1. Article 6.6 (commencing with Section 6070) of Chapter 6 of Division 6 of the Education Code is repealed.

SEC. 2. Article 5 (commencing with Section 7251) of Chapter 12 of Division 6 of the Education Code is repealed.

SEC. 3. Article 6 (commencing with Section 7301) of Chapter 12 of Division 6 of the Education Code is repealed.

CHAPTER 165

An act to repeal Section 17526 of the Education Code, relating to public schools.

[Approved by Governor July 6, 1973 Filed with Secretary of State July 6, 1973]

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

SECTION 1. Section 17526 of the Education Code is repealed.

CHAPTER 166

An act to repeal Chapter 5.75 (commencing with Section 5766) of Division 6 of the Education Code and Article 6.5 (commencing with Section 6060) of Chapter 6 of Division 6 of the Education Code, relating to non-English-speaking students.

[Approved by Governor July 6, 1973 Filed with Secretary of State July 6, 1973]

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

SECTION 1. Chapter 5.75 (commencing with Section 5766) of Division 6 of the Education Code is repealed.

SEC. 2. Article 6.5 (commencing with Section 6060) of Chapter 6 of Division 6 of the Education Code is repealed.

CHAPTER 167

An act relating to the maintenance of the Civil Code, Code of Civil Procedure, Elections Code, Penal Code, and Probate Code, as follows:

Civil Code:

By amending Sections 1946 and 2080.9

By amending and renumbering Sections 1750, 1751, 1752, 1753, 1754, 1755, 1756, and 1757, as added by Chapter 1348 of the Statutes of 1970

By amending and renumbering the heading of Title 1.5 (commencing with Section 1750) of Part 4 of Division 3, as added by Chapter 1348 of the Statutes of 1970

Code of Civil Procedure:

By amending Section 586

Elections Code:

By amending Section 4052

Penal Code:

By amending Sections 146c, 602.4, 1181, 2701, and 4018.5

Probate Code:
By amending Section 1435.1.

[Approved by Governor July 6, 1973. Filed with Secretary of State July 6, 1973.]

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

SECTION 1. The heading of Title 1.5 (commencing with Section 1750) of Part 4 of Division 3 of the Civil Code, as added by Chapter 1348 of the Statutes of 1970, is amended and renumbered to read:

TITLE 1.6. CONSUMER CREDIT REPORTING

SEC. 2. Section 1750 of the Civil Code, as added by Chapter 1348 of the Statutes of 1970, is amended and renumbered to read:

1785.1. This title shall be known and may be cited as the Consumer Credit Reporting Act.

SEC. 3. Section 1751 of the Civil Code, as added by Chapter 1348 of the Statutes of 1970, is amended and renumbered to read:

1785.2. For the purposes of this title:

(a) "Applicant" means a natural person who has made application to a creditor for extension of credit for personal, family or household purposes rather than as a business.

(b) "Reporter" means a person, partnership, or corporation which for compensation provides a customer, other than a commercial creditor as defined in this title, with credit information or credit rating upon an applicant.

(c) "Commercial creditor" means a person or entity which extends credit for purposes other than personal, family or household purposes.

(d) "Creditor" means a person or entity which extends credit for personal, family or household purposes.

(e) "Credit rating report" means any written or oral report, recommendation, or representation prepared by a reporter as to the credit record, standing, or capacity of any applicant to pay an obligation.

SEC. 4. Section 1752 of the Civil Code, as added by Chapter 1348 of the Statutes of 1970, is amended and renumbered to read:

1785.3. (a) A reporter shall, upon request and proper identification of any applicant, clearly and accurately disclose to the applicant:

(1) The nature and substance of all information in its files on the applicant at the time of request.

(2) The sources of the information.

(3) The creditors to whom the reporter has furnished reports within the six-month period preceding the request.

(b) A reporter shall provide trained personnel to explain to the applicant any information furnished to him pursuant to this section.

(c) The applicant shall be permitted to be accompanied by one other person of his choosing, who shall furnish reasonable identification. A reporter may require the applicant to furnish a written statement granting permission to the reporter to discuss the record of the applicant as maintained by the reporter in such other person's presence.

SEC. 5. Section 1753 of the Civil Code, as added by Chapter 1348 of the Statutes of 1970, is amended and renumbered to read:

1785.4. (a) A reporter shall make the disclosures required under Section 1785.3 during normal business hours and on reasonable notice.

(b) The disclosures required under Section 1785.3 shall be made to the applicant:

(1) In person if he appears in person and furnishes proper identification; or

(2) By telephone if he has made a written request therefor, and provides proper identification for telephone disclosure and the toll charge, if any, for the telephone call is prepaid by or charged directly to the applicant; or

(3) By an explanation in writing on payment by the applicant of a fee equal to the charge made by the reporter to any nonsubscriber, provided the reporter's credit rating report was responsible, in whole or in part, for the applicant being denied credit.

SEC. 6. Section 1754 of the Civil Code, as added by Chapter 1348 of the Statutes of 1970, and amended by Chapter 1422 of the Statutes of 1972, is amended and renumbered to read:

1785.5. (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 1785.3, and (3) a statement outlining the methods of obtaining disclosure as specified in Section 1785.4.

The information required by this subdivision shall be set forth in a size equal to at least 10-point bold type.

SEC. 7. Section 1755 of the Civil Code, as added by Chapter 1348 of the Statutes of 1970, is amended and renumbered to read:

1785.6. (a) If the completeness or accuracy of any item of information contained in the reporter's records is disputed by the applicant, and such dispute is directly conveyed to the reporter by the applicant, the reporter shall within a reasonable period of time reinvestigate and record the current status of that information unless it has reasonable grounds to believe that the dispute by the applicant is frivolous or irrelevant. If after such reinvestigation such information is found to be inaccurate or can no longer be verified, the reporter shall promptly delete such information.

(b) If the reinvestigation does not resolve the dispute, the applicant may file a brief statement setting forth the nature of the dispute. The reporter may limit such statements to not more than 100 words if it provides the applicant with assistance in writing a clear summary of the dispute.

(c) Whenever a statement of a dispute is filed, unless there is reasonable grounds to believe that it is frivolous or irrelevant, the reporter shall, in any subsequent credit rating report containing the information in question, clearly note that it is disputed by the applicant and provide either the applicant's statement or a clear and accurate codification or summary thereof.

(d) Following any deletion of information which is found to be inaccurate or whose accuracy can no longer be verified or any notation as to disputed information, the reporter shall, at the request of the applicant, furnish notification that the item has been deleted or the statement, codification or summary pursuant to subdivision (b) or (c) to any creditor specifically designated by the applicant who has within six months prior thereto received a report for credit purposes which contained the deleted or disputed information. The reporter shall disclose to the applicant his rights to make such a request. Such disclosure shall be made at or prior to the time the information is deleted or the applicant's statement regarding the disputed information is received.

SEC. 8. Section 1756 of the Civil Code, as added by Chapter 1348 of the Statutes of 1970, is amended and renumbered to read:

1785.7. If the credit rating report or memorandum relates only to the applicant's ability to pay, his habit of payment, and his general credit standing, or any of these subjects, any untrue allegation of fact contained in such report, except a willful misrepresentation, shall not be grounds for any civil action or criminal prosecution.

SEC. 9. Section 1757 of the Civil Code, as added by Chapter 1348 of the Statutes of 1970, is amended and renumbered to read:

1785.8. This title does not apply to any credit rating report which by its terms is limited to disclosures from public records relating to land and land titles, and does not apply to any reporter whose records and files are maintained for the primary purpose of reporting those portions of the public records which impart constructive notice under the law of matters relating to land and land titles.

SEC. 10. Section 1946 of the Civil Code is amended to read:

1946. A hiring of real property, for a term not specified by the parties, is deemed to be renewed as stated in Section 1945, at the end of the term implied by law unless one of the parties gives written notice to the other of his intention to terminate the same, at least as long before the expiration thereof as the term of the hiring itself, not exceeding 30 days; provided, however, that as to tenancies from month to month either of the parties may terminate the same by giving at least 30 days' written notice thereof at any time and the rent shall be due and payable to and including the date of termination. It shall be competent for the parties to provide by an agreement at

the time such tenancy is created that a notice of the intention to terminate the same may be given at any time not less than seven days before the expiration of the term thereof. The notice herein required shall be given in the manner prescribed in Section 1162 of the Code of Civil Procedure or by sending a copy by certified or registered mail addressed to the other party. In addition, the lessee may give such notice by sending a copy by certified or registered mail addressed to the agent of the lessor to whom the lessee has paid the rent for the month prior to the date of such notice or by delivering a copy to the agent personally.

SEC. 11. Section 2080.9 of the Civil Code is amended to read:

2080.9. The Trustees of the California State University and Colleges may provide by resolution or regulation for the care, restitution, sale or destruction of unclaimed, lost or abandoned property in the possession of any state university or state college. Any resolution or regulation adopted pursuant to this section shall include therein (1) that such unclaimed or lost property shall be held by the particular state university or college for a period of at least six months, (2) that thereafter such property, as well as abandoned property, will be sold at public auction to the highest bidder, and (3) that notice of such sale shall be given by the Trustees of the California State University and Colleges at least five days before the time therefor by publication once in a newspaper of general circulation published in the county in which such property is held. The Trustees of the California State University and Colleges may dispose of any such property upon which no bid is made at any such sale.

SEC. 12. Section 586 of the Code of Civil Procedure is amended to read:

586. In the following cases the same proceedings shall be had, and judgment shall be rendered in the same manner, as if the defendant had failed to answer:

1. If the complaint has been amended, and the defendant fails to answer it, as amended, or demur thereto, or file a notice of motion to strike, of the character specified in Section 585, within 30 days after service thereof or within the time allowed by the court.

2. If the demurrer to the complaint is overruled and a motion to strike, of the character specified in Section 585, is denied, or where only one thereof is filed, if the demurrer is overruled or the motion to strike is denied, and the defendant fails to answer the complaint within the time allowed by the court.

3. If a motion to strike, of the character specified in Section 585, is granted in whole or in part, and the defendant fails to answer the unstricken portion of the complaint within the time allowed by the court, no demurrer having been sustained or being then pending.

4. If a motion to quash service of summons or to stay or dismiss, the action has been filed or writ of mandate sought and notice thereof given, as provided in Section 418.10, and upon denial of such motion or writ, defendant fails to plead to the complaint, within the time provided in such section or as otherwise provided by law.

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5. If the demurrer to the answer is sustained and the defendant fails to amend the answer within the time allowed by the court.

6. (a) If a motion to transfer pursuant to Section 396b is denied and the defendant fails to answer the complaint within the time allowed by the court or within the time provided in (c).

(b) If a motion to transfer pursuant to Section 396b is granted and the defendant fails to answer the complaint within 15 days of the mailing of notice of the filing and case number by the clerk of the court to which the action or proceeding is transferred or within the time provided in (c).

(c) If the order granting or denying a motion to transfer pursuant to Section 396a or 396b is the subject of an appeal pursuant to Section 904.2 or 904.3 in which a stay is granted or of a mandate proceeding pursuant to Section 400, the court having jurisdiction over the trial, upon application or on its own motion after such appeal or mandate proceeding becomes final or upon earlier termination of a stay, shall allow the defendant a reasonable time to answer the complaint. Notice of the order allowing the defendant further time to answer the complaint shall be promptly served by the party who obtained such order or by the clerk if the order is made on the court's own motion.

SEC. 13. Section 4052 of the Elections Code is amended to read:

4052. If the legislative body does not entirely repeal the ordinance against which the petition is filed, the legislative body shall submit the ordinance to the voters, either at a regular municipal election occurring at least 45 days after the order of the legislative body or at a special election called for the purpose and held not less than 74 nor more than 89 days after the date of the order. The ordinance shall not become effective until a majority of the voters voting on the ordinance vote in favor of it. If the legislative body repeals the ordinance or submits the ordinance to the voters and a majority of the voters voting on the ordinance do not vote in favor of it, the ordinance shall not again be enacted by the legislative body for a period of one year after the date of its repeal by the legislative body or disapproval by the voters.

SEC. 14. Section 146c of the Penal Code is amended to read:

146c. Every person who designates any nongovernmental organization by any name, including, but not limited to any name which incorporates the term "peace officer," "police," or "law enforcement," which would reasonably be understood to imply that the organization is composed of peace officers, when, in fact, less than 90 percent of the voting members of the organization are peace officers or firemen, active or retired, is guilty of a misdemeanor.

Every person who solicits another to become a member of any such organization so named, of which less than 90 percent of the voting members are peace officers or firemen, or to make a contribution thereto or subscribe to or advertise in a publication of such organization, or who sells or gives to another any badge, pin, membership card, or other article indicating membership in such

organization, knowing that less than 90 percent of the voting members are peace officers or firemen, active or retired, is guilty of a misdemeanor.

As used in this section, "peace officer" includes those mentioned in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, plus any other officers in any segment of law enforcement who are employed by the state or any of its political subdivisions.

SEC. 15. Section 602.4 of the Penal Code, as added by Chapter 784 of the Statutes of 1972, is amended to read:

602.4. Every person who enters or remains on airport property owned by a city, county, or city and county but located in another county, and sells, peddles, or offers for sale any goods, merchandise, property, or services of any kind whatsoever, to members of the public, including transportation services, other than charter limousines licensed by the Public Utilities Commission, on or from the airport property, without the express written consent of the governing board of the airport property, or its duly authorized representative, is guilty of a misdemeanor.

Nothing in this section affects the power of a county, city, or city and county to regulate the sale, peddling or offering for sale of goods, merchandise, property, or services.

SEC. 16. Section 1181 of the Penal Code, as amended by Chapter 450 of the Statutes of 1972, is amended to read:

1181. When a verdict has been rendered or a finding made against the defendant, the court may, upon his application, grant a new trial, in the following cases only:

1. When the trial has been had in his absence except in cases where the trial may lawfully proceed in his absence;

2. When the jury has received any evidence out of court, other than that resulting from a view of the premises, or of personal property;

3. When the jury has separated without leave of the court after retiring to deliberate upon their verdict, or been guilty of any misconduct by which a fair and due consideration of the case has been prevented;

4. When the verdict has been decided by lot, or by any means other than a fair expression of opinion on the part of all the jurors;

5. When the court has misdirected the jury in a matter of law, or has erred in the decision of any question of law arising during the course of the trial, and when the district attorney or other counsel prosecuting the case has been guilty of prejudicial misconduct during the trial thereof before a jury;

6. When the verdict or finding is contrary to law or evidence, but if the evidence shows the defendant to be not guilty of the degree of the crime of which he was convicted, but guilty of a lesser degree thereof, or of a lesser crime included therein, the court may modify the verdict, finding or judgment accordingly without granting or ordering a new trial, and this power shall extend to any court to which the cause may be appealed;

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7. When the verdict or finding is contrary to law or evidence, but in any case wherein authority is vested by statute in the trial court or jury to recommend or determine as a part of its verdict or finding the punishment to be imposed, the court may modify such verdict or finding by imposing the lesser punishment without granting or ordering a new trial, and this power shall extend to any court to which the case may be appealed;

8. When new evidence is discovered material to the defendant, and which he could not, with reasonable diligence, have discovered and produced at the trial. When a motion for a new trial is made upon the ground of newly discovered evidence, the defendant must produce at the hearing, in support thereof, the affidavits of the witnesses by whom such evidence is expected to be given, and if time is required by the defendant to procure such affidavits, the court may postpone the hearing of the motion for such length of time as, under all circumstances of the case, may seem reasonable.

9. When the right to a phonographic report has not been waived, and when it is not possible to have a phonographic report of the trial transcribed by a stenographic reporter as provided by law or by rule because of the death or disability of a reporter who participated as a stenographic reporter at the trial or because of the loss or destruction, in whole or in substantial part, of the notes of such reporter, the trial court or a judge, thereof, or the reviewing court shall have power to set aside and vacate the judgment, order or decree from which an appeal has been taken or is to be taken and to order a new trial of the action or proceeding.

SEC. 17. Section 2701 of the Penal Code is amended to read:

2701. The Department of Corrections is hereby authorized and empowered to cause the prisoners in the state prisons of this state to be employed in the rendering of such services and in the production and manufacture of such articles, materials, and supplies as are now, or may hereafter be, needed by the state, or any political subdivision thereof, or that may be needed for any state, county, district, municipal, school, or other public use, or that may be needed by any public institution of the state or of any political subdivision thereof. The Department of Corrections may enter into contracts for the purposes of this article.

SEC. 18. Section 4018.5 of the Penal Code is amended to read:

4018.5. The sheriff or other official in charge of county correctional facilities may, subject to the approval of the board of supervisors, provide for the vocational training and rehabilitation of prisoners confined in the county jail, or any county industrial farm or county or joint county road camp. The sheriff or other official in charge of county correctional facilities may, subject to such approval, enter into an agreement with the governing board of any school district maintaining secondary schools, for the maintenance, by the district, for such prisoners, of adult education classes conducted pursuant to the Education Code.

SEC. 19. Section 1435.1 of the Probate Code is amended to read:

1435.1. Where real or personal property or any interest therein or lien or encumbrance thereon is owned by husband and wife as community property or as community property or separate property subject to a homestead, and one or both of the spouses is incompetent, such property, interest, lien, or encumbrance may be sold and conveyed, assigned, transferred or exchanged, conveyed pursuant to any preexisting contract, encumbered by pledge, deed of trust or mortgage, leased, including a lease for the exploration for and production of oil, gas, minerals or other substances, or unitized or pooled with other property for or in connection with such exploration and production, or assigned, transferred or conveyed, in whole or in part, in compromise, composition or settlement of any indebtedness, demand, or proceeding to which such property may be subject, or any easement therein or thereover conveyed or dedicated, with or without consideration, to the state or any county or municipal corporation or any district or to any person, firm, association, or public or private corporation; all in the manner provided in this chapter, notwithstanding the provisions of Section 1242, 1243, or 5127 of the Civil Code. Nothing herein is intended to or shall affect the husband's management and control of community personal property unless he is incompetent as hereinafter defined.

SEC. 20. Any section of any act enacted by the Legislature at its 1973–74 Regular Session, which takes effect on or before January 1, 1974, and which amends, amends and renumbers, or repeals a section amended, amended and renumbered, or repealed by this act, shall prevail over this act, whether such act is enacted prior or subsequent to the enactment of this act.

CHAPTER 168

An act to amend Sections 160, 946, and 1866 of, and to repeal Section 15807 of, the Education Code, relating to schools.

[Approved by Governor July 6, 1973 Filed with Secretary of State July 6, 1973]

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

SECTION 1. Section 160 of the Education Code is amended to read:

160. The Superintendent of Public Instruction shall recommend, and the State Board of Education shall adopt general guidelines for use by school districts and county superintendents of schools in the development of curriculum and the adoption of courses of study for the special instruction of mentally retarded minors enrolled in public schools as defined by Sections 6902 and 6903 of this code. The Superintendent of Public Instruction is authorized to employ on a part-time basis curriculum specialists to assist in the development of

such guidelines.

SEC. 2. Section 946 of the Education Code is amended to read:

946. The governing board of each school district may employ a principal for each school under its control.

SEC. 3. Section 1866 of the Education Code is amended to read:

1866. Plans and recommendations required by this article shall be formulated and submitted by county committees to the State Board of Education.

SEC. 4. Section 15807 of the Education Code is repealed.

CHAPTER 169

An act to repeal Sections 25410.1 and 25410.2 of the Education Code and to repeal Chapter 521 of the Statutes of 1971, relating to community colleges.

[Approved by Governor July 6, 1973 Filed with Secretary of State July 6, 1973]

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

SECTION 1. Section 25410.1 of the Education Code is repealed.

SEC. 2. Section 25410.2 of the Education Code is repealed.

SEC. 3. Chapter 521 of the Statutes of 1971 is repealed.

CHAPTER 170

An act making an appropriation for pest control research, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1973 Filed with Secretary of State July 6, 1973]

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

SECTION 1. Notwithstanding the provisions of Section 6005 of the Food and Agricultural Code, the Director of Food and Agriculture, upon the recommendation of the Cotton Pest Control Board, may expend the sum of sixty thousand dollars ($60,000) from fees collected and paid into the Department of Agriculture Fund pursuant to Section 6005 of the Food and Agricultural Code to supplement research by the University of California on the male confusion (environmental permeation) technique for pink bollworm control, and such expenditures need not be matched by revenues from any other source.

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 cotton industry of this state is threatened with imminent destruction due to the increased damage to cotton caused by the pink bollworm. At the present, adequate funds are not available to support research to control or eradicate this pest. In order to provide for funds to support research to control the pink bollworm as soon as possible, and, thus, save the cotton industry in this state, it is necessary that the provisions of this act become effective immediately.

CHAPTER 171

An act to amend Section 881 of the Education Code, relating to county educational agencies.

[Approved by Governor July 6, 1973. Filed with Secretary of State July 6, 1973.]

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

SECTION 1. Section 881 of the Education Code is amended to read:

881. Except as provided in Section 880, all expenses necessary for the county board of education, the county committee on school district organization and the county superintendent of schools to comply with the following provisions of this code are payable from the county general fund: 701, 702, 703, 704, 705, 706, 707, 751, 752, 753, 754, 801, 802, 803, 804, 806, 851, 858, 915, 1103, 1426, 1427, 3104, 3144, 3149, 3149.1, 3295, 3296, 3296.5, 3297, 3298, 5606, 5736, 5737, 6675, 6676, 9254, 10608, 11708, 12404, 13157, 13158, 13159, 13161.5, 13162, 13167, 13177, 13204, 13209, 13210, 13211, 13212, 13215, 13216, 13217, 13218, 13219, 13260, 13261, 13275, 13511, 13528, 13529, 13555, 13562, 13563, 13564, 13565, 13566, 13567, 14021, 14022, 14050, 14052, 14053, 14054, 14055, 14056, 14058, 14059, 14060, 14105, 15052, 15053, 15054, 15055, 15412, 16501, 19592, 19667, 20604, 20701, 20702, 20803, 21107, 21108, 21113, 21153, 21201, 21202, 21203, 21204, 21205, 21206, 21207, 21208, 21209, 21251, 21252, 21253, 21254, 21255, and 21301.

The provisions of this section shall not be construed to prohibit support from the county general fund from being provided for duties and services performed pursuant to sections enumerated above for those counties operating under the provisions of Section 671.

CHAPTER 172

An act to amend Section 6007 of, to add Chapter 9 (commencing with Section 6900) to Part 1 of Division 2 of, to repeal Sections 6008 and 7408 of, and to repeal Chapter 9 (commencing with Section 6900) of Part 1 of Division 2 of, the Financial Code, relating to savings and loan associations.

[Approved by Governor July 6, 1973. Filed with Secretary of State July 6, 1973.]

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

SECTION 1. Section 6007 of the Financial Code is amended to read:

6007. No association shall open any branch if its statutory net worth is less than the amount specified for such association by Chapter 9 (commencing with Section 6900) of this part.

SEC. 2. Section 6008 of the Financial Code is repealed.

SEC. 3. Chapter 9 (commencing with Section 6900) of Part 1 of Division 2 of the Financial Code is repealed.

SEC. 4. Chapter 9 (commencing with Section 6900) is added to Part 1 of Division 2 of the Financial Code, to read:

CHAPTER 9. STATUTORY NET WORTH REQUIREMENTS AND RESTRICTIONS

6900. The minimum amount specified for the statutory net worth of each association shall be:

(a) Five percent of the aggregate amount of its outstanding investment certificates and withdrawable shares, plus,

(b) Fifty thousand dollars ($50,000) for each branch maintained by it.

6901. No association shall pay any dividends to stockholders or distribute any profits to stockholders if its statutory net worth is less than, or by such payment or distribution would be reduced below, the amount specified in this chapter.

6902. If the statutory net worth falls below the level specified in this chapter, the commissioner shall require the association to increase its statutory net worth within the time and in a manner designated by the commissioner, so as to bring the amount to the level specified in this chapter, and shall, in addition, require the association to do any one or more of the following:

(a) Increase its liquid assets and maintain such increased liquidity at the level specified by the commissioner.

(b) Cease:

(1) Issuing investment certificates and withdrawable shares of all classes or categories, except in exchange for certificates and shares already issued.

(2) Issuing investment certificates and withdrawable shares of

any particular class, category, or amount.

(3) Receiving additional funds upon investment certificates and withdrawable shares already issued other than installment certificates or shares.

The provisions of this subdivision shall not prevent the association from crediting to investment certificates and withdrawable shares the interest earned thereon.

(c) Cease all lending, lending in a particular area, or making a particular type or category of loans.

(d) Cease purchase of loans or other investments.

(e) Cease or limit promotional expenditures.

(f) Convene a meeting or meetings of its board of directors with the commissioner in attendance to accomplish the objectives of this section.

(g) Take such other steps as the commissioner deems necessary to safeguard the interest of the association and the public.

6903. For the purposes of this chapter accrued interest on investment certificates and withdrawable shares, at the rates of return determined for such investment certificates or shares, or if such rates have not been determined for any period or part of a period, at the rates of return most recently determined, shall be included in computing the value of outstanding investment certificates and shares, and shall be deducted in computing the amount of statutory net worth.

SEC. 5. Section 7408 of the Financial Code is repealed.

CHAPTER 173

An act to add Sections 19162 and 19163 to the Business and Professions Code, relating to upholstered furniture.

[Approved by Governor July 6, 1973. Filed with Secretary of State July 6, 1973.]

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

SECTION 1. Section 19162 is added to the Business and Professions Code, to read:

19162. A custom upholsterer shall give to his customer a written estimate of the price of the labor and materials necessary for a specific job. No work shall be performed and no charges shall accrue before authorization to proceed is obtained from the customer, and no charge shall be made for work performed or materials supplied in excess of the estimated price without the oral or written consent of the customer obtained after it is determined that the estimated price is insufficient and before the work not estimated is performed or the materials not estimated are supplied. Nothing in this section shall be construed as requiring a custom upholsterer to give an

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estimate if he does not agree to perform the requested work. As used in this section, "materials" includes structural units, filling materials, containers, and coverings.

SEC. 2. Section 19163 is added to the Business and Professions Code, to read:

19163. All work to be performed by a custom upholsterer shall be recorded on a work order containing information required by rules and regulations adopted by the bureau and shall describe all work to be performed, all materials to be supplied, and the period within which the estimate shall remain effective. If any secondhand materials are to be supplied, the work order shall clearly identify them as secondhand. No work shall be performed and no charges shall accrue before authorization for the work and materials is obtained from the customer, and no charge shall be made for work performed or materials supplied different from those specified in the work order without the oral or written consent of the customer. One copy of the work order shall be given to the customer before any work is performed and one copy shall be retained by the custom upholsterer for at least one year. As used in this section, "materials" includes structural units, filling materials, containers, and coverings.

CHAPTER 174

An act to amend Section 389 of the Military and Veterans Code, relating to military training.

[Approved by Governor July 6, 1973. Filed with Secretary of State July 6, 1973]

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

SECTION 1. Section 389 of the Military and Veterans Code is amended to read:

389. (a) As used in this chapter, "temporary military leave of absence" means a leave of absence from public employment to engage in ordered military duty for a period which by the order is not to exceed 180 calendar days including travel time for purposes of active military training, encampment, naval cruises, special exercises or like activity as a member of the reserve corps or force of the armed forces of the United States, or the National Guard, or the Naval Militia.

(b) "Public employee" means any officer or employee of a public agency, except for those officers or employees of the state subject to the provisions of Chapter 11 (commencing with Section 19770) of Part 2 of Division 5 of Title 2 of the Government Code.

(c) "Public agency" means the state, or any county, city and county, city, municipal corporation, school district, irrigation district, water district, or other district.

(d) "Armed forces" or "armed forces of the United States" means the "armed forces" as defined in Section 18540 of the Government Code.

(e) "Recognized military service" means service as defined in Section 18540.3 of the Government Code.

CHAPTER 175

An act to amend Section 31582 of the Government Code, relating to county employees.

[Approved by Governor July 6, 1973. Filed with Secretary of State July 6, 1973.]

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

SECTION 1. Section 31582 of the Government Code is amended to read:

31582. The county auditor shall certify to the board at the end of each month or at the end of each pay period the total amount of compensation paid safety members of the retirement association covered by Article 7.5 (commencing with Section 31662), and the total amount of compensation paid all other members of the retirement association, and the auditor shall thereupon transfer from the appropriation to the retirement fund the percentage of this amount determined pursuant to Sections 31453, 31453.5 and 31454. Until such determination, the amount of the transfer shall be 23.77 percent of the total compensation of all safety members covered by Article 7.5 (commencing with Section 31662) and 8.85 percent of the total amount of compensation of all other members.

CHAPTER 176

An act to amend Section 395.1 of the Military and Veterans Code, relating to public officers and employees.

[Approved by Governor July 6, 1973 Filed with Secretary of State July 6, 1973.]

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

SECTION 1. Section 395.1 of the Military and Veterans Code is amended to read:

395.1. (a) Notwithstanding any other provision of law to the contrary, any officer or employee of the state not subject to civil service, or any public officer, deputy, assistant, or employee of any city, county, city and county, school district, water district, irrigation

district, or any other district, political corporation, political subdivision, or governmental agency thereof who, in time of war or national emergency as proclaimed by the President or Congress, or when any of the armed forces of the United States are serving outside of the United States or their territories pursuant to order or request of the United Nations, or while any national conscription act is in effect, leaves or has left his office or position prior to the end of the war, or the termination of the national emergency or during the effective period of any such order or request of the United Nations or prior to the expiration of the National Conscription Act, to join the armed forces of the United States and who does or did without unreasonable and unnecessary delay join the armed forces or, being a member of any reserve force or corps of any of the armed forces of the United States or of the militia of this state, is or was ordered to duty therewith by competent military authority and served or serves in compliance with such orders, shall have a right, if released, separated or discharged under conditions other than dishonorable, to return to and reenter upon the office or position within six months after the termination of his active service with the armed forces, but not later than six months after the end of the war or national emergency or military or police operations under the United Nations or after the Governor finds and proclaims that, for the purposes of this section, the war, national emergency, or United Nations military or police operation no longer exists, or after the expiration of the National Conscription Act, if the term for which he was elected or appointed has not ended during his absence; provided, that such right to return to and reenter upon the office or position shall not extend to or be granted to such officer or employee of the state not subject to civil service or any public officer, deputy, assistant, or employee of any city, county, city and county, school district, water district, irrigation district or any other district, political corporation, political subdivision or governmental agency thereof, who shall fail to return to and reenter upon his office or position within 12 months after the first date upon which he could terminate or could cause to have terminated his active service with the armed forces of the United States or of the militia of this state. He shall also have a right to return to and reenter upon the office or position during terminal leave from the armed forces and prior to discharge, separation or release therefrom.

(b) Upon such return and reentry to the office or employment the officer or employee shall have all of the rights and privileges in, connected with, or arising out of the office or employment which he would have enjoyed if he had not been absent therefrom; provided, however, such officer or employee shall not be entitled to sick leave, vacation or salary for the period during which he was on leave from such governmental service and in the service of the armed forces of the United States.

If the office or position has been abolished or otherwise has ceased to exist during his absence, he shall be reinstated in a position of like

seniority, status and pay if such position exists, or to a comparable vacant position for which he is qualified.

(c) Any officer or employee other than a probationer who is restored to his office or employment pursuant to this act shall not be discharged from such office or position without cause within one year after such restoration, and shall be entitled to participate in insurance or other benefits offered by the employing governmental agency pursuant to established rules and practices relating to such officers or employees on furlough or leave of absence in effect at the time such officer or employee left his office or position to join the armed forces of the United States.

(d) Notwithstanding any other provisions of this code, any enlisted person who was involuntarily ordered to active duty (other than for training) for a stated duration shall not lose any right or benefit conferred under the provisions of this code if he voluntarily elects to complete the period of such duty.

CHAPTER 177

An act to add and repeal Section 25178 of, and to repeal Sections 25179, 25180, and 25181 of, the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 6, 1973 Filed with Secretary of State July 6, 1973.]

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

SECTION 1. Section 25178 of the Business and Professions Code is repealed.

SEC. 2. Section 25178 is added to the Business and Professions Code, to read:

25178. No on-sale general licensee or any person employed by such licensee shall sell, offer for sale, or keep for sale an empty distilled spirits bottle. No criminal penalty shall be imposed for a violation of this section. For such a violation the department may impose a monetary penalty of not more than one hundred dollars ($100) or suspend or revoke a license.

SEC. 3. Section 25179 of the Business and Professions Code is repealed.

SEC. 4. Section 25180 of the Business and Professions Code is repealed.

SEC. 5. Section 25181 of the Business and Professions Code is repealed.

CHAPTER 178

An act to add Section 9054 to the Fish and Game Code, relating to commercial fishing.

[Approved by Governor July 6, 1973. Filed with Secretary of State July 6, 1973.]

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

SECTION 1. Section 9054 is added to the Fish and Game Code, to read:

9054. Rakes, airlifts, or other handheld appliances may be used to take sea urchins, subject to such regulations as may be prescribed by the commission.

CHAPTER 179

An act to add Section 30513 to, and to repeal Section 30512 of, the Water Code, relating to county water districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1973 Filed with Secretary of State July 6, 1973.]

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

SECTION 1. Section 30512 of the Water Code, as added by Chapter 36 of the Statutes of 1973–74, is repealed.

SEC. 2. Section 30513 is added to the Water Code, to read:

30513. Notwithstanding Section 30500 or any other provision of this division, each member of the board of directors of the Canebrake County Water District in San Diego County, whether elected or appointed, shall be either a voter of the district or an owner of land within the district.

SEC. 3. The provisions of Section 2 of this act are necessary because of the very small number of registered voters of the Canebrake County Water District and the unavailability of registered voters of the district to serve on the board of directors. This problem is not common to all districts formed under the County Water District Law. It is therefore hereby declared that a general law cannot be made applicable and that the enactment of Section 30513 of the Water Code as a special law is necessary for the solution of problems existing in the Canebrake County Water District.

SEC. 4. Section 1 of this act shall become operative on January 1, 1974.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into

immediate effect. The facts constituting such necessity are:

In order to make the provisions of this act applicable to elections held this year in the Canebrake County Water District and to thereby insure the availability of members to serve on the board of directors of the district, it is necessary that this act go into immediate effect.

CHAPTER 180

An act to amend Sections 24245, 39297.5, and 39442 of, and to add Section 39077.8 to, the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1973. Filed with Secretary of State July 6, 1973]

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

SECTION 1. Section 24245 of the Health and Safety Code is amended to read:

24245. The provisions of Section 24242 do not apply to smoke from fires:

(a) Set by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:

(1) For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or

(2) The instruction of public employees in the methods of fighting fire.

(b) Set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

(c) Set on islands located 15 or more miles from the mainland coast.

SEC. 2. Section 39077.8 is added to the Health and Safety Code, to read:

39077.8. The provisions of Section 39077.1 do not apply to smoke from fires set on islands located 15 or more miles from the mainland coast.

SEC. 2.5. Section 39297.5 of the Health and Safety Code is amended to read:

39297.5. For islands located 15 or more miles from the mainland coast, no air pollution control district shall adopt regulations more stringent than those provided for by law.

SEC. 3. Section 39442 of the Health and Safety Code is amended to read:

39442. The provisions of Section 39441 do not apply to:

(a) Agricultural operations in the growing of crops, or raising of fowls or animals.

(b) The use of an orchard or citrus grove heater which does not produce unconsumed solid carbonaceous matter at a rate in excess of one gram per minute.

(c) The use of other equipment in agricultural operations in the growing of crops or raising of fowls or animals, including the use of any aircraft to distribute seed, fertilizer, insecticides, or other agricultural aids over lands devoted to the growing of crops or raising of fowls or animals.

(d) Smoke from fires set on islands located 15 or more miles from the mainland coast.

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 enclosed fires, even though the smoke therefrom may be as dark or darker in shade than No. 2 on the Ringelmann Chart, may be used on islands located 15 or more miles from the mainland coast, which islands are lightly populated, to dispose of trash, which in large part results from visitors to such islands, in the most economical manner during the coming visiting season to such islands, it is necessary that this act take effect immediately.

CHAPTER 181

An act to add Section 24307 to the Government Code, relating to county facility acquisition and management, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1973 Filed with Secretary of State July 6, 1973.]

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

SECTION 1. Section 24307 is added to the Government Code, to read:

24307. In any county having a population of 4,000,000 or more, the board of supervisors may designate any county officer as responsible for all or any of the functions of acquiring, constructing, leasing, managing and maintaining public buildings and facilities, which may be consolidated into a single department or other organizational unit.

Such responsible county officer shall not be required to have any special permit, registration, or license, provided that if such functions include the practice of any profession or trade for which a license, permit or registration is required, then the individual directly involved in such practice shall possess or act only under the

supervision of someone who possesses the appropriate license, permit, or registration.

Where such responsibility is designated as described in this section, civil engineering work done for the county in the performance of such functions shall be accomplished under the authority of the responsible officer acting through a registered civil engineer. Responsibility for other civil engineering work shall remain with those officers currently designated.

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:

Long delays have been experienced in the construction of facilities in Los Angeles County because of outmoded procedures built into the county charter and state law. These delays will continue, and the public peace, health and safety will be adversely affected until the procedures can be modernized. Los Angeles County is capable of making the necessary changes by July 1, 1973, but cannot do so without this implementing legislation. Consequently, it is necessary that this act take effect immediately.

CHAPTER 182

An act to add Section 20132 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor July 6, 1973 Filed with Secretary of State July 6, 1973.]

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

SECTION 1. Section 20132 is added to the Government Code, to read:

20132. At the end of a fiscal year the board may credit to contributions of the state and contracting agencies held in the Retirement Fund at June 30th of the then current fiscal year for the benefit of members on account of current service, such added interest as it deems proper based on earnings on investments in the current and prior years and may accordingly use a portion of the reserve described in Section 20203, for that purpose.

CHAPTER 183

An act making an appropriation to the Reclamation Board for the purposes of the Sacramento River Flood Control Project, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1973. Filed with Secretary of State July 6, 1973]

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

SECTION 1. The sum of two hundred forty-one thousand eight hundred eighteen dollars ($241,818) is hereby appropriated from the General Fund to the Reclamation Board for expenditure for the purchase of land in fee in the vicinity of the Colusa Weir for the purposes of the Sacramento River Flood Control Project in settlement of litigation involving such land.

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 operation of the Sacramento River Flood Control Project requires the purchase of certain lands in the vicinity of the Colusa Weir and the settlement of pending litigation concerning such lands at the earliest possible time. In order therefore to acquire lands necessary for the provision of necessary flood protection along the Sacramento River it is necessary that this act go into immediate effect.

CHAPTER 184

An act to amend Section 21331 of the Education Code, relating to governing boards of school districts.

[Approved by Governor July 6, 1973 Filed with Secretary of State July 6, 1973.]

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

SECTION 1. Section 21331 of the Education Code is amended to read:

21331. The governing board of any school district which has established a revolving cash fund pursuant to Section 21330 shall designate a person or persons who shall be authorized to make immediate payments by check, drawn on the revolving cash fund, for purchases in an amount of one hundred dollars ($100) or less, including tax and freight, or at the time of preparing the order for such purchases to make such check payable to the vendor permitting him to fill in the amount to be paid upon shipment of the purchases,

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such check to state on its face that it is not valid for more than one hundred dollars ($100).

A monthly list of such payments shall be submitted to the governing board by the designated person or persons for approval.

Upon approval of such expenditures by the governing board, the clerk of the governing board shall draw an order for the replenishment of the revolving cash fund from the county or joint school district fund in the county treasury belonging to the school district. Such order shall be treated in the same manner as prescribed for payment of other claims against the funds of the school district.

Any person who issues a check drawn on the revolving cash fund shall be personally liable for the amount of the check only if the expenditure is in violation of rules and regulations established by the governing board with respect to the revolving cash fund.

CHAPTER 185

An act to amend Section 668 of the Code of Civil Procedure, and to add Section 72050.7 to the Government Code, relating to court orders.

[Approved by Governor July 9, 1973. Filed with Secretary of State July 9, 1973.]

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

SECTION 1. Section 668 of the Code of Civil Procedure is amended to read:

668. The clerk of the superior court must keep, with the records of the court, a book called the "judgment book," in which judgments must be entered. In the municipal court, the clerk, within the time specified in this code, shall enter all civil judgments of such court in the judgment book of such court, and shall certify to a copy thereof, and file said copy in the files of the action, and shall subscribe a condensed statement of the judgment, with the date of entry thereof, on the appropriate page in the register of actions.

In justice courts judgments shall, within the time specified in this code, be entered in the docket.

SEC. 2. Section 72050.7 is added to the Government Code, to read:

72050.7. Notwithstanding any provisions of law to the contrary, in those counties where it is required by court order or rule that the clerk of the municipal court place individual civil minute orders in the court's file of actions in chronological order, the clerk shall not be required to keep a minute book but shall be required to keep minutes. Nothing contained in this section shall eliminate the requirement for a judgment book where civil judgments and decrees are required to be entered.

CHAPTER 186

An act to amend Section 6254.7 of the Government Code, relating to public records, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1973. Filed with Secretary of State July 9, 1973]

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

SECTION 1. Section 6254.7 of the Government Code is amended to read:

6254.7. (a) All information, analyses, plans, or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which any article, machine, equipment, or other contrivance will produce, which any air pollution control district or any other state or local agency or district requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment, or other contrivance, are public records.

(b) All air or other pollution monitoring data, including data compiled from stationary sources, are public records.

(c) All records of notices and orders directed to the owner of any building of violations of housing or building codes, ordinances, statutes, or regulations which constitute violations of standards provided in Section 1941.1 of the Civil Code, and records of subsequent action with respect to such notices and orders, are public records.

(d) Except as otherwise provided in subdivision (e), trade secrets are not public records under this section. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

(e) Notwithstanding any other provision of law, all air pollution emission data, including those emission data which constitute trade secrets as defined in subdivision (d), are public records. Data used to calculate emission data are not emission data for the purposes of this subdivision and data which constitute trade secrets and which are used to calculate emission data are not public records.

SEC. 2. In enacting this act, the Legislature hereby determines and finds that any duties, obligations, or responsibilities imposed on local government are minor in nature and do not result in a significant new program for local government or a significant increase in level of service of an existing mandated program, and no

additional economic burden or cost is intended to be imposed hereby. Therefore, and solely as a result of this finding and determination, no appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

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

In order to have the state law conform with the federal law which makes all air pollution emission data public records, even though such data may constitute trade secrets, so that the federal government will leave the collection of such data in the state to the State Air Resources Board and the air pollution control districts, it is necessary that this act take effect immediately.

CHAPTER 187

An act to amend the heading of Article 1.5 (commencing with Section 2910) of Chapter 7 of Title 1 of Part 3 of, and to add Section 2911 to, the Penal Code, relating to transfer of California state prisoners to federal institutions.

[Approved by Governor July 9, 1973. Filed with Secretary of State July 9, 1973.]

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

SECTION 1. The heading of Article 1.5 (commencing with Section 2910) of Chapter 7 of Title 1 of Part 3 of the Penal Code is amended to read:

Article 1.5. Transfer of Prisoners

SEC. 2. Section 2911 is added to the Penal Code, to read:

2911. (a) The Director of Corrections may enter into contracts, with the approval of the Director of General Services, with appropriate officials or agencies of the United States for the confinement, care, education, treatment and employment of such persons convicted of criminal offenses in the courts of this state and committed to state prisons as the director believes can benefit by such confinement, care, education, treatment and employment.

(b) Any contract entered into pursuant to subdivision (a) shall provide for (1) reimbursement to the United States government for the cost of such services, including any costs incurred by such

government in transporting such prisoners, and (2) such other matters as may be necessary and appropriate to fix the obligations, responsibilities and rights of the respective parties to the contract.

(c) No inmate may be transferred from an institution within this state to a federal facility pursuant to such a contract unless he has executed, in the presence of the warden or other head of the institution in this state in which he is confined, a written consent to the transfer. The inmate shall have the right to a private consultation with an attorney of his choice, concerning his rights and obligations under this section, prior to his appearance before the warden or other head of the institution for the purpose of executing the written consent.

(d) Whenever a contract has been made pursuant to this section the director may direct the transfer of an inmate to the facility designated and shall thereafter deliver the inmate to the custody of the appropriate federal officials for transportation to such facility. An inmate so transferred shall at all times be subject to the jurisdiction of this state and may at any time be removed from the facility in which he is confined for return to this state, for transfer to another facility in which this state may have a contractual or other right to confine inmates, for release on probation or parole, for discharge, or for any other purpose permitted by the laws of this state; in all other respects, an inmate transferred to a federal facility shall be subject to all provisions of the law or regulations applicable to persons committed for violations of laws of the United States not inconsistent with the sentence imposed on such inmate.

(e) The Adult Authority and the California Women's Board of Terms and Parole, and the panels and members thereof, may meet at the federal facility where an inmate is confined pursuant to this section or enter into cooperative arrangements with corresponding federal agencies or officials, as necessary to carry out the term-fixing and parole functions. Nothing in this subdivision shall be deemed to waive an inmate's right to personally appear before the Adult Authority or the California Women's Board of Terms and Parole.

(f) Any inmate confined pursuant to a contract entered into pursuant to this section shall be released within the territory of this state unless the inmate, this state and the federal government shall agree upon release in some other place. This state shall bear the cost of return of the inmate to its territory.

CHAPTER 188

An act to amend, repeal, and add Section 17663.7 of the Education Code, relating to public schools.

[Approved by Governor July 9, 1973. Filed with Secretary of State July 9, 1973]

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

SECTION 1. Section 17663.7 of the Education Code is amended to read:

17663.7. On and after July 1, 1960, whenever the governing board of a district maintaining a small high school which does not come within the provisions of Section 17663, undertakes any building construction or alteration in respect to that school, of a type requiring the submission of plans to the Department of General Services except plans submitted for the purpose of complying with Article 5 (commencing with Section 15501) of Chapter 2 of Division 11, the school shall, unless exempted by the Superintendent of Public Instruction on the basis of hardship, be classified as an unnecessary small school. Thereafter, the foundation program for the district in respect to that school shall be computed pursuant to Section 17665, notwithstanding an average daily attendance of less than 301.

Prior to the fiscal year a district undertakes any building construction or alteration in respect to a small high school, the foundation program for the district in respect to that school shall be computed pursuant to subdivision (a) of Section 17664, notwithstanding the provisions of Section 17663.

This section shall remain in effect only until July 1, 1975, and as of that date is repealed.

SEC. 2. Section 17663.7 is added to the Education Code, to read:

17663.7. On and after July 1, 1960, whenever the governing board of a district maintaining a small high school which does not come within the provisions of Section 17663, undertakes any building construction or alteration in respect to that school, of a type requiring the submission of plans to the Department of General Services, the school shall forthwith be classified as an unnecessary small school. Thereafter, the foundation program for the district in respect to that school shall be computed pursuant to Section 17665, notwithstanding an average daily attendance of less than 301.

Prior to the fiscal year a district undertakes any building construction or alteration in respect to a small high school, the foundation program for the district in respect to that school shall be computed pursuant to subdivision (a) of Section 17664, notwithstanding the provisions of Section 17663.

This section shall become operative on July 1, 1975.

SEC. 3. It is the intent of the Legislature that the amendments to Section 17663.7 of the Education Code which are made by Section 1 of this act shall remain in effect only until July 1, 1975, and, on that date Section 2 of this act shall become operative to restore Section 17663.7 of the Education Code to the form in which it read immediately prior to the effective date of this act.

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CHAPTER 189

An act to amend Section 15001 of the Health and Safety Code, relating to hospitals, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1973. Filed with Secretary of State July 9, 1973.]

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

SECTION 1. Section 15001 of the Health and Safety Code, as added by Chapter 1130 of the Statutes of 1972, is amended to read:

15001. "Hospital building," as used in this chapter, means and includes any building used, or designed to be used, for a hospital and shall include all of the following:

(a) All hospitals of a type required to be licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 and all establishments and institutions for mentally disordered persons and other incompetent persons of a type required to be licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2.

(b) Institutions conducted, maintained, or operated by this state or any state department, authority, district, bureau, commission, or officer or by the Regents of the University of California, or by a board of supervisors of a county under the provisions of Chapter 2.5 (commencing with Section 1440) of Division 2, which, except for the exemption provided by Section 1312, would be encompassed by the terms of subdivision (a).

SEC. 2. This act shall become operative July 1, 1973.

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

Chapter 1130 of the Statutes of 1972 provides for regulation of the construction and alteration of hospital buildings for the purpose of assuring structural resistance to earthquakes. The provisions relative to licensing of some of the facilities subject to Chapter 1130 will be moved to a new location in the codes by Chapter 1148 of the Statutes of 1972, which will become operative July 1, 1973. Therefore, in order to correct references in the provisions added by Chapter 1130 and to prevent confusion as to the coverage of such provisions, it is necessary that this act go into immediate effect.

CHAPTER 190

An act to add Section 13602.7 to the Education Code, relating to school classified employees.

[Approved by Governor July 9, 1973. Filed with Secretary of State July 9, 1973]

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

SECTION 1. Section 13602.7 is added to the Education Code, to read:

13602.7. If the governing board of a school district cannot comply with the provisions of subdivision (a) of Section 13602 because of the necessity of obtaining prior approval from the federal Cost of Living Council of a proposed wage or salary increase, the board may, by appropriate action taken prior to the final adoption of its budget, adopt an interim schedule which shall provide that the proposed wage or salary increase, as finally approved by the Cost of Living Council, shall be effective and payable from the date upon which such interim schedule was adopted, or such later date as specified in such interim schedule.

CHAPTER 191

An act to amend Section 43.7 of the Civil Code, relating to chiropractors.

[Approved by Governor July 9, 1973 Filed with Secretary of State July 9, 1973.]

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

SECTION 1. Section 43.7 of the Civil Code is amended to read:

43.7. There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any member of a duly appointed committee of a state or local professional society, or duly appointed member of a committee of a medical staff of a licensed hospital (provided the medical staff operates pursuant to written bylaws that have been approved by the governing board of the hospital), for any act or proceeding undertaken or performed within the scope of the functions of any such committee which is formed to maintain the professional standards of the society established by its bylaws, if such committee member acts without malice, has made a reasonable effort to obtain the facts of the matter as to which he acts, and acts in reasonable belief that the action taken by him is warranted by the facts known to him after such reasonable effort to obtain facts. "Professional society" includes legal, medical, psychological, dental, accounting, optometric, podiatric,

pharmaceutic, chiropractic, and engineering organizations having as members at least a majority of the eligible licentiates in the area served by the particular society. The provisions of this section do not affect the official immunity of an officer or employee of a public corporation.

This section shall not be construed to confer immunity from liability on any professional society or hospital. In any case in which, but for the enactment of the preceding provisions of this section, a cause of action would arise against a hospital or professional society, such cause of action shall exist as if the preceding provisions of this section had not been enacted.

CHAPTER 192

An act to amend Section 12553 of the Education Code, relating to pupils.

[Approved by Governor July 9, 1973 Filed with Secretary of State July 9, 1973.]

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

SECTION 1. Section 12553 of the Education Code is amended to read:

12553. Whenever a minor subject to the provisions of this chapter, who is not otherwise exempted by this chapter, cannot give satisfactory proof of regular employment he shall attend, for not less than 15 hours per week, special continuation education classes during the period of unemployment. The minimum attendance requirement of 15 hours per week may be satisfied by any combination of attendance upon special continuation education classes and regional occupational centers or programs.

CHAPTER 193

An act to amend and supplement the Budget Bill for the 1973–74 fiscal year (enacted as the Budget Act of 1973) by adding thereto Section 2.5A, relating to an appropriation for acquisition of park property, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1973. Filed with Secretary of State July 9, 1973]

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

SECTION 1. Section 2.5A is added to the Budget Bill for the 1973–74 fiscal year enacted as the Budget Act of 1973, to read:

STATE BEACH, PARK, RECREATIONAL AND HISTORICAL FACILITIES BOND ACT PROGRAM

Sec. 2.5A. The following sum of money, or so much thereof as may be necessary, is hereby appropriated for the 1973–74 fiscal year beginning July 1, 1973, and ending June 30, 1974. Such appropriation shall be paid out of the State Beach, Park, Recreational and Historical Facilities Fund in the State Treasury.

LOCAL ASSISTANCE

Resources

365A—For grants to counties, cities or cities and counties pursuant to Section 5906.15(d) of the Public Resources Code Department of Parks and Recreation, payable from the State Beach, Park, Recreational and Historical Facilities Fund 95,000

Schedule:

(a) City of Los Angeles, Temescal Canyon Park, for acquisition 95,000

366.1A—As of the effective date of this act the unexpended balances of the appropriation made by Item 365(f), Budget Act of 1965, shall revert to the unappropriated balance of the State Beach, Park, Recreational, and Historical Facilities Fund.

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

The present provisions of the Budget Act of 1973 do not make sufficient provision for acquisition for the greatly needed development of the Temescal Canyon Park. If the appropriation made by this act is not available for expenditure at the earliest possible date, the development of this important city park 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.

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CHAPTER 194

An act to amend Section 1482 of the Health and Safety Code, relating to mobile intensive care paramedics.

[Approved by Governor July 9, 1973 Filed with Secretary of State July 9, 1973]

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

SECTION 1. Section 1482 of the Health and Safety Code is amended to read:

1482. Notwithstanding any other provision of law mobile intensive care paramedics may do any of the following:

(1) Render rescue, first aid and resuscitation services.

(2) During training at the hospital and while caring for patients in the hospital administer parenteral medications under the direct supervision of a physician or a registered nurse.

(3) Perform cardiopulmonary resuscitation and defibrillation in a pulseless, nonbreathing patient.

(4) Where voice contact or a telemetered electrocardiogram is monitored by a physician or a certified mobile intensive care nurse where authorized by a physician, and direct communication is maintained, may upon order of such physician or such nurse do any of the following:

(a) Administer intravenous saline, glucose or volume expanding agents or solutions.

(b) Perform gastric suction by intubation.

(c) Perform pulmonary ventilation by use of esophageal airway.

(d) Obtain blood for laboratory analysis.

(e) Apply rotating tourniquets.

(f) Administer parenterally, orally or topically any of the following classes of drugs or solutions:

(i) Antiarrhythmic agents.

(ii) Vagolytic agents.

(iii) Chronotropic agents.

(iv) Analgesic agents.

(v) Alkalinizing agents.

(vi) Vasopressor agents.

(vii) Narcotic antagonists.

(viii) Diuretics.

(ix) Anticonvulsants.

(x) Ophthalmic solutions.

(xi) Hypertonic glucose.

(xii) Antihistaminics.

(xiii) Bronchodilators.

(xiv) Emetics.

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CHAPTER 195

An act to amend Sections 1016, 1016.5, 1016.6, 1225.5, 6880.2, 8701, 13707, 13715, 13996, 16769, 17308, 17507.3, 25552, 25558, 25752, and 25804 of, to amend the heading of Article 1 (commencing with Section 25431) of Chapter 2 of Division 18.5 of, to amend and renumber Sections 25428.1 and 25428.2 of, to repeal Sections 17710.5, 18351.5, 22508, 22509, 25410.1, 25410.2, and 27606 of, to repeal Article 8.6 (commencing with Section 893.20) of Chapter 4 of Division 3 of, Article 9.5 (commencing with Section 1084.1) of Chapter 3 of Division 4 of, and Chapter 5.75 (commencing with Section 5766) of Division 6 of, and to repeal the heading of Chapter 5 (commencing with Section 16601) of Division 12 of, the Education Code, relating to maintenance of the Education Code.

[Approved by Governor July 9, 1973 Filed with Secretary of State July 9, 1973]

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

SECTION 1. Article 8.6 (commencing with Section 893.20) of Chapter 4 of Division 3 of the Education Code is repealed.

SEC. 2. Section 1016 of the Education Code is amended to read:

1016. The governing board of any school district, including the governing board of a community college district, may contract for the services of an attorney in private practice or utilize an administrative adviser to prepare and conduct school district litigation, or to assist it in the preparation and conduct of school district litigation, and compensation of such attorney pursuant to contract shall be a proper use of school district funds but the school district shall first obtain the written views of the district attorney or county counsel as to the merits of the litigation and the form of the proposed contract of employment with the private attorney. The district attorney or the county counsel shall furnish his written views within seven days from the time he is requested by the governing board of the school district.

SEC. 3. Section 1016.5 of the Education Code is amended to read:

1016.5. The governing board of any school district, including the governing board of a community college district, may, with the concurrence in writing of the district attorney or county counsel having jurisdiction thereof, contract with a qualified attorney in private practice to provide specialized legal services. Compensation of such attorney in private practice pursuant to contract under this section shall be a proper use of school district funds, but the school district shall first obtain the written views of the district attorney or county counsel, which shall be furnished within seven days from the time of the request by the governing board, as to the need for specialized legal services and on the form of the proposed contract with the private attorney.

SEC. 4. Section 1016.6 of the Education Code is amended to read:

1016.6. Notwithstanding any provisions of law to the contrary, as an alternative to contracting with private counsel or for the use of an administrative adviser, the governing board of any school district, including the governing board of a community college district, may elect to supplement the legal services that customarily are being rendered by the office of county counsel or district attorney by contracting with either the office of county counsel or office of district attorney, or both, for additional services. Such additional services shall be performed at a fee and in a manner agreed upon by the governing board and the office of county counsel or office of district attorney, or both.

SEC. 5. Article 9.5 (commencing with Section 1084.1) of Chapter 3 of Division 4 of the Education Code is repealed.

SEC. 6. Section 1225.5 of the Education Code is amended to read:

1225.5. Notwithstanding the provisions of Section 1130, when a unified school district is formed pursuant to Chapter 10 (commencing with Section 3100) of Division 5 which includes a city school district having a city board of education as provided under Section 1225, the unified school district shall be governed by said city board of education and the governing board members thereof shall continue in office for the remainder of their terms as elected pursuant to the provisions of Section 1225.

SEC. 7. Chapter 5.75 (commencing with Section 5766) of Division 6 of the Education Code is repealed.

SEC. 8. Section 6880.2 of the Education Code is amended 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

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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.

SEC. 9. Section 8701 of the Education Code is amended to read:

8701. Whenever any part of the instruction in health, family life education, and sex education conflicts with the religious training and beliefs of the parent or guardian of any pupil, the pupil, on written request of the parent or guardian, shall be excused from the part of the training which conflicts with such religious training and beliefs.

As used in this section, "religious training and beliefs" includes personal moral convictions.

SEC. 10. Section 13707 of the Education Code is amended to read:

13707. (a) One member of the commission shall be appointed by the governing board of the district. One member shall be appointed by the Executive Officer of the State Personnel Board. One member shall be appointed by the governing board of the district upon the recommendation of the classified employees of the district.

As used in this subsection, "classified employees" shall mean an organization of classified employees which represents the greatest number of classified employees of the district as determined by the board exercising its authority under Section 13087 of this code. If there is no such organization existing within the district the governing board shall, by written rule, prescribe the method by which the recommendation is to be made by its classified employees.

(b) The governing board shall recommend the appointee to the Executive Officer of the State Personnel Board as provided for in Section 13707.1. The executive officer may accept the recommendation and effect the appointment or he may reject the recommendation. If the recommendation is rejected, the executive officer shall notify the governing board and direct it to submit a new recommendation within 30 days of receipt of the notification of rejection.

SEC. 11. Section 13715 of the Education Code is amended to read:

13715. The rules of the commission and copies of this article (commencing with Section 13701) shall be printed and made available to each school, office, and permanent worksite where employees report and shall be distributed to school libraries for loan to employees.

Within one year of when a district adopts the merit system, the commission shall adopt rules pursuant to Section 13713 and shall give to each new regular employee a handbook which summarizes the basic rules and working conditions for classified employees and provides information regarding access to copies of the complete rules and the merit system.

SEC. 12. Section 13996 of the Education Code is amended to read:

13996. A member shall receive credit for time during which he is excluded from membership because of membership in any other retirement system and during which he serves in a status requiring

membership in this system or its predecessors, if he subsequently ceases to be a member of, and ceases to be entitled to benefits from, the other retirement system and becomes a member of this system.

Such credit shall not be given if the member may redeposit withdrawn contributions in any other retirement system.

SEC. 13. The heading of Chapter 5 (commencing with Section 16601) of Division 12 of the Education Code is repealed.

SEC. 14. Section 16769 of the Education Code is amended to read:

16769. Every employee of a children's center who before his employment in such center was employed by the district maintaining such center in a position entitling him to membership in, and who was a member of, the retirement system maintained by such district, and if such employee's contributions to such retirement system were returned to him when he was employed in the children's center, such employee shall have the right to elect, by written document filed with the Board of Administration, Public Employees' Retirement System, at any time within 90 days after the date upon which the notice of the right to make such election is mailed by such system, either to the member's latest address on file in the office of such system, or to the office of the governing board of such district or districts, and prior to the date of retirement, to contribute to such system, subject to minimum payments fixed by the Board of Administration, and in one or more sums, or in not to exceed 60 monthly payments, an amount which, when added to his accumulated contributions, including interest, transferred as required in paragraph (1) of subdivision (b) of Section 14696, will make a total amount equal to the accumulated contributions, including interest, which would have been credited to him in such plan, if he had never had his contributions returned to him. Such employee shall pay to the Public Employees' Retirement System interest on the unpaid balance of the amount payable to such system, beginning with the date of transfer, at the rate of interest currently used from time to time under the system. If such employee elects to make, and makes, such contributions and pays such interest, but not otherwise, he shall receive credit under such employees' system, as state service, for all prior service rendered while he was not a member of such plan.

SEC. 15. Section 17308 of the Education Code is amended to read:

17308. The county school service fund contingency account is hereby established in the General Fund. In each fiscal year the amount credited to the account shall be one hundred thousand dollars ($100,000). Notwithstanding any provision of Section 17301 to the contrary, the amount to be credited to the county school service fund contingency account each fiscal year shall not be transferred from the General Fund as required or authorized to be transferred by Section 17301 but the amounts required or authorized to be transferred by Section 17301 shall be reduced by the amount to be credited to the contingency account and shall remain in the General Fund to the credit of the contingency account.

The money in the General Fund to the credit of the contingency account shall be transferred by the Controller to the State School Fund in amounts as are certified from time to time by the Superintendent of Public Instruction to be necessary to meet actual costs to reimburse county superintendents of schools for expenses incurred in providing emergency education to pupils and making financial grants to school districts pursuant to Section 20105 and to reimburse county superintendents of schools for the actual and necessary travel expenses incurred in connection with cooperative county publication projects by the county superintendent of schools or members of his staff, and to reimburse county superintendents of schools for expenses incurred in making emergency financial grants to school districts pursuant to Section 895.6.

Commencing with the 1964–65 fiscal year, the amount credited, pursuant to this section, in each fiscal year to the county school service fund contingency account in the General Fund shall be reduced by the amount of the balance remaining to the account on June 30 of the preceding fiscal year and an equal reduction shall be made in the amount of the reduction in the amounts required or authorized to be transferred under Section 17301 in accordance with this section.

SEC. 16. Section 17507.3 of the Education Code is amended to read:

17507.3. During the 1970–1971 fiscal year and the six subsequent fiscal years thereafter, the governing board of a unified school district may apply to the Superintendent of Public Instruction for exemption from the penalty provisions of Section 17507 in order that a pilot program of team instruction in reading or mathematics, or both, may be conducted only in such elementary schools within the district as may be approved by the Superintendent of Public Instruction. The pilot program shall be conducted in such a manner that, insofar as practicable, one certificated employee and necessary instructional aides remain with the same students from kindergarten through grade 6 for instruction in reading or mathematics, or both.

The Superintendent of Public Instruction may grant the exemption pursuant to this section on a yearly basis, but not beyond the 1976–1977 fiscal year, and only after approval by the Superintendent of Public Instruction of justification documents presented by the district relating to the pilot program.

School districts operating programs under this section shall submit annual evaluations to the Superintendent of Public Instruction as to the academic progress of students enrolled in such programs. The evaluations shall be based on a comparison of pilot program students to a statistically valid control group using pretest and posttest scores as a measurement of achievement.

The State Board of Education shall annually review the pilot program.

SEC. 17. Section 17710.5 of the Education Code is repealed.

SEC. 18. Section 18351.5 of the Education Code is repealed.

SEC. 19. Section 22508 of the Education Code is repealed.

SEC. 20. Section 22509 of the Education Code is repealed.

SEC. 21. Section 25410.1 of the Education Code is repealed.

SEC. 22. Section 25410.2 of the Education Code is repealed.

SEC. 23. Section 25428.1 of the Education Code is amended and renumbered to read:

25424.6. (a) The governing board of any district maintaining a community college may establish an account for each cocurricular activity with designations such as "the music account," "the journalism account," or "the drama account." All income derived from each designated cocurricular activity shall be deposited in the account for expenditures for the operation of the cocurricular activity maintaining the account, in accordance with the rules and regulations of the governing board.

(b) The governing board may designate an employee or employees of the district as the custodian of the account or accounts and such person or persons shall be responsible for the payment into the account or accounts of all moneys received for or to be paid into the account or accounts, and for all expenditures therefrom, subject to the rules and regulations of the governing board.

(c) As used in this section, "cocurricular activities" has the same meaning as defined in Section 25424.5.

SEC. 24. Section 25428.2 of the Education Code is amended and renumbered to read:

25424.7. The governing board of a school district maintaining a community college may impose a fee on a participating student for the additional expenses incurred when physical education courses are required to use nondistrict facilities.

SEC. 25. The heading of Article 1 (commencing with Section 25431) of Chapter 2 of Division 18.5 of the Education Code is amended to read:

Article 1. Standards for Formation of Community College Districts and Maintenance of Additional Community Colleges

SEC. 26. Section 25552 of the Education Code is amended to read:

25552. The California School for the Deaf is a part of the school system of the state except that it derives no revenue from the State School Fund, and has for its object the education of the deaf who, by reason of their infirmity, cannot be taught in the public schools.

SEC. 27. Section 25558 of the Education Code is amended to read:

25558. The State Department of Education may employ any person, otherwise qualified, who has retired for service under either the Public Employees' Retirement System or the State Teachers' Retirement System as a substitute in a position requiring certification qualifications at the California School for the Deaf; provided, that the total of such service and any service rendered pursuant to Section 14226 shall not exceed 90 teaching days in any one fiscal year.

SEC. 28. Section 25752 of the Education Code is amended to read:

25752. The California School for the Blind is a part of the school system of the state except that it derives no revenue from the State School Fund, and has for its object the education of the blind, who, by reason of their infirmity, cannot be taught in the public schools.

SEC. 29. Section 25804 of the Education Code is amended to read:

25804. The State Department of Education may employ any person, otherwise qualified, who has retired for service under either the Public Employees' Retirement System or the State Teachers' Retirement System as a substitute in a position requiring certification qualifications at the California School for the Blind; provided, that the total of such service and any service rendered pursuant to Section 14226 shall not exceed 90 teaching days in any one fiscal year.

SEC. 30. Section 27606 of the Education Code is repealed.

SEC. 31. In the event any other act or acts of the 1973–1974 Regular Session of the Legislature has any effect on any section affected by this act, the provisions of such act or acts, whether chaptered prior or subsequent to this act, shall prevail over the conflicting provisions of this act.

CHAPTER 196

An act to amend Sections 2164, 7202, 7203, 7261, and 7262 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor July 9, 1973. Filed with Secretary of State July 9, 1973.]

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

SECTION 1. Section 2164 of the Revenue and Taxation Code, as added by Chapter 1406 of the Statutes of the 1972 Regular Session of the Legislature, is amended to read:

2164. The state shall annually reimburse counties, cities and counties, and cities for the actual net loss from 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 Legislative Analyst 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 and cities and counties in the same ratio as the total amount of sales and use taxes collected in each county and city and 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.

(f) For purposes of this section, "actual net loss" means the estimated reduction in sales and use tax revenues received by counties, cities and counties, and cities each year due to the enactment of a sales and use tax exemption applicable to the Bradley-Burns Uniform Local Sales and Use Tax Law provided for in Part 1.5 (commencing with Section 7200) of Division 2 of this code. There is no "actual net loss" if the Legislature exempts the sale, storage, use, or other consumption of a type of property from which counties, cities and counties, and cities received no revenue as of January 1, 1973.

SEC. 2. Section 7202 of the Revenue and Taxation Code, as added by Section 22.1 of Chapter 1406 of the Statutes of the 1972 Regular Session of the Legislature, is amended to read:

7202. The sales tax portion of any sales and use tax ordinance adopted under this part shall be imposed for the privilege of selling tangible personal property at retail, and shall include provisions in substance as follows:

(a) A provision imposing a tax for the privilege of selling tangible personal property at retail upon every retailer in the county at the rate of 1¼ percent of the gross receipts of the retailer from the sale of all tangible personal property sold by him at retail in the county.

(b) Provisions identical to those contained in Part 1 (commencing with Section 6001) of this division, 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 there is exempted from the sales tax 80 percent of the gross receipts from the sale of tangible personal property to operators of waterborne vessels to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the carriage of persons or property in such vessels for commercial purposes.

(h) A provision that there is exempted from the sales tax 80 percent of the gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.

(i) 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, 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 there are exempted from the computation of the amount of the sales tax the gross receipts from the sale of tangible personal property to operators of waterborne vessels to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the carriage of persons or property in such vessels for commercial purposes.

(8) A provision that the storage, use, or other consumption of tangible personal property purchased by operators of waterborne vessels and used or consumed by such operators directly and exclusively in the carriage of persons or property in such vessels for commercial purposes is exempted from the use tax.

(9) A provision that there are exempted from the computation of the amount of the sales tax the gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.

(10) A provision that, in addition to the exemptions provided in Sections 6366 and 6366.1 of this code, the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government is exempt from the use tax.

SEC. 3. Section 7203 of the Revenue and Taxation Code, as added by Section 22.2 of Chapter 1406 of the Statutes of 1972 Regular Session of the Legislature, is amended to read:

7203. The use tax portion of any sales and use tax ordinance adopted under this part shall impose a complementary tax upon the storage, use or other consumption in the county of tangible personal property purchased from any retailer for storage, use or other consumption in the county. Such tax shall be at the rate of 1¼ percent

of the sales price of the property whose storage, use or other consumption is subject to the tax and shall include:

(a) Provisions identical to the provisions contained in Part 1 (commencing with Section 6001) of this division, other than Section 6201 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.

(e) A provision that the storage, use, or other consumption of tangible personal property purchased by operators of waterborne vessels and used or consumed by such operators directly and exclusively in the carriage of persons or property in such vessels for commercial purposes is exempted from 80 percent of the use tax.

(f) A provision that, in addition to the exemptions provided in Sections 6366 and 6366.1 of this code, the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States or any foreign government is exempt from 80 percent of the use tax.

SEC. 4. Section 7261 of the Revenue and Taxation Code is amended to read:

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

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

(b) Provisions identical to those contained in Part 1 (commencing

with Section 6001) of this division, insofar as they relate to sales taxes and are not inconsistent with this part, except that the name of the district as the taxing agency shall be substituted for that of the state and that an additional transactor's permit shall not be required if a seller's permit has been or is issued to the transactor under Section 6067 of this code.

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

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

(e) A provision that there are exempted from the tax the gross receipts from the sale of tangible personal property to operators of waterborne vessels to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the carriage of persons or property in such vessels for commercial purposes.

(f) A provision that there are exempted from the tax the gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.

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

For purposes of this section, "delivery" of vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Article 2 (commencing with Section 680) of Chapter 5 of Division 3 of the Harbors and Navigation Code shall be satisfied by registration to an out-of-district address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his principal place of residence.

"Delivery" of commercial vehicles shall be satisfied by registration to a place of business out of district and a declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

(h) A provision that the sale of tangible personal property is

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

SEC. 5. Section 7262 of the Revenue and Taxation Code is amended to read:

7262. The use tax portion of any transactions and use tax ordinance adopted under this part shall impose a complementary tax upon the storage, use or other consumption in the district of tangible personal property purchased from any retailer for storage, use or other consumption in the district. Such tax shall be at a rate of one-half of 1 percent of the sales price of the property whose storage, use or other consumption is subject to the tax, and the ordinance shall include provisions in substance as follows:

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

An additional provision shall be included that a retailer engaged in business in the district shall not be required to collect use tax from the purchaser of tangible personal property unless the retailer ships or delivers the property into the district or participates within the district in making the sale of the property, including, but not limited to soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the district or through any representative, agent, canvasser, solicitor, subsidiary or person in the district under authority of the retailer.

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

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

(d) A provision that the storage, use or other consumption of tangible personal property, the gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use taxes ordinance shall be exempt from the tax.

(e) A provision that the storage, use, or other consumption of tangible personal property purchased by operators of waterborne vessels and used or consumed by such operators directly and exclusively in the carriage of persons or property in such vessels for commercial purposes is exempt from the use tax.

(f) A provision that, in addition to the exemptions provided in Sections 6366 and 6366.1 of this code, the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government is exempt from the use tax.

(g) A provision that the storage, use, or other consumption in the district of tangible personal property is exempt from tax if purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of the ordinance. The possession of, or the exercise of any right or power over, tangible personal property under a lease which is a continuing purchase of such property is exempt from tax for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of the ordinance. For the purposes of this subdivision, storage, use, or other consumption, or possession, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

SEC. 6. Sections 2 and 3 of this act amending Sections 7202 and 7203 of the Revenue and Taxation Code, as added by Sections 22.1 and 22.2 of Chapter 1406 of the Statutes of the 1972 Regular Session of the Legislature shall become operative or inoperative at the same time and in the same manner as is provided for the operative or inoperative date of Sections 22.1 and 22.2 by subdivision (j) of Section 34 of Chapter 1406 of the Statutes of the 1972 Regular Session of the Legislature.

SEC. 7. (a) Sections 7261 and 7262 of the Revenue and Taxation Code, as amended by Sections 4 and 5 of this act, shall become operative on January 1 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.

(b) In the event that Sections 7261 and 7262 of the Revenue and

Taxation Code, as amended by Sections 4 and 5 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 7261 and 7262 of the Revenue and Taxation Code, as those sections existed prior to the operative date of Sections 4 and 5 of this act, shall again become operative on the first day of the month next following the month in which such higher ratio is adopted, at which time Sections 7261 and 7262 of the Revenue and Taxation Code, as amended by Sections 4 and 5 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.

SEC. 8. The Legislature finds and declares that the amendments to Sections 7202, 7203, 7261, and 7262 of the Revenue and Taxation Code by this act involve no "actual net loss" of sales and use tax revenues by counties, cities and counties, cities, and special districts. Items of personal property purchased by operators of aircraft or waterborne vessels and used or consumed by such operators directly and exclusively in the use of such aircraft or waterborne vessels are not subject to 80 percent of the sales and use taxes imposed by local government during the 1973 calendar year. Therefore, there is no "actual net loss" of revenue attributable to this act, and no necessity for the state to compensate counties, cities and counties, or cities for any such loss under the provisions of Section 2164 of the Revenue and Taxation Code.

CHAPTER 197

An act to add and to repeal Section 25452.6 of the Education Code, relating to school classified employees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1973. Filed with Secretary of State July 9, 1973]

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

SECTION 1. Section 25452.6 is added to the Education Code, to read:

25452.6. For the purpose of implementation of a local election held in November of 1972, pursuant to Section 25413.8, there may be a division of the classified service, which currently serves one common governing board for a separate community college district and a unified school district. In the event such division occurs, a separate classified service for each district shall be established effective July 1, 1973. A classified employee of either such district

who, as a result of the division, becomes a classified employee of the other district, shall not be deprived thereby of any accrued rights, benefits, or privileges.

This section shall be operative for one year after its effective date, and, upon the expiration of that period, is repealed.

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

In order that a separate classified service for the community college district may be implemented prior to the beginning of the fiscal year, July 1, 1973, thus allowing orderly budgetary and personnel transitions from a single classified service serving two districts to a separate classified service for each of such districts, it is necessary that this act take effect immediately.

CHAPTER 198

An act to amend Sections 1206, 6812.5, 15009, 16762, 16765, 17507.3, and 21703 of, to repeal Sections 12355, 15003, 18362, 18363, 18364, and 20804.1 of, and to repeal Article 2 (commencing with Section 15051) of, Article 3 (commencing with Section 15101) of, Article 4 (commencing with Section 15151) of, and Article 5 (commencing with Section 15201) of, Chapter 1 of Division 11 of, the Education Code, and to amend Section 11591 of the Health and Safety Code, and to amend Section 291 of the Penal Code, relating to education.

[Approved by Governor July 9, 1973. Filed with Secretary of State July 9, 1973.]

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

SECTION 1. Section 1206 of the Education Code is amended to read:

1206. When outside territory has been annexed to a city for school purposes, the outside territory shall be deemed to be a part of the city for all matters connected with the school department of the city, for the annual levying and collecting of the property tax for the school fund of the city, and for all purposes specified in Chapter 7 (commencing with Section 21701) of Division 16.

The last assessment roll made by the county assessor shall be the only basis of taxation for the school district on the property outside the corporate limits annexed for school purposes.

SEC. 2. Section 6812.5 of the Education Code 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 described 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. 3. Section 12355 of the Education Code is repealed.

SEC. 4. Section 15003 of the Education Code is repealed.

SEC. 5. Section 15009 of the Education Code is amended to read:

15009. The governing board of a school district may acquire a site for a school building contiguous to the boundaries of the district and upon the acquisition of such site it shall become a part of the district. The site shall not be acquired until the county committee on school district organization of the county or of each of the counties concerned has received the proposal for acquisition of the site and reported its recommendations thereon to the governing boards of the districts concerned and to each county superintendent of schools concerned. The report of the county committee shall be made within 60 days from the time the proposal for acquisition of the site was submitted to it.

A school site is contiguous for the purpose of this section although separated from the boundaries of the district by a road, street, stream, or other natural or artificial barrier or right-of-way.

SEC. 6. Article 2 (commencing with Section 15051) of Chapter 1 of Division 11 of the Education Code is repealed.

SEC. 7. Article 3 (commencing with Section 15101) of Chapter 1 of Division 11 of the Education Code is repealed.

SEC. 8. Article 4 (commencing with Section 15151) of Chapter 1 of Division 11 of the Education Code is repealed.

SEC. 9. Article 5 (commencing with Section 15201) of Chapter 1 of Division 11 of the Education Code is repealed.

SEC. 9.3. Section 16762 of the Education Code is amended to read:

16762. The same fee as that prescribed for a credential provided in Section 13118 shall be charged for either the issuance or renewal of each children's center permit authorizing service in the supervision and instruction of children in the children's centers or authorizing service as a supervisor in a program.

SEC. 9.5. Section 16765 of the Education Code is amended to read:

16765. Each county or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to children's center employees whose children's center permit applications are being processed. The applicant for such a temporary certificate shall make a statement under oath that he has duly filed his application for a permit together with the required fee and that to the best of his knowledge no reason exists why he should not be issued a permit. Such certificate shall be valid for not more than 90 schooldays and only until the permit originally requested is either issued or denied by the Commission for Teacher Preparation and Licensing.

SEC. 10. Section 17507.3 of the Education Code is amended to read:

17507.3. During the 1970–1971 fiscal year and the six subsequent fiscal years thereafter, the governing board of a unified school district may apply to the Superintendent of Public Instruction for exemption from the penalty provisions of Section 17507 in order that a pilot program of team instruction in reading or mathematics, or both, may be conducted only in such elementary schools within the district as may be approved by the Superintendent of Public Instruction. The pilot program shall be conducted in such a manner that, insofar as practicable, one certificated employee and necessary instructional aides remain with the same students from kindergarten through grade 6 for instruction in reading or mathematics, or both.

The Superintendent of Public Instruction may grant the exemption pursuant to this section on a yearly basis, but not beyond the 1976–1977 fiscal year, and only after approval by the Superintendent of Public Instruction of justification documents presented by the district relating to the pilot program.

School districts operating programs under this section shall submit annual evaluations to the Superintendent of Public Instruction as to the academic progress of students enrolled in such programs. The

evaluations shall be based on a comparison of pilot program students to a statistically valid control group using pretest and posttest scores as a measurement of achievement.

The State Board of Education shall annually review the pilot program.

SEC. 11. Section 18362 of the Education Code is repealed.

SEC. 12. Section 18363 of the Education Code is repealed.

SEC. 13. Section 18364 of the Education Code is repealed.

SEC. 14. Section 20804.1 of the Education Code is repealed.

SEC. 15. Section 21703 of the Education Code is amended to read:

21703. Any unified school district may issue bonds not to exceed 10 percent of the taxable property of the district as shown by such equalized assessment of the county or counties in which the district is located.

In computing the outstanding bonded indebtedness of any unified school district for all purposes of this section, except as provided in subdivision (b) of this section, any outstanding bonds shall be deemed to have been issued for elementary school purposes, and high school purposes, respectively, in the respective amounts that the proceeds of the sale of such outstanding bonds, excluding any premium and accrued interest received on said sale, were or have been allocated by the governing board of such unified school district to each of said purposes respectively.

(a) For the purposes of the State School Building Aid Law of 1952 (commencing with Section 19551) with respect to applications for apportionments and apportionments filed or made prior to the effective date of the amendment to Section 21802 made at the 1961 Regular Session and to the repayment thereof, Sections 19401 to 19486, inclusive, only, any unified school district shall be considered to have a bonding capacity in the amount permitted by law for an elementary school district and a bonding capacity in the amount permitted by law for a high school district.

(b) For purposes of computing the bonding capacity of a school district under the preceding subdivisions of this section, the taxable property of the district as shown by the last equalized assessment of the county shall be modified pursuant to Section 17262.

SEC. 16. Section 11591 of the Health and Safety Code is amended to read:

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 Commission for Teacher Preparation and Licensing 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.

SEC. 17. Section 291 of the Penal Code is amended to read:

291. Every sheriff or chief of police, upon the arrest for any of the offenses enumerated in Section 290 or in subdivision 1 of Section 261 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 Commission for Teacher Preparation and Licensing 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.

CHAPTER 199

An act to amend Section 2362 of the Education Code, relating to school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1973. Filed with Secretary of State July 9, 1973]

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

SECTION 1. Section 2362 of the Education Code is amended to read:

2362. An action to transfer inhabited territory from an elementary, unified, or community college district to another elementary, unified, or community college district is initiated upon

the filing with the county superintendent of schools of a petition for transfer signed by either:

(a) Twenty-five percent of the registered electors residing in the territory proposed to be transferred, or

(b) A majority of the members of the governing board of each school district affected by the proposed change.

This section shall not be applicable to any transfer to which the provisions of Section 2364.1 apply.

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 resolve any possibility of doubt as to the meaning of the provision herein amended that provides for alternative petitioning procedures in the initiation of proceedings to transfer inhabited territory from one school district to another, at the earliest possible time, and to permit urgently required pending and prospective proceedings for the more effective organization of school districts to be carried to completion at the earliest possible time, it is essential that this act take effect immediately.

CHAPTER 200

An act to amend Section 197.5 of the Civil Code, relating to children.

[Approved by Governor July 9, 1973. Filed with Secretary of State July 9, 1973.]

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

SECTION 1. Section 197.5 of the Civil Code is amended to read:

197.5. (a) If either the father or mother of an unmarried minor child is deceased, the parents of such deceased person may be granted reasonable visitation rights to the minor child during its minority by the superior court upon a finding that such visitation rights would be in the best interests of the minor child.

(b) Subdivision (a) of this section shall not apply if the child has been adopted by a person other than a stepparent or grandparent. Any visitation rights granted pursuant to this section prior to the adoption of the child shall be automatically terminated upon such adoption.

CHAPTER 201

An act relating to private schools for exceptional children and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1973 Filed with Secretary of State July 9, 1973.]

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

SECTION 1. Notwithstanding the provisions of Sections 6874, 6874.5, and 6874.6 of the Education Code, a private school shall be determined to meet the minimum educational standard relating to appropriate credentialing, notwithstanding its employment of a teacher who is not properly credentialed, if such teacher is properly credentialed to teach educationally handicapped children in a foreign country, has a diploma for special education in such foreign country, and has a minimum of four years' teaching handicapped children.

This section shall remain in effect until June 30, 1974, and as of that date is repealed.

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

Private schools educating children pursuant to provisions of Chapter 8.2 (commencing with Section 6870) of Division 6 of the Education Code have highly qualified teachers; however, some of the teachers in such schools do not have the appropriate credentials because, until recently, the schools were not advised that teachers in said schools were required to have the appropriate California credentials. In order to prevent the discharge of such teachers and enable such highly qualified teachers to continue to educate such children, it is necessary that a period of time be given in order for the teachers to secure the appropriate credentials.

CHAPTER 202

An act to repeal Sections 11002 and 11019 of, and to add Section 11019 to, the Business and Professions Code, relating to subdivisions.

[Approved by Governor July 9, 1973. Filed with Secretary of State July 9, 1973]

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

SECTION 1. Section 11002 of the Business and Professions Code is repealed.

SEC. 2. Section 11019 of the Business and Professions Code is

repealed.

SEC. 3. Section 11019 is added to the Business and Professions Code, to read:

11019. Whenever the commissioner determines from evidence available to him that a person is violating or failing to comply with any of the provisions of Chapter 1 of Part 2 or the regulations of the commissioner pertaining thereto, or that representations and assurances given by an applicant upon which the commissioner relied in issuing a public report have not been carried out in the subdivision, or that conditions existing in the subdivision would have caused the denial of a public report if the conditions had existed at the time of issuance of the public report, the commissioner may order the person to desist and refrain from such violations, or he may order the cessation of the sale or lease of interests in the subdivision.

Upon receipt of such an order, the person or persons to whom the order is directed shall immediately discontinue activities in accordance with the terms of the order.

Any person to whom the order is directed may, within 30 days after service thereof upon him, file with the commissioner a written request for hearing to contest the order. The commissioner shall after receipt of a request for hearing assign the matter to the Office of Administrative Hearings to conduct a hearing for findings of fact and determinations of the issues set forth in the order. If the hearing is not commenced within 15 days after receipt of the request for hearing, or on the date to which continued with the agreement of the person requesting the hearing, or if the decision of the commissioner is not rendered within 30 days after completion of the hearing, the order shall be deemed to be vacated.

Service and proof of service of an order issued by the commissioner pursuant to this section may be made in a manner and upon such persons as prescribed for the service of summons in Article 3 (commencing with Section 415.10), Article 4 (commencing with Section 416.10) and Article 5 (commencing with Section 417.10) of Chapter 4 of Title 5 of Part 2, of the Code of Civil Procedure.

CHAPTER 203

An act to amend Section 40802 of the Vehicle Code, relating to highways, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1973. Filed with Secretary of State July 9, 1973.]

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 provided by this code or by local ordinance pursuant to paragraph (1) of subdivision (b) of Section 22352, or established pursuant to Section 22354, 22357, 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.

SEC. 2. The amendment made to Section 40802 of the Vehicle Code by Section 1 of this act does not constitute a change in, but is declaratory of, existing law.

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 resolve any possible doubt which may exist with respect to the application of Section 40802 of the Vehicle Code, it is necessary to have this act take effect immediately.

CHAPTER 204

An act to add Section 2727.3 to the Business and Professions Code, relating to registered nurses, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1973. Filed with Secretary of State July 9, 1973.]

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

SECTION 1. Section 2727.3 is added to the Business and Professions Code, to read:

2727.3. (a) A registered nurse, acting under the direction of a physician may perform: (1) tuberculin skin tests, coccidioidin skin tests, and histoplasmin skin tests, providing such administration is within the course of a tuberculosis control program, and (2) immunization techniques, providing such administration is upon standing orders of a supervising physician, or pursuant to written guidelines adopted by a hospital or medical group with whom the supervising physician is associated.

(b) The physician under whose direction the registered nurse is

acting pursuant to subdivision (a) shall require such nurse to satisfactorily demonstrate familiarity with (1) contraindication for the administration of such immunizing agents, (2) treatment of possible anaphylactic reactions, and (3) the administration of, treatment, and reactions to such immunizing agents.

(c) Nothing in this section shall be construed to require physical presence of a directing or supervising physician, or the examination by a physician of persons to be tested or immunized.

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 Contitution and shall go into immediate effect. The facts constituting such necessity are:

Beginning in July 1973 health departments throughout the state will be conducting public health clinics for the purpose of tuberculosis control. These clinics propose to administer skin tests and positive reactors, then refer certain persons for chest X-rays. It has been held that registered nurses may not administer the necessary tests or immunizing agents unless a physician is physically present. There exists in many rural counties a shortage of physicians and in other counties a shortage of funds necessary to have a number of physicians present at the various clinics and thereby creates difficulty or an impossibility of conducting the needed tuberculosis control program.

It is essential, therefore, to authorize registered nurses to administer specific tuberculin tests and immunizing agents under specific but routine orders issued by local health officers in order to facilitate the continuation of tuberculosis case finding programs.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

SEC. 4. This act shall have no force or effect after December 31, 1975.

CHAPTER 205

An act to amend Sections 233 and 233.5 of the Civil Code, relating to minors.

[Approved by Governor July 9, 1973 Filed with Secretary of State July 9, 1973]

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

SECTION 1. Section 233 of the Civil Code is amended to read:

233. Any interested person may petition the superior court of the county in which a minor person described in Section 232 resides or

in which such minor person is found or in which any of the acts constituting abandonment, neglect, cruelty or habitual intemperance occurred, for an order or judgment declaring such minor person free from the custody and control of either or both of his parents. There shall be no filing fee charged for any action instituted in accordance with this section. Upon the filing of such petition, the clerk of the court shall, in accordance with the direction of the court, immediately notify the juvenile probation officer, or the county department designated by the board of supervisors to administer the public social services program, who shall immediately investigate the circumstances of said minor person and the circumstances which are alleged to bring said minor person within any of the provisions of Section 232. The juvenile probation officer or the county department shall render to the court a written report of the investigation with a recommendation to the court of the proper disposition to be made in the action in the best interests of said minor person. The court shall receive such report in evidence and shall read and consider the contents thereof in rendering its judgment.

SEC. 2. Section 233.5 of the Civil Code is amended to read:

233.5. A petition filed in any superior court proceeding under this chapter and any reports of the probation officer or county department designated by the board of supervisors to administer the public social services program filed in any such case may be inspected only by court personnel, the minor who is the subject of the proceeding, his parents or guardian, and the attorneys for such parties, and such other persons as may be designated by the judge of the superior court.

CHAPTER 206

An act to amend Sections 22806, 22807, 22815, 22817, 22835, 22840, 22850, 22851, 22857, 22860, 22862, 22863, 22865, 25505.8, 26153, and 31226 of, and to add Section 22852.5 to, the Education Code, relating to student residency, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1973. Filed with Secretary of State July 11, 1973.]

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

SECTION 1. Section 22806 of the Education Code is amended to read:

22806. "Institution" means the University of California, the California State University and Colleges, the California Maritime Academy, or a California community college.

SEC. 2. Section 22807 of the Education Code is amended to read:

22807. "Governing board" means the Regents of the University of California, the Trustees of the California State University and Colleges, the Board of Governors of the California Maritime Academy, or the Board of Governors of the California Community Colleges.

SEC. 2.5. Section 22815 of the Education Code 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, (a) 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, and (b) whose parent resides in such territory.

SEC. 3. Section 22817 of the Education Code is amended to read:

22817. "Resident classification" means classification as a resident, pursuant to Section 22812, at the University of California, the California State University and Colleges, and the California Maritime Academy, and as a district resident, pursuant to Section 22814, or a nondistrict resident, pursuant to Section 22815, at a California community college.

SEC. 4. Section 22835 of the Education Code is amended to read:

22835. Each student shall be classified as: (a) a resident or nonresident at the University of California, the California State University and Colleges, or the California Maritime Academy; or (b) a district resident, nondistrict resident or nonresident at a California community college.

SEC. 5. Section 22840 of the Education Code is amended to read:

22840. A student classified as a nonresident shall be required, except as otherwise provided in this chapter, to pay, in addition to other fees required by the institution, nonresident tuition.

SEC. 6. Section 22850 of the Education Code is amended to read:

22850. A student who remains in this state after his parent, who was theretofore domiciled in California for at least one year immediately prior to leaving and has, during the student's minority and within one year immediately prior to the residency determination date, established residence elsewhere, shall be entitled to resident classification until he has attained the age of majority and has resided in the state the minimum time necessary to become a resident, so long as, once enrolled, he maintains continuous attendance at an institution.

SEC. 7. Section 22851 of the Education Code is amended to read:

22851. A student who has been entirely self-supporting and actually present in California for more than one year immediately preceding the residence determination date, with the intention of acquiring a residence therein, shall be entitled to resident classification until he has resided in the state the minimum time necessary to become a resident.

SEC. 8. Section 22852.5 is added to the Education Code, to read:

22852.5. A student shall be entitled to resident classification if,

immediately prior to enrolling at an institution, he has lived with and been under the continuous direct care and control of any adult or adults, other than a parent, for a period of not less than two years, provided that the adult or adults having such control have been domiciled in California during the year immediately prior to the residence determination date. This exception shall continue until the student has attained the age of majority and has resided in the state the minimum time necessary to become a resident, so long as continuous attendance is maintained at an institution.

SEC. 9. Section 22857 of the Education Code is amended to read:

22857. A student holding a valid credential authorizing service in the public schools of this state who is employed by a school district in a full-time position requiring certification qualifications for the college year in which the student enrolls in an institution shall be entitled to resident classification if such student meets any of the following requirements:

(a) Holding of a provisional credential and enrollment at an institution in courses necessary to obtain another type of credential authorizing service in the public schools.

(b) Holding a credential issued pursuant to Section 13125 and enrollment at an institution in courses necessary to fulfill credential requirements.

(c) Enrollment at an institution in courses necessary to fulfill the requirements for a fifth year of education prescribed by subdivision (b) of Section 13130.

SEC. 10. Section 22860 of the Education Code is amended to read:

22860. The governing boards and district governing boards may waive nonresident tuition in whole or in part pursuant to Sections 23754, 23754.2, 23754.3, 25505.8, or the annual Budget Act of the state or resolution of the Regents of the University of California.

SEC. 10.5. Section 22862 of the Education Code is amended to read:

22862. A person in continuous attendance at an institution who has resident classification on the operative date of this chapter shall not lose such classification as a result of this chapter until the attainment of the degree for which he is currently enrolled.

SEC. 11. Section 22863 of the Education Code is amended to read:

22863. If an action is brought against a governing board as the result of the application of this chapter that governing board shall inform the governing boards of the other institutions regarding the litigation. If an action is brought against a district governing board as a result of the application of this chapter that district governing board shall inform the Board of Governors of the California Community Colleges, who shall inform the Regents of the University of California, the Trustees of the California State University and Colleges, and the Board of Governors of the California Maritime Academy regarding the pending litigation.

SEC. 12. Section 22865 of the Education Code is amended to read:

22865. The governing boards shall adopt appropriate rules and

regulations to insure the orderly implementation of this chapter. The district governing boards may adopt rules and regulations, which are not inconsistent with those adopted by the Board of Governors of the California Community Colleges, in order to insure the orderly implementation of this chapter.

The residence determination date and a summary of the rules and regulations adopted by governing boards and district governing boards pursuant to this chapter shall be published in the respective institutional catalogs. The statute law and the rules and regulations adopted by the governing board shall be made available to the students at each institution.

It is the intent of the Legislature that the governing boards, insofar as possible, adopt uniform rules and regulations, to insure consistent application of residency requirements among all institutions.

SEC. 13. Section 25505.8 of the Education Code is amended to read:

25505.8. A district may admit and shall charge a tuition fee to nonresident students. The district may exempt from all or parts of the fee nonresidents who (a) enroll for six units or less or (b) are both citizens and residents of a foreign country. Any exemptions shall be made with regards to all nonresidents described in (a) or (b), and shall not be made on an individual basis.

A district may, with the approval of the Board of Governors of the California Community Colleges contract with a state, the federal government, a foreign country, or an agency thereof, for payment of all or a part of a nonresident student's tuition fee.

The nonresident tuition fee shall be paid in two equal installments at the beginning of each semester, or three equal installments at the beginning of each quarter and shall be set by the governing board of each community college district not later than January 1st of each year. The fee shall represent the amount per student enrolled in the district, which is expended by the district for the current costs of education as defined by the California Accounting Manual for students enrolled in grades 13 and 14.

Each governing board shall compute the amount per student enrolled in the district.

The amount per student enrolled shall be derived by dividing the current costs expended from funds from all sources during the preceding year by the average daily attendance during the same year in grades 13 and 14 and subtracting therefrom the amount allowed as basic state aid from the State School Fund. The same fee shall be charged irrespective of the type of class in which the student is enrolled.

The governing board of each community college district shall also adopt a per-unit tuition fee for nonresidents on less than a full-time basis by dividing the fee for full-time nonresidents by 30 (units). The same per-unit rate shall be charged all nonresident students attending any summer sessions maintained by the community college. The rate charged shall be the rate established for the fiscal

year in which the summer session ends.

A district shall report annually to the Board of Governors of the California Community Colleges the number of nonresidents enrolled for six units or less, the number of nonresidents enrolled for more than six units, and the total amount of fees collected from each category.

The provisions of this section which require a mandatory fee for nonresidents shall not apply to any district in which during the school year 1962–63 more than 15 percent of the students enrolled were residents of another state; except that the provisions of this section shall apply to such districts beginning with the school year 1975–1976 and except that the provisions of this section which require annual reports to be filed with the Board of Governors of the California Community Colleges on the number of such students enrolled shall apply to such districts in the same manner as to any other district.

SEC. 14. Section 26153 of the Education Code is amended to read:

26153. Nonresident students, as defined in Section 22813, may be admitted to the school when vacancies occur, subject to the payment of a tuition fee in such amount as the board of governors may fix but such fee shall not be fixed at less than two hundred twenty-five dollars ($225) a trimester.

SEC. 15. Section 31226 of the Education Code is amended to read:

31226. There is a state student assistance program which shall be known as the State University and College Educational Opportunity Program. It shall be the purpose of the program to provide educational assistance and grants for undergraduate study at the California State University and Colleges to students who are economically disadvantaged or educationally and economically disadvantaged, but who display potential for success in accredited curricula offered by the California State University and Colleges.

For the purposes of this chapter:

(a) "Trustees" means the Trustees of the California State University and Colleges.

(b) "Educational agency" means an agency, other than a federal agency, which is supported in whole or in part by funds appropriated for educational purposes.

(c) "State agency" means every state office, officer, department, division, bureau, board, and commission.

(d) The residence of a recipient shall be determined in accordance with the rules for determining residence prescribed by Chapter 7 (commencing with Section 22800) of Division 16.5 and Article 1 (commencing with Section 23751) of Chapter 3 of Division 18 of this code.

SEC. 16. Sections 1 through 4, inclusive, and 11, shall be effective August 1, 1974.

SEC. 16.5. That portion of Section 22854 of the Education Code which prohibits members of the armed forces assigned for educational purposes to state-supported institutions of higher education from being entitled to resident classification, shall have no

force or effect on community college districts which have contracts with the federal government on or before May 1, 1973, for the provision of advance degree completion programs for members of the armed forces.

This section shall remain in effect only until May 1, 1975, and as of that date is repealed.

SEC. 17. To qualify for the exceptions to residence determination provided in Sections 22853, 22854, and 22858 of the Education Code, the minimum time necessary to establish residence shall not commence prior to May 1, 1973.

SEC. 17.5. This act shall be construed and applied as though it had become effective and operative on May 1, 1973.

SEC. 18. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the changes made in residency determination are operative on or before the commencement of upcoming school terms, it is essential that this act take effect immediately.

CHAPTER 207

An act to amend Sections 10801, 10805, and 10813 of, and to add Section 10801.1 to, the Education Code, relating to school attendance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1973 Filed with Secretary of State July 11, 1973.]

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

SECTION 1. Section 10801 of the Education Code is amended to read:

10801. The governing board of any school district may admit to the schools or classes maintained in the district any pupil who lives in another school district which maintains schools or classes of the grade levels which the pupil desires to attend. An agreement providing for such attendance shall be entered into between the governing board and the governing board of the district in which the pupil lives. The agreement shall stipulate the terms upon which the interdistrict attendance shall be permitted. The terms of the agreement shall require the payment of an amount not to exceed the revenue limit per unit of average daily attendance of the district of attendance.

SEC. 2. Section 10801.1 is added to the Education Code, to read:

10801.1. Effective July 1, 1973, the average daily attendance resulting from an interdistrict attendance agreement shall be

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credited to the district in which the pupil lives.

SEC. 3. Section 10805 of the Education Code is amended to read:

10805. If the county board of education determines that the pupil should be permitted to attend in the district in which he desires to attend, the governing board of the district in which the pupil lives shall pay to the district of attendance, on or before the close of each school year in which the pupil attends in the district of attendance, an amount which shall not exceed the revenue limit per unit of average daily attendance of the district of attendance.

SEC. 4. Section 10813 of the Education Code is amended to read:

10813. Except as may otherwise be specially provided, the average daily attendance of all pupils, excepting pupils attending the seventh and eighth grades of a junior high school, who live in one school district and attend school in another school district shall be credited to the district in which the pupil lives for apportionment purposes.

The district of attendance shall record and report separately the attendance of pupils who live in another school district.

SEC. 5. It is the intent of the Legislature, if this bill and Assembly Bill No. 1267 are both chaptered and this bill is chaptered after Assembly Bill No. 1267, that the provisions proposed by this act shall not become operative. Therefore, this act shall become operative only if Assembly Bill No. 1267 is not chaptered.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit this act to become operative as early as possible in the 1973–1974 fiscal year, and so facilitate the orderly administration of interdistrict attendance agreements in that fiscal year, it is necessary that this act take effect immediately.

CHAPTER 208

An act to amend Sections 16113, 16115, 16130, 16148, 16150, and 16170 of, and to add Section 16123 to, the Government Code, to amend Sections 3255, 3256, 6499.234, 10801, 10805, 10813, 11872, 13520.3, 17301, 17507.5, 17654.5, 17664, 17702, 17702.5, 17706, 17951, 18102, 18102.2, 18102.4, 18102.6, 20704, 20803, 20804, 20903, 20904, 20905, and 20906 of, to add Sections 5605, 5605.1, 5605.2, 5605.3, 10801.1, 20803.2, 20904.1, 20904.3, 20905.5, 20909.1, and 20909.2 to, to repeal Sections 5605, 5605.1, 5605.5, 5605.6, 18105, 20909, 20910, 20910.5, 20911, and 20912 of, and to add Article 1.4 (commencing with Section 885.7) to Chapter 4 of Division 3 of, Chapter 3 (commencing with Section 20450) to Division 15 of, and Chapter 3.5 (commencing with Section 20910) to Division 16 of, the Education Code, to amend Sections 218.5, 401.4, 2164.3, 17053.5,

19062, 19062.11, 23186, and 23332.5 of, and to add Section 18601.1 to, the Revenue and Taxation Code, to repeal Section 10 of Chapter 1147 of the Statutes of 1972, and to amend Section 36 of Chapter 1406 of the Statutes of 1972, relating to the financing of state and local governments, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1973. Filed with Secretary of State July 11, 1973]

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

SECTION 1. Section 16113 of the Government Code is amended to read:

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 September 30th for tax losses attributable to Sections 219 and 5523 of the Revenue and Taxation Code.

SEC. 1.5. Section 16115 of the Government Code is amended to read:

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 he shall pay on or before October 15th the amounts claimed by September 30th 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.

SEC. 1.7. Section 16123 is added to the Government Code, to read:

16123. From the amount appropriated from the State General Fund by Section 16100, the Controller each year shall pay to each county, upon receipt of a verified claim from the county auditor, ten cents ($0.10) for each homeowners' property tax exemption, which amount includes full reimbursement for furnishing the additional information required pursuant to Section 218.5 of the Revenue and

Taxation Code.

The county auditor shall file a claim for this purpose with the State Controller on or before October 31st of each year.

SEC. 2. Section 16130 of the Government Code is amended to read:

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 Chapter 1406 of the Statutes of 1972, 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 Chapter 1147 of the Statutes of 1972.

(b) For the 1974–1975 fiscal year, he shall transfer eighty-two million dollars ($82,000,000) to be allocated on the basis of the educational need factor formula described in subdivision (a), and forty million dollars ($40,000,000) to finance the Early Childhood Education Program, established by Chapter 1147 of the Statutes of 1972

(c) For the 1975–1976 fiscal year and each fiscal year thereafter, he shall transfer 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.

(d) The funds appropriated in this section for purposes of funding Chapter 1147 of the Statutes of 1972 shall be expended on grades kindergarten through 3 only, unless otherwise authorized by the Legislature.

SEC. 3. Section 16148 of the Government Code is amended to read:

16148. The Superintendent of Public Instruction shall determine the amount by which the school district tax rate for general fund purposes for each school district in which land assessed pursuant to Section 423 or 423.5 of the Revenue and Taxation Code is situated exceeds:

(a) Two dollars and twenty-three cents ($2.23) for each elementary district.

(b) One dollar and sixty-four cents ($1.64) for each high school district.

(c) Three dollars and eighty-seven cents ($3.87) for each unified district maintaining grades kindergarten through 12.

(d) Twenty-five cents ($0.25) for each community college district. The Superintendent of Public Instruction shall then determine the product of such amount multiplied by the open-space adjustment determined pursuant to Section 16149.

SEC. 3.3. Section 16150 of the Government Code is amended to read:

16150. Notwithstanding any other provision of this chapter, no school district shall receive more than the following amount for each acre of land within the district assessed pursuant to Sections 423 and 423.5 of the Revenue and Taxation Code:

(a) For basic aid districts: one dollar ($1) for community college districts; three dollars ($3) for high school districts; and three dollars and fifty cents ($3.50) for elementary school districts.

(b) For equalization aid districts: one and one-half times the amount specified for basic aid districts.

(c) Unified districts shall receive no more than the combined amounts indicated in subdivisions (a) and (b) for their elementary and high school components.

In addition, a basic aid school district shall not receive any assistance under the provisions of this article if its actual assessed value per pupil is greater than the product of the base year (as defined in subdivision (a) of Section 16149) assessed value per pupil times the percentage which the estimated or actual current expense of education per pupil in the state for the current year is of the current expense of education per pupil in the state for the base year.

For the 1973–74 fiscal year only, school districts shall receive the amount of the entitlement computed for 1973–74 pursuant to this article or the amount allowed to such districts per unit of average daily attendance in the second principal period for 1972–73 multiplied times the average daily attendance in the second principal period for 1973–74, whichever is the greater.

The Legislature shall review the Open Space Land Conservation Act reimbursement to school districts prior to July 1, 1974, for the purpose of determining how it should relate to the school apportionment formulas and revenue limits in Sections 17651 to 17771, inclusive, and Sections 20903 to 20905, inclusive, of the Education Code.

SEC. 4. Section 16170 of the Government Code is amended to read:

16170. Out of the amount appropriated to the Controller by Section 16100, he shall pay the following amounts for the 1972–73 fiscal year:

(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.

SEC. 4.5. Article 1.4 (commencing with Section 885.7) is added to Chapter 4 of Division 3 of the Education Code, to read:

Article 1.4. Transfer of Educational Program to the County Superintendent of Schools

885.7. No educational programs for physically handicapped, educable mentally retarded, trainable mentally retarded, regional occupational centers, or regional occupational programs already in operation in school districts shall be transferred to the county superintendent of schools without the approval of the Superintendent of Public Instruction.

The Superintendent of Public Instruction shall approve such transfers only if he determines that it is in the best interest of the education and welfare of the pupils attending the program to be transferred.

SEC. 5. Section 5605 of the Education Code is repealed.

SEC. 5.3. Section 3255 of the Education Code is amended to read:

3255. In any proposal for reorganization of school districts, except a community college district, recommended by a county committee, the committee shall include a provision for the authorization of a revenue limit per unit of average daily attendance for the proposed new district, and such provision shall be an inherent part of the proposal, and shall not be construed as a separate proposition. If the reorganization is approved by the registered voters of the area, such revenue limit per unit of average daily attendance shall be the maximum revenue limit per unit of average daily attendance for the type of new district formed until changed by Section 20905 or by the registered voters of the district in the manner prescribed in Section 20803.2. Such revenue limit per unit of average daily attendance shall not be less than the revenue limit which would be produced if (1) the sum of the revenue limits each of the districts proposed to be wholly or partially included therein during the year prior to the fiscal year in which the reorganization becomes effective for all purposes is divided by the total number of pupils projected for the new district nor more than such revenue limit plus, (2) the revenue limit per unit of average daily attendance required to equal the amount of the difference between the average certificated and the average classified salary of all the component districts during the school year prior to that in which the district becomes effective for all purposes and the average certificated and average classified salary of high school district or districts included in the proposal multiplied by the number of employees in each category at the elementary level. In the event the salary schedule of an included elementary district or unified district is higher than that of a high school district, the county committee may for the purpose of determining a revenue limit under this section substitute that elementary or unified district salary schedule for the high school district schedule.

SEC. 5.5. Section 3256 of the Education Code is amended to read:

3256. The county committee may propose a revenue limit per unit of average daily attendance in excess of that provided in Section 3255 as a separate proposition. The ballot proposition shall contain

substantially the words "Shall the revenue limit per unit of average daily attendance of the proposed new district be _____, such limit to be in effect for the school years _____ through _____, the funds from such revenue limit are to be used for _____ (insert proposed uses of the funds)?" or the words "Shall the revenue limit per unit of average daily attendance of the proposed new district be _____, such limit to be in effect for the school years commencing 19__, the funds so raised are to be used for _____ (insert proposed uses of the funds)?" Opposite such words in separate lines, the words "Yes" and "No" shall be printed with a voting square after each word. In the event the committee proposes a revenue limit per unit of average daily attendance under the provisions of both this section and Section 3255, the revenue limit per unit of average daily attendance proposed under this section shall be the revenue limit per unit of average daily attendance for the district if a majority of the votes cast are in favor of the proposition.

SEC. 6. Section 5605 is added to the Education Code, to read:

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

(b) The amount of the tuition charge for the 1973–74 fiscal year shall be computed by the county superintendent of schools as follows:

(1) Divide the tuition paid to the high school district in the 1972–73 fiscal year, exclusive of funds received pursuant to Public Law 81-874, by the estimated average daily attendance of seventh- and eighth-grade pupils in the second principal apportionment of that year attending junior high schools in the high school district.

(2) Divide the taxes raised from the assessed valuation of the elementary district pursuant to Section 20808.5, in the 1972–73 fiscal year, by the estimated average daily attendance of seventh- and eighth-grade pupils in the second principal apportionment of that year attending junior high schools in the high school district.

(3) Add the amounts computed per unit of average daily attendance in paragraphs (1) and (2) and the estimated state apportionment per average daily attendance for seventh- and eighth-grade pupils in the 1972–73 fiscal year.

(4) The increased revenue per unit of average daily attendance as computed in subdivision (f) of Section 20904 added to the amount established in paragraph (3) shall be the tuition limit per unit of seventh- and eighth-grade average daily attendance for the 1973–1974 fiscal year attending junior high schools in the high school district.

(c) An elementary district whose seventh- and eighth-grade pupils are entering junior high and for which no tuition limit can be determined pursuant to subdivision (b) shall pay a tuition agreed upon between the high school district and the elementary district,

which shall be no less than the revenue limit per unit of average daily attendance of the elementary district for that year.

(d) For the 1974–75 fiscal year and fiscal years thereafter, the tuition limit per unit of average daily attendance as computed pursuant to subdivision (b) or (c) shall be adjusted by the increase in the revenue limit per unit of average daily attendance computed pursuant to subdivision (g) of Section 20905 for the current year.

(e) The tuition limit per unit of seventh- and eighth-grade average daily attendance determined pursuant to this section less the state apportionment transferred pursuant to Section 17411 shall be the maximum amount that the elementary district shall pay to the high school district.

SEC. 7. Section 5605.1 of the Education Code is repealed.

SEC. 8. Section 5605.1 is added to the Education Code, to read:

5605.1. In addition to the tuition limit computed in subdivision (c) of Section 5605, those elementary school districts participating in a junior high school which receive funds pursuant to Public Law 81-874 shall pay an amount equal to 90 percent of the entitlement paid from funds received pursuant to Public Law 81-874 for the pupils in grades 7 and 8 attending junior high schools in the high school district to the high school district as a part of the tuition charge pursuant to Section 5605.

SEC. 9. Section 5605.2 is added to the Education Code, to read:

5605.2. On or before January 1 of each fiscal year, the governing board of the elementary school district shall draw its warrant in favor of the high school district against the general fund of the elementary school district in the amount of 50 percent of the estimated tuition charge due to the high school district for the attendance of pupils at the junior high school during the current fiscal year, exclusive of state apportionments transferred pursuant to Section 17411. The amount of the warrant shall be credited to the general fund of the high school district.

On or before May 1 of each fiscal year, the governing board of the elementary school district shall draw its warrant in favor of the high school district against the general fund of the elementary district in the amount of 30 percent of the estimated tuition charge due to the high school district for the attendance of pupils at the junior high school during the current fiscal year, exclusive of state apportionments transferred pursuant to Section 17411. The amount of the warrant shall be credited to the general fund of the high school district.

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

close of the fiscal year, shall be considered revenues of the preceding fiscal year.

SEC. 10. Section 5605.3 is added to the Education Code, to read:

5605.3. Notwithstanding Section 5605, the governing board of an elementary school district situated within a high school district maintaining a junior high school is not required to permit its pupils who have completed the sixth year of the elementary school to attend the junior high school maintained by the high school district if the elementary school district has, pursuant to the provisions of this article, withdrawn from the junior high school system maintained by the high school district.

SEC. 11. Section 5605.5 of the Education Code is repealed.

SEC. 12. Section 5605.6 of the Education Code is repealed.

SEC. 13. Section 6499.234 of the Education Code is amended to read:

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 1974–75 and for each year thereafter, districts which demonstrate a high degree of program effectiveness shall continue to receive their computed entitlements. Districts which demonstrate low levels of program effectiveness may continue to receive their computed entitlements, but the Superintendent of Public Instruction shall reduce the entitlements due such districts if he determines that such programs have limited possibilities of improved achievements.

SEC. 13.2. Section 10801 of the Education Code is amended to read:

10801. The governing board of any school district may admit to the schools or classes maintained in the district any pupil who lives in another school district which maintains schools or classes of the grade levels which the pupil desires to attend. An agreement providing for such attendance shall be entered into between the governing board and the governing board of the district in which the pupil lives. The agreement shall stipulate the terms upon which the interdistrict attendance shall be permitted. The terms of the agreement shall require the payment to be determined in the manner provided by Section 10805.

SEC. 13.4. Section 10801.1 is added to the Education Code, to read:

10801.1. Effective July 1, 1973, the average daily attendance resulting from an interdistrict attendance agreement shall be credited to the district in which the pupil lives. In computing pursuant to Article 6 (commencing with Section 20902) of Chapter 3 of Division 16 the 1972–73 base revenue, all amounts received in fiscal year 1972–73 by the school district of attendance pursuant to an interdistrict attendance agreement executed pursuant to Section

10801 may be included.

SEC. 13.6. Section 10805 of the Education Code is amended to read:

10805. If the county board of education determines that the pupil should be permitted to attend in the district in which he desires to attend, the governing board of the district in which the pupil lives shall pay to the district of attendance, on or before the close of each school year in which the pupil attends in the district of attendance an amount, if any, which shall not exceed the revenue limit per unit of average daily attendance of the district of attendance.

SEC. 13.8. Section 10813 of the Education Code is amended to read:

10813. Except as may otherwise be specially provided, the average daily attendance of all pupils, excepting pupils attending the seventh and eighth grades of a junior high school, who live in one school district and attend school in another school district shall be credited to the district in which the pupil lives for apportionment purposes.

The district of attendance shall record and report separately the attendance of pupils who live in another school district.

SEC. 13.9. Section 11872 of the Education Code is amended to read:

11872. For the purpose of providing funds with which to obtain school meals for needy pupils, the governing board of any school district may levy and collect a district tax over and above the maximum elsewhere specified in this code but not to exceed five cents ($0.05). Not more than 6 percent of such funds may be used for the administrative and clerical costs of conducting such a program.

SEC. 14. Section 13520.3 of the Education Code is amended 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 number of days per year in which school is in session bears to the number of days in which school was in session per year prior to the commencement of year-round operation. No classroom teacher employed by a school district which converts to a year-round program may be required to work more than the number of days in which school had been in session in a regular school year without his consent.

Nothing in this section shall be construed to restrict local governing boards in exercising their powers to govern schools including the assignment of teachers under the provisions of Sections 1051 and 1052.

SEC. 15. 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, excluding defined adults, 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 as follows:

For the 1974–75 fiscal year, each elementary and high school foundation program shall be increased by sixty dollars ($60) except that if the percentage increase of the statewide ratio of assessed valuation per unit average daily attendance in kindergarten and grades 1 to 12, inclusive, determined in subdivision (e) is less than seven, the sixty dollars ($60) shall be reduced proportionately, but to no less than fifty dollars ($50). The foundation program for defined adults in high school districts shall be increased by twenty-seven dollars ($27).

For the 1975–76 fiscal year, each elementary and high school foundation program shall be increased by sixty-three dollars ($63) except that if the percentage increase of the statewide ratio of assessed valuation per units of average daily attendance in kindergarten and grades 1 to 12, inclusive, determined in subdivision (e) is less than seven, the sixty-three dollars ($63) shall be reduced proportionately, but to no less than fifty-three dollars ($53). The foundation program for defined adults in high school districts shall be increased by twenty-nine dollars ($29).

For the 1976–77 fiscal year, each elementary and high school foundation program shall be increased by sixty-six dollars ($66) except that if the percentage increase of the statewide ratio of assessed valuation per units of average daily attendance in kindergarten and grades 1 to 12, inclusive, determined in subdivision (e) is less than seven, the sixty-six dollars ($66) shall be reduced proportionately, but to no less than fifty-six dollars ($56). The foundation program for defined adults in high school districts shall be increased by thirty-one dollars ($31).

The Superintendent of Public Instruction shall prepare a report for the Legislature, to be submitted by December 1, 1976, which shall

show the most current trends in costs for school districts, equalization of school district expenditures per average daily attendance, equalizations of property taxation for schools, adequacy levels in expenditures per average daily attendance, school enrollment, assessed valuations, assessed valuation per average daily attendance, and general cost changes in the state for the purpose of giving the Legislature information that the Legislature may use to enact new provisions about increases or decreases in the foundation programs for public schools support. For the 1977–78 fiscal year and fiscal years thereafter, and if the Legislature does not provide otherwise, the increase in elementary and high school foundation programs shall be 6 percent times an amount which is determined as follows: (1) multiply the unit elementary school foundation program for unified districts which have an elementary average daily attendance of 901 or more by the elementary foundation program units of average daily attendance of unified districts with 901 or more elementary average daily attendance, plus (2) multiply the unit high school foundation program for unified districts which have a high school average daily attendance of 301 or more, by the average daily attendance of unified districts with 301 or more high school average daily attendance, and (3) divide the result by the sum of the average daily attendance in unified districts with 901 or more elementary average daily attendance plus the average daily attendance in unified districts with 301 or more high school average daily attendance.

The increase in the foundation program for defined adults in high schools shall be 6 percent times the foundation program for defined adults of the prior year.

(f) The amounts transferred pursuant to this section shall include the amounts required to be transferred by Section 16130 of the Government Code, exclusive of the amounts required to be transferred pursuant to Section 16130 of the Government Code for the educational need factor formula and the Early Childhood Educational Program.

SEC. 17. Section 17507.5 of the Education Code is amended to read:

17507.5. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes.

(a) The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class.

(b) The total number of pupils which are in excess of thirty-three (33) in each class having an enrollment of more than thirty-three (33).

(c) The total number of pupils by which the average class size in the district exceeds 31.

(d) The greater number of pupils as determined in (b) or (c) above.

(e) He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (d) of this section by ninety-seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 17601.1 by the resulting product.

SEC. 18. Section 17654.5 of the Education Code is amended to read:

17654.5. For each elementary school district which maintains only one school with an average daily attendance of less than 101, he shall make one of the following computations, whichever provides the lesser amount:

(1) For each small school which has an average daily attendance during the fiscal year of less than 26, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least one teacher was hired full time, he shall compute for the district eighteen thousand eight hundred seventy-five dollars ($18,875).

(2) For each small school which has an average daily attendance during the fiscal year of 26 or more and less than 51, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least two teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district thirty-seven thousand seven hundred fifty dollars ($37,750).

(3) For each small school which has an average daily attendance during the fiscal year of 51 or more but less than 76, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school three teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district fifty-six thousand six hundred twenty-five dollars ($56,625).

(4) For each small school which has an average daily attendance during the fiscal year of 76 or more and less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school four teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district seventy-five thousand five hundred dollars ($75,500).

SEC. 22. 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	$16,520 per teacher
1– 20	3	83,760
21– 40	4	100,280
41– 60	5	116,800
61– 75	6	133,320
76– 90	7	149,840
91–105	8	166,360
106–120	9	182,880
121–135	10	199,400
136–150	11	215,920
151–180	12	232,440
181–220	13	248,960
221–260	14	265,480
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. 25. 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, modified pursuant to Section 17262, 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. 25.3. Section 17702.5 is added to the Education Code, to read:

17702.5. Any elementary school district shall be excluded from the application of the provisions of Sections 17680, 17702.2 and Chapter 3.5 (commencing with Section 20910) of Division 16, and shall be deemed to be a single elementary district for purposes of school apportionments and school district property taxation, when all of the following qualifications are met.

(1) It is an elementary district which had an average daily attendance in 1972–73 between 250 and 400, inclusive.

(2) It is an elementary district which has been included in at least two proposals for the formation of a unified district, none of which have been adopted by the electorate of the area.

(3) It is an elementary district which, if treated as a single district for school apportionment purposes, would have been apportioned only basic state aid.

(4) It is an elementary district which, when included in an areawide tax support program for elementary schools, would have been allocated in areawide aid at least forty-five thousand dollars ($45,000) less than the amount produced by the areawide tax in that district.

SEC. 26. 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 modified pursuant to Section 17262. 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 modified pursuant to Section 17262.

SEC. 27. Section 17951 of the Education Code is amended to read:

17951. The allowance for each unit of average daily attendance during the fiscal year for adults, as adults are defined in Section 5756, shall be as follows:

(a) For high school districts the allowance shall be three hundred eighty-six dollars ($386) less the product of fifty cents ($0.50) multiplied by each one hundred dollars ($100) of the assessed valuation of the district per unit of average daily attendance exclusive of adults.

(b) For each unit of average daily attendance attached to a community college the allowance shall be five hundred fifty-six dollars ($556) less the product of twenty-four cents ($0.24) multiplied by each one hundred dollars ($100) of the assessed valuation of the district per unit of average daily attendance exclusive of adults.

The allowance provided by this section for each unit of average daily attendance of an adult, as an adult is defined in Section 5756, not residing in the district and not residing in any district maintaining a community college shall be limited to one hundred twenty-five dollars ($125) as basic state aid and no allowance shall be made based on state equalization aid. The total of basic and equalization aid allowed each district shall not be less than one hundred twenty-five dollars ($125) for each unit of average daily attendance during the fiscal year for resident adults, exclusive of average daily attendance in classes for inmates of any state institution for adults and for inmates of any city, county, or city and county jail, road camp or farm for adults; unless the inmate is attending a community college class or program pursuant to Section 2690 of the Penal Code, in which case such attendance shall be included.

SEC. 28. 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 in special classes during the current fiscal year an amount computed as follows:

(a) He shall divide the average daily attendance in each particular class size category by the maximum class size established for each particular class size category, and increase the quotient to the next highest integer where a fractional amount is produced.

(b) He shall then determine for each particular class size category the product of the amount computed under subdivision (a) multiplied by the maximum class size established by law for special day classes for the particular category.

(c) He shall then multiply the amount computed under

subdivision (b) by the following amount of the particular level and category:

Category	Elementary grades (K–8)	High school grades (9–12)	Community college grades (13–14)
Physically handicapped			
Class-size maximum of 3	$5,400	–	–
Class-size maximum of 5	3,100	$2,965	$2,810
Class-size maximum of 6	2,520	–	–
Class-size maximum of 8	1,800	1,670	1,510
Class size maximum of 10	1,370	1,240	1,080
Class-size maximum of 12	1,085	950	800
Class-size maximum of 16	725	590	435
Class-size maximum of 20	–	375	220

SEC. 29. 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 in special classes during the current fiscal year an amount computed as follows:

(a) He shall divide the average daily attendance in each particular class size category by the maximum class size established for each particular class size category, and increase the quotient to the next highest integer where a fractional amount is produced.

(b) He shall then determine for each particular class size category the product of the amount computed under subdivision (a) multiplied by the maximum class size established by law for special day classes for the particular category.

(c) He shall then multiply the amount computed under subdivision (b) by the following amount of the particular level and category:

Category	Elementary grades (K–8)	High school grades (9–12)	Community college grades (13–14)
Mentally retarded (as defined in Section 6902)			
Class-size maximum of 15	$570	$440	$280
Class-size maximum of 18	420	285	130

SEC. 30. 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 in special classes

during the current fiscal year an amount computed as follows:

(a) He shall divide the average daily attendance in each particular class size category by the maximum class size established for each particular class size category, and increase the quotient to the next highest integer where a fractional amount is produced.

(b) He shall then determine for each particular class size category the product of the amount computed under subdivision (a) multiplied by the maximum class size established by law for special day classes for the particular category.

(c) He shall then multiply the amount computed under subdivision (b) by the following amount of the particular level and category:

Category	Elementary grades (K–8)	High school grades (9–12)	Community college grades (13–14)
Mentally retarded (as defined in Section 6903)			
Class-size maximum of 12	$920	$785	$630

SEC. 31. 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 in special classes during the current fiscal year an amount computed as follows:

(a) He shall divide the average daily attendance in each particular class size category by the maximum class size established for each particular class size category, and increase the quotient to the next highest integer where a fractional amount is produced.

(b) He shall then determine for each particular class size category the product of the amount computed under subdivision (a) multiplied by the maximum class size established by law for special day classes for the particular category.

(c) He shall then multiply the amount computed under subdivision (b) by the following amount of the particular level and category:

Category	Elementary grades (K–8)	High school grades (9–12)	Community college grades (13–14)
Educationally handicapped			
Class-size maximum of 12	$1,000	$870	$710

SEC. 31.5. Section 18105 of the Education Code is repealed.

SEC. 32. Chapter 3 (commencing with Section 20450) is added to Division 15 of the Education Code, to read:

CHAPTER 3. MAXIMUM PROPERTY TAX RATES FOR THE COUNTY SUPERINTENDENT OF SCHOOLS

Article 1. Computation of Tax Rates

20450. (a) The property tax rates that the county superintendent of schools is authorized to levy for special schools and classes shall be determined pursuant to this chapter.

(b) The maximum allowable tax rate for educable mentally retarded and the maximum allowable tax rate for trainable mentally retarded shall be determined for each in the following manner:

(1) The county superintendent shall determine the average expenditure per class, exclusive of capital outlay, for the 1972–73 fiscal year;

(2) He shall increase this amount by 5 percent;

(3) He shall multiply the amount determined in paragraph (2) by the number of classes estimated to be established for the 1973–74 fiscal year;

(4) He shall decrease the amount determined in paragraph (3) by the federal aid, all state aid, the local foundation program contribution of the districts, pursuant to Section 885.5, and any other local income other than property tax revenue;

(5) The remainder determined in paragraph (4), if any, may be raised by a tax rate levied on the assessed valuation of the school districts for which the program is available.

(c) The maximum allowable tax rate for special classes of physically handicapped shall be determined as follows:

(1) The county superintendent shall determine the average expenditure per type of class, exclusive of capital outlay, for the 1972–73 fiscal year;

(2) He shall increase this amount by 5 percent;

(3) He shall multiply the amount determined in paragraph (2) by the number of classes estimated to be established for the 1973–74 fiscal year;

(4) He shall decrease the amount determined in paragraph (3) by the federal aid, all state aid, the local foundation program contribution of the districts pursuant to Section 885.5, and any other local income other than property tax revenue;

(5) The remainder determined in paragraph (4), if any, may be raised by a tax rate levied on the assessed valuation of the districts for which the program is available.

(d) The maximum allowable tax rate for each of the physically handicapped programs of remedial instruction including special blind instruction, remedial physical education, and individual instruction shall be determined in the following manner:

(1) The county superintendent of schools shall determine the expenditure per average daily attendance, excluding capital outlay, for the 1972–73 fiscal year;

(2) He shall increase the amount per average daily attendance by

5 percent,

(3) He shall multiply the amount determined in paragraph (2) by the estimated number of average daily attendance for the 1973–74 fiscal year;

(4) He shall decrease the amount determined in paragraph (3) by the federal aid, all state aid, local foundation program contribution of districts pursuant to Section 885.5, and any other local income other than property tax revenue;

(5) The remainder from paragraph (4) may be raised by a tax rate over the assessed valuation of the districts for which each program is available.

(e) The maximum tax rate for the juvenile hall program shall be determined in the following manner:

(1) The county superintendent of schools shall determine an expenditure per unit of average daily attendance, excluding capital outlay, for the 1972–73 fiscal year;

(2) He shall increase the amount per average daily attendance by 5 percent,

(3) He shall multiply the amount determined in paragraph (2) by the estimated number of average daily attendance for the 1973–74 fiscal year;

(4) He shall decrease the amount determined in paragraph (3) by the federal aid, all state aid, and local income other than property tax revenue;

(5) The remainder from paragraph (4) may be raised by a tax rate over the assessed valuation of the county.

(f) The maximum tax rate for any program in subdivisions (b) to (e), inclusive, for each fiscal year subsequent to the 1973–74 fiscal year shall be determined by:

(1) Increasing the allowed average expenditure per class or average daily attendance for the prior year by the inflation adjustment determined by the Superintendent of Public Instruction and the Director of Finance;

(2) Multiplying the amount determined in paragraph (1) by the estimated number of classes or units of average daily attendance projected for the budget year;

(3) Reducing the amount determined in paragraph (2) by the appropriate methods prescribed in subdivision (b) to (e), inclusive, and by any amount which resulted from overestimating the number of classes pursuant to subdivisions (b) and (c) or the number of average daily attendance pursuant to subdivisions (d) and (e), and determining the tax rate pursuant to the appropriate subdivision.

20451. The maximum tax rates the county superintendent of schools may levy for the purposes and under the terms and conditions of Sections 885.5, 5661, 6955, 17263.1, 20157, and 20202 shall be that necessary to pay the estimated costs for each.

20452. The maximum tax rate the county superintendent of schools may levy pursuant to Section 6739, 6880.16, or 7456 shall be that necessary to fund the proposed authorized expenditures,

exclusive of capital outlay, after all federal aid, state aid, and local income, other than from property tax revenue has been deducted, but in no case shall the rate exceed that limit prescribed in Section 6739, 6880.16 or 7456 for current expenses only.

20453. The county superintendent of schools may levy the tax rate necessary for payments required pursuant to any school building aid law.

20454. The county superintendent may levy a tax rate for capital outlay costs for all purposes, not funded in Section 20453, except that proceeds from this tax may not be used to construct any administration facilities or centers unless, and to the extent that, a tax was levied and collected for such purpose in the 1972–73 fiscal year. The tax rate shall be levied on the areas served, but the rate in any portion of the county shall not exceed five cents ($0.05) per one hundred dollars ($100) of assessed valuation.

20455. The county superintendent of schools may levy a tax rate necessary to pay tuition charges for excess costs which are billed the county superintendent for children enrolled in mandated programs.

20456. (a) The county superintendent shall have a maximum tax rate available for the operation, maintenance and housing of the county office and for any ongoing program, not included in any previous section of this article.

(b) For fiscally independent county superintendent offices, the maximum allowable tax rate shall be the rate levied for these purposes in 1971–72 or 1972–73, whichever is higher, minus that portion of the rate levied for capital outlay and juvenile hall purposes. This maximum rate may be exceeded in the amount and under the terms specified in subdivision (c) of Section 2165 of the Revenue and Taxation Code.

(c) For fiscally nonindependent county superintendent offices, the maximum allowable tax rate shall be computed by determining the amount of expenditures for the county superintendent of schools' office, exclusive of capital outlay expenditures and expenditures for juvenile hall purposes, in 1971–72 and 1972–73 which were funded from property tax revenues attributable to the county general fund. The amount for each year shall be converted to a tax rate equivalent for that year by dividing each amount by the assessed value of the county in that year and multiplying the quotient by 100; the higher of the two resulting tax rate equivalents shall be the maximum allowable tax rate. This maximum rate may be exceeded in the manner and under the terms specified in subdivision (c) of Section 2165 of the Revenue and Taxation Code.

(d) The maximum allowable tax rate described in this section is not intended to prohibit a county from augmenting the budget of the county superintendent of schools offices from general county funds. If the budget of the county superintendent of schools, as set by the county, does not require the full amount of the maximum allowable rate, the difference between the maximum rate and the actual rate required shall not be levied and shall not be available for any other

county purpose.

(e) The maximum allowable tax rates described in this section may be increased by a majority vote of those voting on a proposition relating to such increase. Such a proposition may be voted on only in conjunction with a general countywide election.

20457. In any fiscal year, new maximum allowable rates shall be computed as if the maximum allowable rates were levied in the prior fiscal year, but such maximum allowable rates need not be levied.

20458. None of the rates authorized pursuant to this article shall be included in computing the maximum allowable tax rates for counties pursuant to Article 2 (commencing with Section 2165) of Chapter 1.5 of Part 4 of Division 1 of the Revenue and Taxation Code.

SEC. 32.5. Section 20704 of the Education Code is amended to read:

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

(a) They shall divide the amount of taxes as required to be raised by the unequalized value of the secured roll, exclusive of the assessed valuation increment used to allocate tax receipts to a redevelopment agency pursuant to Article 6 (commencing with Section 33670) of Chapter 6 of Part 1 of Division 24 of the Health and Safety Code, of the last assessment roll of the district after due allowance for delinquencies. The rate shall be such as will produce the amount determined as necessary to be raised by taxation on the secured roll.

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

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

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

SEC. 33. Section 20803 of the Education Code is amended to read:

20803. Any maximum rate of tax for any community college district may be increased and, having been increased, may be decreased by an amount equal to or less than the amount of such increase, by a majority vote of the qualified electors of the

community college district at an election which may be ordered by the governing board of the community college district of its own motion and shall be ordered within 90 days after the filing with the governing board of a petition signed by not less than 10 percent of the registered voters of the district, requesting that an election be ordered, unless the petitioners request that the election be consolidated with the annual election for members of the governing board, or that the election be consolidated with the general election.

Any decrease in an increased maximum tax rate pursuant to this section shall not be in an amount which will reduce the tax rate for the district below the maximum specified in Section 20751. The governing board shall determine whether the increase or decrease shall remain in effect for a specified or unspecified period of time, unless the petition filed by the electors provides for a specified or unspecified period of time. If a specified period is provided for in the petition or determined upon by the governing board, such period shall be stated on the ballot.

Pursuant to the order of the governing board, the election shall be called, held, and conducted by the county superintendent of schools, as nearly as is practicable in accordance with the provisions of Chapter 6 (commencing with Section 1301) of Division 4.

The specification of the election order shall contain the information provided in Section 1323 of this code and shall be furnished the county superintendent of schools by the governing board of the district for all maximum tax increase or decrease elections ordered by it.

The costs incurred by the county clerk or registrar of voters and the county superintendent of schools in connection with this section shall be paid out of the funds of the district.

Except as otherwise herein provided, the ballot used in the election shall contain substantially the words "Shall the proposed (increase decrease) in the maximum tax rates from _____ ($_____) to _____ ($_____) for each one hundred dollars ($100) of assessed valuation of property, such rate to be in effect in the _____ District for the school year (or years) 19__ to 19__, the revenues of which are to be used for _____, be authorized?" or the words "Shall the proposed (increase decrease) in the maximum tax rates from _____ ($_____) to _____ ($_____) for each one hundred dollars ($100) of assessed valuation of property commencing on _____, such rate to be in effect in the _____ District for the school years commencing 19__, the revenues of which are to be used for _____, be authorized?" Opposite such words, in separate lines, the words "Yes" and "No" shall be printed, with a voting square opposite each such word. If, at any prior election held in the district, the maximum tax rate of the district was increased for a specified period of time, and if the election is called for the purpose of continuing in effect the previously authorized increase in the maximum tax rate of the district, the ballot shall contain substantially the words "Shall the existing maximum tax rate of _____

($_____) for each one hundred dollars ($100) of assessed valuation of property be continued in the _____ District for the school years 19__ to 19__, the revenues of which are to be used for _____?" Opposite such words in separate lines, the words "Yes" and "No" shall be printed with a voting square opposite each such word. Each voter shall stamp a cross in the voting square after the answer he desires to give.

Whenever the maximum tax rate of a community college district is increased for either a specified or unspecified period of time and during such period an election is called for the purpose of further increasing the maximum tax rate of the district, the ballot used in the election shall show only the authorized maximum tax rate of the district in effect at the time of the election and the proposed maximum tax rate.

If an election for a decrease in an increased maximum tax rate of a district is held in any year prior to or concurrently with the district election for governing board members, any decrease adopted at such election shall become effective on July 1st following the election. If an election for a decrease in an increased tax rate of a district is held in any year after the date of the district election for governing board members, any decrease adopted at such election shall not become effective until July 1st of the next succeeding year.

SEC. 34. Section 20803.2 is added to the Education Code, to read:

20803.2. Effective September 4, 1973, and thereafter, any revenue limit per unit of average daily attendance for any elementary, high school and unified district may be increased and, having been increased, may be decreased, by an amount equal to or less than the amount of such increase, by a majority vote of the qualified electors of the school district at an election which may be ordered by the governing board of the school district of its own motion and shall be ordered within 90 days after the filing with the governing board of a petition signed by not less than 10 percent of the registered voters of the district, requesting that an election be ordered, unless the petitioners request that the election be consolidated with the annual election for members of the governing board, or that the election be consolidated with the general election.

The governing board shall determine whether the increase or decrease shall remain in effect for a specified or unspecified period of time, unless the petition filed by the electors provides for a specified or unspecified period of time. If a specified period is provided for in the petition or determined upon by the governing board, such period shall be stated on the ballot.

Pursuant to the order of the governing board, the election shall be called, held, and conducted as nearly as is practicable in accordance with the provisions of Chapter 6 (commencing with Section 1301) of Division 4.

The specification of the election order shall contain the information provided in Section 1323 and shall be furnished by the governing board of the district for all revenue limit increase or

decrease elections ordered by it.

The costs incurred by the county clerk or registrar of voters and the county superintendent of schools in connection with this section shall be paid out of the funds of the district.

Except as otherwise herein provided, the ballot used in the election shall contain substantially the words "Shall there be authorized an (increase, decrease) of the revenue limit per unit of average daily attendance from _____ dollars ($_____) to _____ dollars ($_____), such (increase, decrease) to be effective in the _____ School District for the (school year 19__, only, years 19__, to 19__, years commencing 19__) the revenues of which are to be used for _____?

"The estimated (increase, decrease) of the revenue limit will result in an (increase, decrease) to the tax rate of the _____ School District in the first year from _____ dollars ($_____) to _____ dollars ($_____) for each one hundred dollars ($100) of assessed valuation of property." Opposite such words, in separate lines, the words "Yes" and "No" shall be printed, with a voting square opposite each such word. If, at any prior election held in the district, after the effective date of this section, the revenue limit of the district had been increased for a specified period of time, and if the election is called for the purpose of continuing in effect the previously authorized increase in the revenue limit per unit of average daily attendance of the district, the ballot shall contain substantially the words "Shall the existing revenue limit increase of _____ dollars ($_____) per unit of average daily attendance be continued in the _____ School District for the school years 19__ to 19__, the revenues of which are to be used for _____?" Opposite such words in separate lines, the words "Yes" and "No" shall be printed with a voting square opposite each such word. Each voter shall stamp a cross in the voting square after the answer he desires to give.

Whenever the revenue limit per unit of average daily attendance of a school district is increased for either a specified or unspecified period of time and during such period an election is called for the purpose of further increasing the revenue limit per unit of average daily attendance of the district, the ballot used in the election shall show only the authorized revenue limit increase per unit of average daily attendance of the district in effect at the time of the election and the proposed revenue limit increase per unit of average daily attendance.

If an election for a decrease in an increased revenue limit of a district is held in any year prior to or concurrently with the district election for governing board members, any decrease adopted at such election shall become effective on July 1 following the election. If an election for a decrease in a revenue limit of a district is held in any year after the date of the district election for governing board members, any decrease adopted at such election shall not become effective until July 1 of the next succeeding year.

SEC. 35. Section 20804 of the Education Code is amended to read:

20804. Any such increase or decrease in tax rates or revenue limits shall remain in effect only for the period specified on the ballot, if such period was specified by the governing board.

SEC. 36. Section 20903 of the Education Code is amended to read:

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 1905, 6880.16, 7456 for capital outlay purposes only, 11872, 15517, 15518, 15708, 15709, 16750, 19443, 19619, 19683.5, 19687, 19688, 19695, 19700.3, 20801, 20911, or 22101 of the Education Code and Section 5302.5 of the Streets and Highways Code. 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.

SEC. 37 Section 20904 of the Education Code is amended to read:

20904. For the purposes of this section, the assessed valuation used in computing revenue limits and the maximum tax rate is defined as the total actual assessed valuation, including business inventory and homeowners exemption and exclusive of the assessed valuation increment used to allocate tax receipts to a redevelopment agency pursuant to Article 6 (commencing with Section 33670) of Chapter 6 Part 1 of Division 24 of the Health and Safety Code.

For the purposes of this section, the revenue limit computational tax rate is defined as the district's fiscal year tax rate exclusive of tax rates provided in Section 1905, 6880.16, 7456 for capital outlay purposes only, 11872 but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, 15517, 15518, 15708, 15709, 16633, 16635, 16645.9, 16750, 19443, 19619, 19683.5, 19687, 19688, 19695, 20801, 20911, or 22101 of the Education Code and Section 5302.5 of the Streets and Highways Code.

In computing the sum of the tax rates pursuant to this section, Section 20808.5 shall be considered a rate upon the elementary district taxed and not on the high school district.

(a) For the 1973–74 fiscal year only, the county superintendent of 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 revenue limit computational tax rate, multiplied by the actual assessed valuation on the secured roll of the district for the 1972–73 fiscal year, and the district's 1971–72 fiscal year revenue limit computational tax rate, multiplied by the assessed valuation on the unsecured roll 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 Chapter 117 of the Statutes of 1972, (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, and (5) the amount of income from the equalization offset tax pursuant to Section 17263.1.

(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 seventy dollars ($70) 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 in the second principal apportionment 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), excluding Section 17668.5, Article 2.1 (commencing with Section 17671), and subdivision (a) of Section 17951. 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 116 percent of the 1972–73 base revenue per unit of average daily attendance multiplied by the 1973–74 fiscal year estimated foundation program average daily attendance or the 1972–73 base revenue per unit of average daily attendance plus seventy dollars ($70) multiplied by the 1973–74 fiscal year estimated foundation program average daily attendance, whichever is higher. This revenue limit is exclusive of federal funds and state funds except those specified in subdivision (a).

In lieu of the revenue limit determined pursuant to the preceding paragraphs of subdivision (f) a district may request the county superintendent of schools to determine its revenue limit for the 1973–74 fiscal year using either, but not both, of the two following methods: (1) determine the base revenue per average daily attendance for the 1972–73 fiscal year by including the unused portion of a voted override in the revenue limit computational tax rate, use sixty-five dollars ($65) instead of seventy dollars ($70) as the computational amount in subdivision (d), use 115 percent instead of 116 percent as the computational limit in subdivision (f). For purposes of this paragraph, the unused portion of a voted override shall be determined as the difference between the total of the

maximum tax rate approved by an election pursuant to Section 20803 added to the actual tax rates levied, in the same fiscal year during which the election was held, for all other purposes except pursuant to Sections 1905, 7456 for capital outlay only, 11872 but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, 15517, 15518, 15708, 15709, 16633, 16635, 16645.9, 19443, 19619, 19683.5, 19687, 19688, 19695, 20801, 20930, and 22101 of the Education Code, and Section 5302.5 of the Streets and Highways Code, and the actual tax levied for the 1972–73 fiscal year, including the areawide tax rate levied but exclusive of the tax rates levied pursuant to Sections 1905, 7456 for capital outlay only, 11872 but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, 15517, 15518, 15708, 15709, 16633, 16635, 16645.9, 19443, 19619, 19683.5, 19687, 19688, 19695, 20801, 20930, and 22101 of the Education Code, and Section 5302.5 of the Streets and Highways Code.

(2) Determine the base revenue per average daily attendance for the 1972–73 fiscal year by including an amount equal to the unrestricted balance used to balance income to expenditures in the 1972–73 fiscal year with such amount not to exceed 3 percent of the total expenditures in the General Fund for the 1972–73 fiscal year, use sixty-five dollars ($65) instead of seventy dollars ($70) as the computational amount in subdivision (d), use 115 percent instead of 116 percent as the computational limit in subdivision (f). For purposes of this paragraph, the unrestricted balance shall be determined as the difference when the ending balance, less restricted amounts plus transfers of unrestricted amounts to other funds which remain as ending balances in other funds, is subtracted from the beginning balance, less restricted amounts in the 1972–73 General Fund.

Notwithstanding subdivision (f), if, due to changes in federal legislation or administrative policy, the entitlement under Public Law 81-874 is reduced or discontinued and is not replaced by other federal funding, and if a district experiencing such loss has a revenue limit less than the foundation program, it shall be allowed to increase the revenue limit by an amount equal to the difference between the Public Law 81-874 income per unit of foundation program average daily attendance of the 1972–73 fiscal year and the estimated Public Law 81-874 income per unit of foundation program average daily attendance of the 1973–74 fiscal year, if any, multiplied by the estimated foundation program average daily attendance of the 1973–74 fiscal year. Such increased revenue limit shall not exceed the foundation program of the 1973–74 fiscal year.

(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, the amount of areawide aid to be received for the 1973–74 fiscal year, and the

amount of income to be received from the equalization offset tax pursuant to Section 17263.1.

(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. Such adjustment, together with any rate levied in the 1972–73 fiscal year pursuant to Section 14111, shall not exceed the revenue derived by the tax rate provided in Section 14111.

(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 Chapter 117 of the Statutes of 1972.

(j) From the amount computed in subdivision (i), there shall be subtracted, (1) 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 1905, 7456 for capital outlay purposes only, 11872, 15517, 15518, 15708, 15709, 16633, 16635, 16645.9, 16750, 19443, 19619, 19683.5, 19687, 19688, 19695, 19700.3, 20801, 20911, or 22101 of the Education Code and Section 5302.5 of the Streets and Highways Code and (2) the income from prior year taxes.

(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 after due allowance for delinquencies pursuant to Section 20704. 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 1905, 6880.16, 7456 for capital outlay purposes only, 11872, 15517, 15518, 15708, 15709, 16750, 19443, 19619, 19683.5, 19687, 19688, 19695, 19700.3, 20801, 20911, or 22101 of the Education Code and Section 5302.5 of the Streets and Highways Code. The revenue limit in subdivision (f) notwithstanding, in no case for districts receiving state equalization aid, shall the tax rate 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 a unified school district, except that when the district has levied upon it an areawide tax, such areawide tax rate levied shall be considered first as part of the minimum tax rate limit.

SEC. 38. Section 20904.1 is added to the Education Code, to read:

20904.1. Any voted increase in the maximum tax rate, to be effective commencing with the 1973–74 fiscal year, which does not have a termination date shall be added to the 1972–73 fiscal year and 1971–72 fiscal year tax rates used to determine the 1972–73 base revenue per unit of average daily attendance.

Any voted increase in the maximum tax rate, to be effective commencing with the 1973–74 fiscal year, which does have a termination date shall be multiplied by the total estimated assessed

valuation for the 1973–74 fiscal year, and the result divided by the estimated foundation program average daily attendance of the second principal apportionment for the 1973–74 fiscal year. This override tax revenue per unit of average daily attendance shall be added to the revenue per unit of average daily attendance for the 1973–74 fiscal year prior to the computation of the revenue limit of the district for the 1973–74 fiscal year pursuant to subdivision (f) of Section 20904. For the computation of the revenue limit of the district for the year immediately following the last year of authorization of the voted override, the amount of this increase as it actually affected the revenue limit shall not be included.

SEC. 38.3. Section 20904.3 is added to the Education Code, to read:

20904.3. For any school district in which a voted override tax expired at the end of the 1973–74 fiscal year and which expended, appropriated, or obligated by contract, general purpose tax rate income during the 1972–73 fiscal year for the costs of new buildings or site acquisition, the amount that was expended, appropriated, or obligated by contract during the 1972–73 fiscal year for the costs of new buildings or site acquisition shall be subtracted from the base revenue limit used to determine the revenue limit for the 1974–75 fiscal year.

SEC. 39. Section 20905 of the Education Code is amended to read:

20905. For the 1974–75 fiscal year and each fiscal year thereafter, (a) the maximum general purpose tax rate for each elementary, high, and unified school district in the county shall be computed pursuant to this section by the county superintendent of schools.

(b) The revenue limit per foundation program unit of average daily attendance for the district for the prior fiscal year shall be divided into the appropriate foundation program amount per unit of average daily attendance for the prior year. 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. For high school districts it shall be the foundation program for districts with an average daily attendance of 301 or more. For unified districts, it shall be the sum of (1) the foundation program of elementary districts which have an average daily attendance of 901 or more multiplied by the elementary foundation program units of average daily attendance of unified districts in the second principal apportionment, plus (2) the foundation program for high school districts with an average daily attendance of 301 or more 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 second principal apportionment.

(d) The inflation adjustment jointly determined by the Department of Education and the Department of Finance, which inflation index shall not, in any event, be less than 5 percent or more than 6 percent, 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 has a revenue limit computed pursuant to subdivision (f) which is equal to or less than the foundation program computed for the district pursuant to Article 2 (commencing with Section 17651), excluding Section 17668.5, Article 2.1 (commencing with Section 17651), and subdivision (a) of Section 17951 as adjusted pursuant to subdivision (e) of Section 17301 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%).

For the 1974–75 and 1975–76 fiscal years only, notwithstanding subdivision (g) if, due to changes in federal legislation or administrative policy, the entitlement under Public Law 81-874 is reduced or discontinued and is not replaced by other federal funding, and if a district experiencing such loss has a revenue limit less than the foundation program, it shall be allowed to increase the revenue limit by an amount equal to the difference between the Public Law 81-874 income per foundation program average daily attendance of the prior year and the estimated Public Law 81-874 income per unit of foundation program average daily attendance of the budget year, if any, multiplied by the estimated foundation program average daily attendance of the budget year. Such increased revenue limit shall not exceed the foundation program of the budget year.

(h) From the amount computed pursuant to subdivision (f) or (g), there shall be subtracted the basic state aid and state equalization aid to be received for the budget year, areawide aid to be received for the budget year, and the amount of income to be received from the equalization offset tax pursuant to Section 17263.1.

(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. Such adjustment, together with any rate levied in any prior year pursuant to Section 14111, shall not exceed the

revenue derived by the tax rate provided in Section 14111. 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 1905, 6880.16, 7456 for capital outlay purposes only, 11872, 15517, 15518, 15708, 15709, 16750, 19443, 19619, 19683.5, 19687, 19688, 19695, 19700.3, 20801, 20911, or 22101 of the Education Code and Section 5302.5 of the Streets and Highways Code.

(k) For the purposes of this subdivision, the assessed valuation used in computing the maximum tax rate is defined as the total actual assessed valuation, including business inventory and homeowners exemption and exclusive of the assessed valuation increment used to allocate tax receipts to a redevelopment agency pursuant to Article 6 (commencing with Section 33670) of Chapter 6 of Part 1 of Division 24 of the Health and Safety Code.

The amount determined pursuant to subdivision (j) shall be divided by the amount of actual assessed valuation of the district on the secured roll after due allowance for delinquencies, pursuant to Section 20704. 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 tax rate which may be levied in the district during the 1973–74 fiscal year, exclusive of taxes provided in Section 1905, 6880.16, 7456 for capital outlay purposes only, 11872, 15517, 15518, 15708, 15709, 16750, 19443, 19619, 19683.5, 19687, 19688, 19695, 19700.3, 20801, 20911, or 22101. The revenue limit in subdivision (g) notwithstanding, in no case for districts receiving equalization aid, shall the tax rate 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 a unified school district, except that when the district has levied upon it an areawide tax, such areawide tax rate levied shall be considered first as part of the minimum tax rate limit.

SEC. 39.3. Section 20905.5 is added to the Education Code, to read:

20905.5. A district may add in Sections 20904 and 20905 for purposes of increasing the district's revenue limit for the budget year a portion of its loss in average daily attendance when it is anticipated that the estimated second principal apportionment units of average daily attendance, excluding defined adults and summer school average daily attendance, will be less than those of the preceding year. The number of units of average daily attendance to be added is determined as follows:

(a) When the reduction in average daily attendance is less than 1 percent of the preceding year average daily attendance no adjustment is allowed.

(b) When the reduction in average daily attendance is more than

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1 percent of the preceding year average daily attendance, but less than 2 percent, multiply the estimated average daily attendance, excluding defined adult and summer school average daily attendance, for the budget year by the fraction of a percent by which the difference exceeds 1 percent and add the result to the estimated average daily attendance of the budget year used to set the revenue limit.

(c) When the reduction in average daily attendance is greater than 2 percent of the preceding year average daily attendance, divide the difference in average daily attendance by two and add the quotient to the estimated average daily attendance of the budget year.

The amount calculated in subdivision (b) or (c) shall be considered an addition to the estimated average daily attendance for purposes of increasing the revenue limit, but shall not be used to compute state apportionments.

This amount of adjustment in estimated units of average daily attendance shall be allowed without requiring a reduction in the revenue limit in the subsequent year which otherwise would be required pursuant to Section 20907, except that to the extent that actual data differs from the estimated unit of average daily attendance used in this section, Section 20907 shall be applicable.

SEC. 40. Section 20906 of the Education Code is amended to read:

20906. Commencing September 4, 1973, the revenue limit prescribed by Section 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 20803.2. Such approval may be granted for any period of time, and shall be added to the budget year revenue limit per foundation program unit of average daily attendance of the district as determined in subdivision (g) of Section 20905 in computing the maximum general purpose tax rate for each year in which the voted revenue limit increase is effective.

For the fiscal year following the last year in which the voted revenue limit increase is authorized, the amount of the voted revenue limit increase as it actually affected the revenue limit shall be subtracted from the revenue limit per foundation program unit of average daily attendance of the district as determined in subdivision (g) of Section 20905.

SEC. 41. Section 20909 of the Education Code is repealed.

SEC. 42. Section 20909.1 is added to the Education Code, to read:

20909.1. 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.

SEC. 43. Section 20909.2 is added to the Education Code, to read:

20909.2. 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 pooling.

SEC. 44. Section 20910 of the Education Code is repealed.

SEC. 45. Section 20910.5 of the Education Code is repealed.

SEC. 46. Section 20911 of the Education Code is repealed.

SEC. 47. Section 20912 of the Education Code is repealed.

SEC. 48. Chapter 3.5 (commencing with Section 20910) is added to Division 16 of the Education Code, to read:

CHAPTER 3.5. AREAWIDE TAX SUPPORT PROGRAM FOR ELEMENTARY SCHOOLS AND HIGH SCHOOLS

Article 1. Levy and Collection of Taxes

20910. For purposes of this chapter:

(a) Each elementary school district shall be deemed to comprise the kindergartens and grades 1 to 8, inclusive, maintained by the district, and the seventh and eighth grades of the district not maintained by the district because of the attendance upon a junior high school of pupils who would otherwise attend upon seventh and eighth grades maintained by the district.

(b) Each high school district shall be deemed to comprise all of grades 9 to 12, inclusive, maintained within the high school district whether maintained by a high school district or by a community college district.

(c) Each unified school district shall be deemed to be an elementary school district comprising the kindergartens and grades 1 to 8, inclusive, maintained by the district and the seventh and eighth grades of the district not maintained by the district in elementary schools because of the attendance upon a junior high school of pupils who would otherwise attend the seventh and eighth grades maintained in elementary schools by the district, and a high school district comprising all of grades 9 to 12, inclusive.

(d) In determining to which particular districts apportionments shall be made, the rules prescribed by Sections 17608, 17609, and 17610 for purposes of apportionments from the State School Fund shall be utilized.

20910.5. The provisions of this chapter shall not be applicable to the territory of any school district included in a unification proposal, pursuant to the provisions of Chapter 1246 of the Statutes of 1967, which was rejected by the electorate, and which has been restored to existence as a separate elementary school district or high school district, as the case may be, pursuant to the provisions of Chapter 1246 of the Statutes of 1967.

20911. The board of supervisors of each county shall annually, commencing with the fiscal year as specified in Section 17702.2, at

the time and in the manner of levying other county taxes, levy and cause to be collected, as provided in this chapter, additional taxes within the territory included in any school district territory for which a foundation program is computed under Section 17680.

20912. The additional taxes shall be levied and collected throughout the territory for support of the elementary school districts included therein, if Section 17680 requires the computation of an areawide foundation program for such districts. The additional taxes shall be levied and collected throughout the territory for support of the high school districts included therein if Section 17680 requires the computation of an areawide foundation program for such districts. The taxes to be annually levied and collected shall be as follows:

(a) For elementary school support, at a rate sufficient to provide the amount of elementary school areawide aid for the territory under Section 17702.2.

(b) For high school support, at a rate sufficient to provide the amount of areawide high school aid computed for the territory under Section 17702.2.

20913. The moneys received from such taxes shall be deposited in the county treasury to the credit of the elementary school fund or the high school fund, or both, in the amounts collected for and properly allocable to elementary school support and high school support, respectively. The establishment of the elementary school fund and the high school fund in the county treasury is hereby authorized.

20914. Of the moneys received from such taxes, there shall be segregated, by the county treasurer, the portion thereof derived from the territory within any elementary school district, or high school district, which is situated only partially within the county and which is not placed by law under the jurisdiction of the county superintendent of schools. The moneys so segregated shall be transferred to the county treasury of the county whose county superintendent of schools has jurisdiction of the district, to be deposited to the credit of the elementary school fund or high school fund, and such county treasury shall thereafter be the legal depositary of the funds.

20915. The distribution of all tax moneys collected upon property of the unsecured roll after the most recent lien date of taxes, for elementary school and high school purposes for a fiscal year as specified in Section 17702.2, and each fiscal year thereafter, shall be made and an amount be credited to, and allocated from, the elementary school fund or high school fund equal to the amount that would have been deposited to the fund and allocated to each school district had the rates under Section 20911 been applied to the unsecured roll.

Article 2. Apportionment of the Areawide Tax

20921. The moneys deposited to the credit of the elementary school fund and the high school fund in the county treasury pursuant to Article 1 (commencing with Section 20910) of this chapter, shall be apportioned by the county treasurer to the elementary school districts and the high school districts for which an areawide foundation program was computed pursuant to Section 17680. Apportionments shall be made upon order of the county auditor issued from time to time and as soon as practicable after deposit of the moneys to the credit of the funds.

The elementary school fund shall be apportioned to the elementary school districts and the high school fund shall be apportioned to the high school districts in the amounts computed by the county auditor.

20922. The county auditor shall compute the amounts of the tax moneys to be apportioned from the elementary school fund to each elementary school district by dividing the amount of the annual tax moneys received and credited to the elementary school fund, by the areawide elementary school foundation program computed for the districts involved, and by multiplying the quotient so derived by the foundation program of the district.

The county auditor shall compute the amounts of the tax moneys to be apportioned from the high school fund to each high school district by dividing the amount of the annual tax moneys received and credited to the high school fund, by the areawide high school foundation program computed for the districts involved, and by multiplying the quotient so derived by the foundation program of the district.

SEC. 49. Section 218.5 of the Revenue and Taxation Code is amended to read:

218.5. In order to assure the accuracy of the state's reimbursements for the homeowners' property tax exemption and to prevent duplications of the exemptions within the state and improper overlapping with other benefits provided by law, county assessors shall supply information from homeowners' property tax exemption claims and county records as is specified by written request of the board, and with the concurrence of the Controller, necessary to fully identify all homeowners' property tax exemption claims allowed by the assessors. The board may specify that the information include all or a part of the names and social security numbers of claimants and spouses and the identity and location of the dwelling to which the exemption applies. The information may be required in the form of data processing media or other media and in such format as is compatible with the recordkeeping processes of the counties and the auditing procedures of the state.

SEC. 50. Section 401.4 of the Revenue and Taxation Code is amended 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.

SEC. 51. Section 2164.3 of the Revenue and Taxation Code is amended to read:

2164.3. (a) The state shall pay to each county, city and county, city, special district, and school district an amount to reimburse the county, city and county, city, special district, or school 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 existing 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, special districts, and school 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, special districts, and school 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 and school districts 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 and school district to reimburse for such costs.

Claims shall be submitted by affected local governmental jurisdictions, and school districts 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, or school district, 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). School districts shall be excluded from the provisions of this subdivision.

(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, special district, or school district.

(f) If a city, city and county, county, special district, or school 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 or school district for such mandated service or program, and the local governmental program, and the local governmental jurisdiction, or school district 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.

SEC. 54. Section 17053.5 of the Revenue and Taxation Code is amended 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 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

equally 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 part or all of the taxable year, the resident spouse shall be allowed the full credit.

(B) 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 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 homeowners' property tax 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. 55. Section 18601.1 is added to the Revenue and Taxation Code, to read:

18601.1. Notwithstanding any provision in this part, denial of credits or refunds claimed in accordance with Section 17053.5 may be made pursuant to Section 18601 except that in such cases claimants shall have the right of protest and appeal provided by this article.

SEC. 56. Section 19062 of the Revenue and Taxation Code is amended to read:

19062. Interest shall be allowed and paid on any overpayment in respect of any tax, at the rate of 6 percent per annum as follows:

(a) In the case of a credit, from the date of the overpayment to the due date of the amount for which the credit is allowed. Any interest allowed on any credit shall first be credited on any taxes due from the taxpayer under this part.

(b) In the case of a refund, including a refund in excess of tax liability as prescribed in subdivision (h) of Section 17053.5, from the date of the overpayment to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the Franchise Tax Board.

SEC. 57. Section 19062.11 of the Revenue and Taxation Code is amended to read:

19062.11. If any overpayment of tax imposed by this part is refunded or credited within 90 days after the return is filed, or within 90 days after the last day prescribed for filing the return of such tax (determined without regard to any extension of time for filing the return), whichever is later, no interest shall be allowed under Section 19062 on such overpayment.

For the purposes of this section, the term "overpayment of tax" shall be defined to include a refund in excess of tax liability as prescribed in subdivision (h) of Section 17053.5.

SEC. 58. Section 23186 of the Revenue and Taxation Code is amended 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 or subdivision (b) of Section 23151.1 or paragraph (1) of either subdivision (c) or (e) of Section 23151.1, as the case may be, 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, or subdivision (b) of Section 23151.1, or paragraph (1) of either subdivision (c) or (e) of Section 23151.1, as the case may be, 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. 59. 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 the rate prescribed in Section 23151 nor less than the minimum tax prescribed in Section 23184.

SEC. 60. Section 10 of Chapter 1147 of the Statutes of 1972 is repealed.

SEC 61. Section 36 of Chapter 1406 of the Statutes of 1972 is amended to read:

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 and use 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. 62. Section 50 of this act is a clarification and restatement of existing law, and no reimbursement shall be made to local government pursuant to Section 2163 of the Revenue and Taxation Code by reason of its operation. The Legislature finds that additional state-mandated local costs in this act, if any, are fully reimbursed by the appropriation for public schools contained in this act and the appropriation to counties for collecting the additional information on homeowners' exemption claims.

SEC. 63. Section 52 of this act shall become operative on June 1, 1973.

SEC. 64. This section shall apply only to the school districts of Santa Cruz County. Because of an unusual situation with respect to the junior high schools of that county, a general law cannot be made applicable.

All references to code sections in this section are to sections of the Education Code.

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

(b) The base tuition revenue amount per unit of average daily attendance for each fiscal year, the tuition revenue amount per unit of average daily attendance of a junior high student for each fiscal year, and the total tuition to be paid each fiscal year to a high school district to which an elementary district sends junior high school students shall be computed jointly by the high school district superintendent and the county superintendent annually as follows:

(1) For the 1973–74 fiscal year only, they shall add the total of all payment received by the high school district in the 1972–73 fiscal year pursuant to Sections 5605, 5605.5, and 20808.5, exclusive of funds received pursuant to Public Law 81-874, and any funds budgeted and expended in the 1972–73 fiscal year from restricted reserves derived under Section 20808.5. The total so determined shall be divided by the average daily attendance for the second period of attendance for the 1972–73 fiscal year for the junior high schools maintained by the high school district and shall be the base tuition revenue amount per

average daily attendance for junior high school operation for the high school district.

(2) For the 1973–74 fiscal year, they shall divide the base tuition revenue amount per average daily attendance determined in paragraph (1) into one thousand thirty dollars ($1,030). If the result is greater than one, it shall be deemed to be one. The quotient so determined shall be multiplied by seventy dollars ($70) per unit of average daily attendance. The product so determined shall be added to the base tuition revenue amount per average daily attendance determined according to paragraph (1) and the sum shall be the tuition revenue limit per average daily attendance for the 1973–74 fiscal year for that high school district.

For the 1974–75 fiscal year and each fiscal year thereafter they shall divide the tuition revenue limit per average daily attendance for the prior fiscal year computed according to this subdivision into the appropriate foundation amount set according to subdivision (c) of Section 20905. If the result is more than one it shall be deemed to be one. The quotient so determined shall be multiplied by the inflation adjustment amount per average daily attendance for foundation programs determined pursuant to subdivisions (d) and (e) of Section 20905 and the result added to the tuition revenue limit per average daily attendance for the prior fiscal year. The sum shall be the tuition revenue limit per average daily attendance for the then current fiscal year.

(3) The sum computed pursuant to paragraph (2) for any fiscal year shall be multiplied by the estimated foundation program unit of average daily attendance in the second principal apportionment of the junior high schools of the high school district for that current fiscal year. The product shall be the total tuition revenue limit that the high school district may receive in that current fiscal year from the elementary districts sending students to a junior high school maintained by such high school district.

(4) From the total tuition revenue limit computed pursuant to paragraph (3) there shall be subtracted the total of the amounts that would be received by the high school district if each elementary district paid to the high school district the product of the estimated average daily attendance of seventh- and eighth-grade students attending a junior high school maintained by the high school district and the elementary district revenue limit per average daily attendance computed pursuant to Section 20904 or 20905, whichever is applicable, as computed prior to any adjustments in revenue limit for changes in junior high school tuition for that year pursuant to subdivision (g) or subdivision (h). The difference so computed according to this paragraph shall be the residual tuition amount for that current year.

(5) A computational tax rate expressed to four decimal places shall be set jointly by the high school district superintendent and the county superintendent of schools prior to July 15, 1973, in the 1973–74 fiscal year and prior to May 1 each fiscal year thereafter, which, when

multiplied by the product of the attendance ratio and each one hundred dollars ($100) of the assessed valuation of each of the elementary districts will give a sum nearest the total residual tuition amount authorized to be received by the high school district as determined pursuant to paragraph (4).

The "attendance ratio" is the ratio which the average daily attendance of pupils of the elementary school district attending grades 7 and 8 of a junior high school maintained by the high school district bears to the total average daily attendance of the elementary school district, including such pupils in grades 7 and 8, during the current fiscal year.

The total amount so computed for each elementary district pursuant to paragraph (4) shall be divided by the estimated average daily attendance of seventh- and eighth-grade students from the elementary school district which are estimated to attend a junior high school maintained by the high school district in that year and the result shall be the residual tuition amount per average daily attendance for that fiscal year for that elementary school district.

(6) For each elementary school district, the tuition payments paid to the high school district in 1972–73 under Sections 5605 and 5605.5 shall be added to the tax revenue derived by the high school district under Section 20808.5 from the assessed valuation of that elementary school district. The sum shall be divided by the average daily attendance of seventh- and eighth-grade students from the elementary school district attending a junior high school maintained by the high school district in the 1972–73 fiscal year. The result shall be increased by the sum of the amount spent per unit of average daily attendance for junior high school programs in the 1972–73 fiscal year from restricted reserves derived under Section 20808.5 and the inflation adjustment computed pursuant to paragraph (2), and shall be the comparison junior high school payment for the 1973–74 fiscal year.

(c) An elementary school district whose seventh- and eighth-grade pupils are entering junior high school and for which no tuition limit can be determined pursuant to subdivision (b) shall pay a tuition agreed upon between the high school district and the elementary school district, which shall be no less than the revenue limit per unit of average daily attendance of the elementary school district for that year.

(d) Each elementary school district sending students to a junior high school maintained by a high school district shall be billed by the county superintendent of schools, and shall pay to the high school district as tuition, an amount computed as follows:

(1) For the 1973–74 fiscal year, the sum of the revenue limit per unit of average daily attendance determined from the amount computed pursuant to subdivision (i) of Section 20904, but without any adjustments for changes in junior high school tuition payment for that year pursuant to subdivision (h), and the residual tuition amount per average daily attendance for the 1973–74 fiscal year, shall

be adjusted by one-half the difference between that sum and the comparison tuition amount per average daily attendance for the 1973–74 fiscal year computed pursuant to paragraph (6) of subdivision (b). The result shall be multiplied by the estimated average daily attendance for the 1973–74 fiscal year of seventh- and eighth-grade students attending a junior high school maintained by the high school district.

The product shall be the total tuition paid by the elementary district to the high school district as tuition for junior high attendance for the 1973–74 fiscal year.

In no case shall the tuition per unit of average daily attendance paid to the high school district be less than the local revenue limit per unit of average daily attendance of the elementary school district determined from the amount computed according to subdivision (i) of Section 20904 prior to adjustments for changes in junior high school tuition payments for that current year.

(2) For the 1974–75 fiscal year, and for each fiscal year thereafter, the sum of the revenue limit per unit of average daily attendance as computed pursuant to Section 20905 prior to any adjustments for changes in junior high tuition for that year pursuant to subdivision (h), and the residual tuition amount per average daily attendance for that current year, shall be multiplied by the estimated average daily attendance for the 1973–74 fiscal year of seventh- and eighth-grade students attending a junior high school maintained by the high school district.

The product shall be the total tuition paid by the elementary school district to the high school district as tuition for junior high school attendance for that current fiscal year.

In no case shall the tuition per unit of average daily attendance paid to the high school district be less than the revenue limit per unit of average daily attendance of the elementary district computed according to Section 20905 prior to adjustments for changes in junior high school tuition payment for that current year.

(e) In computing the sum of the tax rates pursuant to Section 20904, Section 20808.5 shall be considered a rate upon the elementary district taxes and not on the high school district. Such tax shall be increased or decreased in direct proportion to the increase or decrease in junior high school tuition derived by the difference between that sum to be paid and the comparison tuition amount per average daily attendance for the 1973–74 fiscal year computed pursuant to paragraph (6) of subdivision (b) of this section.

(f) In addition to the adjustments required by subdivision (h) of Section 20904 and subdivision (i) of Section 20905, the amount determined for any elementary district pursuant to subdivision (g) of Section 20904 and subdivision (h) of Section 20905 shall also be adjusted by the amount of any increase or decrease in tuition pursuant to this section after adjustment of the increase or decrease by 85 percent of any amount resulting from a change in the attendance ratio specified in paragraph (1) of subdivision (d).

(g) For high school districts maintaining a junior high school system which is attended by seventh- or eighth-grade students from an elementary district pursuant to this section, the foundation program amount used as the dividend for computing the annual allowed adjustment in the tuition revenue limit per unit of average daily attendance pursuant to paragraph (2) of subdivision (b) of this section shall be the average of the foundation amount set annually for elementary districts having an average daily attendance of 901 or more and high school districts having an average daily attendance of 301 or more.

SEC. 65.5. It is the intent of the Legislature that the areawide tax which was unintentionally repealed by Chapter 1406 of the Statutes of 1972 and which is reenacted by this bill be applicable for the 1973–74 fiscal year. Such levy is vital to prevent severe hardships in many school districts throughout the state.

SEC. 65.9. If Assembly Bill No. 99 of the 1973–74 Regular Session of the Legislature is chaptered prior to this act, Section 14 of this act shall not become operative.

SEC. 66. This act is an urgency statute necessary for the immediate preservation of the public peace, 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 remedial and technical changes made by this act may be applicable to the 1973–74 fiscal year and that certain other changes may be operative on June 1, 1973, when the sales and use tax rates are scheduled to be increased, it is necessary that this act take effect immediately.

CHAPTER 209

An act to amend Sections 17303.5, 17666.2, 17666.3, 17651, 17702, 17851, 17906.2, 17951, 20902, 25505.8, and 25541.5 of, to add Sections 11475.5, 17301.1, 17702.5, 17953, 17954, and 20803 to, and Chapter 3.7 (commencing with Section 20932) to Division 16 of, and to repeal Section 20803 of, the Education Code, relating to financial support for public education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1973 Filed with Secretary of State July 11, 1973]

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

SECTION 1. Section 11475.5 is added to the Education Code, to read:

11475.5. The Board of Governors of the California Community Colleges shall, with the approval of the Department of Finance, determine two census weeks for each term of the regular academic

year, and a single census week for summer sessions.

The Board of Governors, after appropriate study, shall develop a drop date for reporting students in active attendance which shall be no later than the day prior to the beginning of the second census week in regular academic terms; and such census weeks shall be used for all apportionment purposes for the fiscal year beginning July 1, 1975, and subsequent fiscal years.

In its study, the Board of Governors shall consider the needs of students, most particularly those who are unable to complete a term due to illness or other extenuating circumstances, while at the same time making the drop date meaningful to the measurement of average daily attendance.

In implementing the intent of this section, the Board of Governors shall insure that local governing boards maintain sufficient administrative flexibility to provide adequately for the academic needs of students.

The Board of Governors of the California Community Colleges, in cooperation with the Department of Finance, shall develop factors reflecting the relationship of actual attendance to contact hours of enrollment for the census week or weeks. The Board of Governors, during the 1973–74 and 1974–75 fiscal years, shall collect data necessary to the establishment of such census week or weeks and drop date.

Beginning with the fiscal year 1975–76, the new census week or weeks and factors shall be used for all computations of state apportionment in lieu of those prescribed in Section 11475. In the event it is determined by the Board of Governors and the Department of Finance that this new procedure cannot be wholly implemented in the 1975–76 fiscal year, provision shall be made by joint determination for a phase-in period of no longer than three years.

The chancellor's office shall study and test the validity of such factors in the 1976–77 fiscal year, and periodically thereafter, and the board of governors may make such adjustments as are necessary and as are agreed to by the Department of Finance.

SEC. 6. Section 17301.1 is added to the Education Code, to read:

17301.1 (a) The Controller shall also transfer from the General Fund to the State School Fund the sum of seventeen dollars ($17) per unit of 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.

(b) The Controller shall also transfer an amount sufficient to increase the foundation program for other than adults, as defined, in community colleges by sixty dollars ($60) for the 1974–75 fiscal year, by sixty-three dollars ($63) for the 1975–76 fiscal year, and by sixty-six dollars ($66) for the 1976–77 fiscal year and each succeeding fiscal year thereafter, unless revised by the Legislature prior to July 1, 1977.

(c) The Controller shall also transfer an amount sufficient to

increase the foundation program for adults, as adults are defined in Section 5756, in community colleges by 7 percent for the 1974–75, 1975–76, and 1976–77 fiscal years, and by 6 percent for the 1977–78 fiscal year, and fiscal years thereafter, unless revised by the Legislature prior to July 1, 1977.

The Superintendent of Public Instruction shall adjust the foundation program levels prescribed for community college districts in order to reflect the adjustments made pursuant to this subdivision.

SEC. 7. 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 eighty-four dollars and forty-one cents ($184.41) 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.

(h) Thirty-one cents ($0.31) 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 the purposes of Article 12 (commencing with Section 18151) of this chapter.

SEC. 7.5. Section 17651 of the Education Code is amended to read:

17651. The Superintendent of Public Instruction shall compute for each elementary, high school, and community college district the appropriate amount of a foundation program of school support therefor, in the manner prescribed by this article, using the dollar amounts contained in the various sections of this article which apply.

SEC. 8. Section 17666.2 of the Education Code is amended to read:

17666.2. (a) Except for a community college district which qualifies under subdivision (b), for each community college district, he shall multiply the number of units of average daily attendance, during the fiscal year, in grades 13 and 14 computed for the district under Sections 11475 and 11501, subject to the provisions of Section 17611, by one thousand twenty dollars ($1,020) for the 1973–74 fiscal year, by one thousand eighty dollars ($1,080) for the 1974–75 fiscal year, by one thousand one hundred forty-three dollars ($1,143) for the 1975–76 fiscal year, by one thousand two hundred nine dollars ($1,209) for the 1976–77 fiscal year, and by an amount cumulatively increased by sixty-six dollars ($66) for each succeeding fiscal year thereafter, unless revised by the Legislature prior to July 1, 1977.

(b) For each community college district which has an average daily attendance of less than 1,001 and qualifies as a necessary small community college district as defined in Section 17666.3, the Superintendent of Public Instruction shall make one of the following computations selected with regard only to the number of certificated

employees employed or average daily attendance, whichever provides the lesser amount.

Average daily attendance	Minimum number of full-time certificated employees	Amount to be computed in each fiscal year 1973–74	1974–75	1975–76	1976–77
1 – 150	12	$274,000	$290,000	$307,000	$325,000
151 – 200	15	357,000	378,000	400,000	423,000
201 – 300	18	440,000	466,000	493,000	522,000
301 – 400	21	523,000	554,000	586,000	620,000
401 – 500	24	606,000	642,000	679,000	718,000
501 – 600	27	689,000	730,000	772,000	817,000
601 – 700	30	771,000	816,000	864,000	914,000
701 – 800	33	854,000	904,000	957,000	1,012,000
801 – 900	36	937,000	992,000	1,050,000	1,111,000
901 – 1,000	39	1,020,000	1,080,000	1,143,000	1,209,000

(c) For purposes of this section and Section 17851, the average daily attendance of a community college district shall, subject to the provisions of Section 17611, be computed in the manner prescribed by Sections 11475 and 11501, except that there shall be excluded from the computation the attendance of all students deemed "nonresident" as defined in Section 22813.

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

(d) For subsequent years, he shall adjust cumulatively the dollar amounts given in the preceding subdivision by the index determined pursuant to subdivision (g) of Section 17301. Any reference to this section for any subsequent year shall be deemed to include reference to such adjusted dollar amounts.

SEC. 9. Section 17666.3 of the Education Code is amended to read:

17666.3. For the purposes of Section 17666.2, a necessary small community college district is a community college district with an average daily attendance of less than 1,001 during the fiscal year, and which comes within the following conditions:

(a) The projection of the average daily attendance, as used and defined in Section 17666.2, for the district for the next three immediately succeeding fiscal years shall not exceed 1,001.

(b) Any one of the following conditions applies:

(1) One campus of the community college district is more than 30 miles by a well-traveled road from the nearest other public community college; and either 90 percent of the students, exclusive of adults as defined in Section 5756, would be required to travel 20 miles, or 25 percent of the students, exclusive of adults as defined in

Section 5756, would be required to travel 30 miles one way from a point on a well-traveled road to the nearest other public community college.

(2) The conditions under paragraph (1) of this subdivision do not apply, but on annual application of the district the State Board of Education has determined for the fiscal year that the district is located in an area sufficiently remote so as to necessitate local current expenditures significantly higher than statewide average current expenditures for community colleges.

SEC. 14. 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, as modified pursuant to Section 17262, 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) Thirty-nine cents ($0.39) in a community college district.

SEC. 15. Section 17702.5 is added to the Education Code, to read:

17702.5. The Superintendent of Public Instruction shall compute for each community college district 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, as modified pursuant to Section 17262, would produce if levied, if such tax was thirty-nine cents ($0.39) in a community college district.

All references to Section 17702 shall be deemed to be this section as well.

SEC. 16. Section 17851 of the Education Code is amended to read:

17851. The Superintendent of Public Instruction shall allow to each community college district one hundred twenty-five dollars ($125) for each unit of average daily attendance in grades 13 and 14.

Average daily attendance for the purpose of this section shall be computed under Sections 11475 and 11501, subject to the provisions of Sections 17611 and 17666.2.

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

SEC. 17. Section 17906.2 of the Education Code is amended to read:

17906.2. No state equalization aid shall be allowed unless there shall have been levied pursuant to this code, for a district during the fiscal year, a tax, exclusive of taxes levied under Sections 1822.2, 1825,

6880.16, 16750, 19443, 19619, 20801, and 22101, of not less than one dollar ($1) if an elementary district, eighty cents ($0.80) if a high school district, and one dollar and eighty cents ($1.80) if a unified district, and thirty-five cents ($0.35) if a community college district.

SEC. 18. Section 17951 of the Education Code is amended to read:

17951. The allowance for each unit of average daily attendance during the fiscal year for adults, as adults are defined in Section 5756, shall be as follows:

(a) For high school districts the allowance shall be three hundred eighty-six dollars ($386) less the product of fifty cents ($0.50) multiplied by each one hundred dollars ($100) of the assessed valuation of the district, as modified pursuant to Section 17262, per unit of average daily attendance exclusive of adults.

(b) For each unit of average daily attendance attached to a community college the allowance shall be five hundred fifty-six dollars ($556) less the product of twenty-four cents ($0.24) multiplied by each one hundred dollars ($100) of the assessed valuation of the district, as modified pursuant to Section 17262, per unit of average daily attendance exclusive of adults. The allowance for each unit of average daily attendance attached to a community college shall be increased by 7 percent for the 1974–75, 1975–76, and 1976–77 fiscal years and by 6 percent for the 1977–78 fiscal year, and fiscal years thereafter, unless revised by the Legislature prior to July 1, 1977.

The allowance provided by this section for each unit of average daily attendance of an adult, as an adult is defined in Section 5756, not residing in the district and not residing in any district maintaining a community college shall be limited to one hundred twenty-five dollars ($125) as basic state aid and no allowance shall be made based on state equalization aid. The total of basic and equalization aid allowed each district shall not be less than one hundred twenty-five dollars ($125) for each unit of average daily attendance during the fiscal year for resident adults, exclusive of average daily attendance in classes for inmates of any state institution for adults and for inmates of any city, county, or city and county jail, road camp or farm for adults; unless the inmate is attending a community college class or program pursuant to Section 2690 of the Penal Code, in which case such attendance shall be included.

SEC. 18.5. Section 17953 is added to the Education Code, to read:

17953. The assessed valuation referred to in Section 17951 shall be modified pursuant to Section 17262.

SEC. 18.7. Section 17954 is added to the Education Code, to read:

17954. The allowance for each unit of average daily attendance in a community college district specified in Section 17951 shall be increased by 7 percent for the 1974–75, 1975–76, and 1976–77 fiscal years and by 6 percent for the 1977–78 fiscal year, and fiscal years thereafter, unless revised by the Legislature prior to July 1, 1977.

SEC. 19. Section 20803 of the Education Code is repealed.

SEC. 20. Section 20803 is added to the Education Code, to read:

20803. Effective September 4, 1973, and thereafter, any revenue limit per unit of average daily attendance for any community college district may be increased and, having been increased, may be decreased, by an amount equal to or less than the amount of such increase, by a majority vote of the qualified electors of the district at an election which may be ordered by the governing board of the community college district of its own motion and shall be ordered within 90 days after the filing with the governing board of a petition signed by not less than 10 percent of the registered voters of the district, requesting that an election be ordered, unless the petitioners request that the election be consolidated with the annual election for members of the governing board, or that the election be consolidated with the general election.

The governing board shall determine whether the increase or decrease shall remain in effect for a specified or unspecified period of time, unless the petition filed by the electors provides for a specified or unspecified period of time. If a specified period is provided for in the petition or determined upon by the governing board, such period shall be stated on the ballot.

Pursuant to the order of the governing board, the election shall be called, held, and conducted as nearly as is practicable in accordance with the provisions of Chapter 6 (commencing with Section 1301) of Division 4.

The specification of the election order shall contain the information provided in Section 1323 and shall be furnished by the governing board of the district for all revenue limit increase or decrease elections ordered by it.

The costs incurred by the county clerk or registrar of voters and the county superintendent of schools in connection with this section shall be paid out of the funds of the district.

Except as otherwise herein provided, the ballot used in the election shall contain substantially the words "Shall there be authorized an (increase, decrease) of the revenue limit per unit of average daily attendance from _____ dollars ($_____) to _____ dollars ($_____), such (increase, decrease) to be effective in the _____ Community College District for the (school year 19__, only, years 19__, to 19__, years commencing 19__) the revenues of which are to be used for _____?

"The estimated (increase, decrease) of the revenue limit will result in an (increase, decrease) to the tax rate of the _____ Community College District in the first year from _____ dollars ($_____) to _____ dollars ($_____) for each one hundred dollars ($100) of assessed valuation of property." Opposite such words, in separate lines, the words "Yes" and "No" shall be printed, with a voting square opposite each such word. If, at any prior election held in the district, after the effective date of this section, the revenue limit of the district had been increased for a specified period of time, and if the election is called for the purpose of continuing in effect the previously authorized increase in the revenue limit per

unit of average daily attendance of the district, the ballot shall contain substantially the words "Shall the existing revenue limit increase of _____ dollars ($_____) per unit of average daily attendance be continued in the _____ community college district for the school years 19__ to 19__, the revenues of which are to be used for _____?" Opposite such words in separate lines, the words "Yes" and "No" shall be printed with a voting square opposite each such word. Each voter shall stamp a cross in the voting square after the answer he desires to give.

Whenever the revenue limit per unit of average daily attendance of a district is increased for either a specified or unspecified period of time and during such period an election is called for the purpose of further increasing the revenue limit per unit of average daily attendance of the district, the ballot used in the election shall show only the authorized revenue limit increase per unit of average daily attendance of the district in effect at the time of the election and the proposed revenue limit increase per unit of average daily attendance.

If an election for a decrease in an increased revenue limit of a district is held in any year prior to or concurrently with the district election for governing board members, any decrease adopted at such election shall become effective on July 1 following the election. If an election for a decrease in a revenue limit of a district is held in any year after the date of the district election for governing board members, any decrease adopted at such election shall not become effective until July 1 of the next succeeding year.

SEC. 21. Section 20902 of the Education Code is amended to read:

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.

SEC. 22. Chapter 3.7 (commencing with Section 20932) is added to Division 16 of the Education Code, to read:

CHAPTER 3.7. PROPERTY TAX REVENUE CONTROL FOR COMMUNITY COLLEGE DISTRICTS

20932. For the 1973–74 fiscal year and fiscal years thereafter, the maximum tax rate for community college districts shall be as provided in this article.

20933. Commencing on July 1, 1973, the maximum tax rate of any community college district shall be the rate computed pursuant to this chapter. In addition, each such district may levy taxes as authorized in Sections 1905, 15517, 15518, 16750, 19443, 19619, 20755, 20801, 22101, and 25541.5 of the Education Code and Section 5302.5 of the Streets and Highways Code. Any other provision of law fixing the maximum district tax rate for a community college district or authorizing the levy and collection of taxes for any other purpose is hereby superseded and declared inoperative to such districts.

20934. For the purposes of this section, the unused portion of a voted override shall be determined as the difference between the total of the maximum tax rate approved by an election pursuant to Section 20803 added to the actual tax rates levied, in the same fiscal year during which the election was held, for all other purposes except pursuant to Sections 1905, 15517, 15518, 16750, 19443, 19619, 20755, 20801, 22101, and 25541.5 (except that portion levied for interdistrict attendance tuition agreements) of the Education Code and Section 5302.5 of the Streets and Highways Code and the actual tax levied for the 1972–73 fiscal year, exclusive of the tax rates levied pursuant to Sections 1905, 15517, 15518, 16750, 19443, 19619, 20755, 20801, 22101, and 25541.5 (except that portion levied for interdistrict attendance tuition agreements) of the Education Code and Section 5302.5 of the Streets and Highways Code.

For the purposes of this section, the assessed valuation used in computing revenue limits and the maximum tax rate is defined as the total actual assessed valuation, including business inventory and homeowners exemption and exclusive of the assessed valuation increment used to allocate tax receipts to a redevelopment agency pursuant to Article 6 (commencing with Section 33670) of Chapter 6 of Part 1 of Division 24 of the Health and Safety Code.

(a) For the 1973–74 fiscal year only, the county superintendent of schools shall compute for each community college 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 and any special tax rate authorized as part of a district formation agreement, but exclusive of taxes provided in Section 1905, 15517, 15518, 16750, 19443, 19619, 20755, 20801, 22101, or 25541.5 (except that portion levied for interdistrict attendance tuition agreements pursuant to that section) of the Education Code and Section 5302.5 of the Streets and Highways Code, multiplied by the assessed valuation on the secured roll of the district for the 1972–73 fiscal year, and the district's 1971–72 fiscal year tax rate, plus the unlevied portion of any voted override, but exclusive of taxes provided in Section 1905, 15517, 15518, 16633, 19443, 19619, 20755, 20801, 22101, or 25541.5 (except that portion levied for interdistrict attendance tuition agreements pursuant to that section) of the Education Code and Section 5302.5 of the Streets and Highways Code, multiplied by the assessed valuation on the unsecured roll of the district for the 1972–73 fiscal year, (2) 32½ percent of the residual retirement reserve transferred under Chapter 117 of the Statutes of 1972, (3) the total amount of basic state aid, equalization aid, 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, and (4) the amount of income from the equalization offset tax pursuant to Section 17263.1.

To the base revenue determined in this subdivision shall be added an amount of unrestricted balances used to fund expenditures; such amount shall be the average of the unrestricted balances used to fund

expenditures during 1971–72 and 1972–73, but shall not exceed an amount equal to the proceeds of a tax at the rate of five cents ($0.05) on each one hundred dollars ($100) of the assessed valuation of the district.

For purposes of this section, the unrestricted balance shall be determined as the difference between the ending balance, less restricted amounts, plus transfers of unrestricted amounts to other funds which remain as ending balances in other funds, and the beginning balance, less restricted amounts, in the general fund for the 1972–73 fiscal year.

(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 1972–73 fiscal year base revenue per unit of average daily attendance for each community college district shall be divided into one thousand one hundred sixty-five dollars ($1,165). 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 eighty-eight dollars ($88) 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 units of average daily attendance of the second principal apportionment of the community college district for the 1973–74 fiscal year. Average daily attendance for purposes of this subdivision shall include adult and other-than-adult resident students, but shall exclude the average daily attendance of nonresident students, nondistrict residents, and residents of other districts.

(f) The amount computed pursuant to subdivision (e) shall be compared with the sum of the amounts computed for the district pursuant to Sections 17666.2 and 17951. The larger of the amounts shall be the revenue limit of the district for the 1973–74 fiscal year but shall not exceed 115 percent of the 1972–73 base revenue per unit of average daily attendance multiplied by the 1973–74 estimated foundation program average daily attendance, excluding residents of other districts and nonresident students. If the 115 percent does not provide an increase amounting to at least eighty-eight dollars ($88) above the 1972–73 base revenue per unit of average daily attendance, then the revenue limit shall be the amount which will provide an increase equal to eighty-eight dollars ($88) above the 1972–73 base revenue per unit of average daily attendance.

Notwithstanding subdivision (f), if, due to changes in federal legislation or administrative policy, the entitlement under Public Law 81-874 is reduced or discontinued and is not replaced by other federal funding, and if a district experiencing such loss has a revenue limit less than the foundation program, it shall be allowed to increase

the revenue limit by an amount equal to the difference between the Public Law 81-874 income per foundation program average daily attendance of the 1972–73 fiscal year and the estimated Public Law 81-874 income per foundation program average daily attendance of the 1973–74 fiscal year, if any, multiplied by the estimated foundation program average daily attendance of the 1973–74 fiscal year. Such increased revenue limit shall not exceed the foundation program of the 1973–74 fiscal year.

(g) From the revenue limit ascertained from the comparison made pursuant to subdivision (f), there shall be subtracted the total amount of state basic aid and state equalization aid to be received by the district during the 1973–74 fiscal year, as adjusted by repayment of any advances made pursuant to Section 14701.5 and the amount of income to be received from the equalization offset tax pursuant to Section 17263.1.

(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. Such adjustment, together with any rate levied in 1972–73 pursuant to Section 14111, shall not exceed the revenue derived by the tax rate provided in Section 14111.

(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 Chapter 117 of the Statutes of 1972.

(j) From the amount computed in subdivision (i), there shall be subtracted, (1) 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 Sections 1905, 15517, 15518, 16750, 19443, 19619, 20755, 20801, 22101, and 25541.5 (except that portion levied for interdistrict attendance tuition agreements pursuant to that section) of the Education Code and Section 5302.5 of the Streets and Highways Code, and (2) the income from prior years taxes.

(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 after due allowance for delinquencies pursuant to Section 20704. 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 1905, 15517, 15518, 16750, 19443, 19619, 20755, 20801, 22101, or 25541.5 (except that portion levied for interdistrict attendance tuition agreements pursuant to that section) of the Education Code and Section 5302.5 of the Streets and Highways Code. The revenue limit in subdivision (f) notwithstanding, in no case for districts receiving equalization aid, shall the tax rate be reduced below thirty-five cents ($0.35).

20934.5. Any voted increase in the maximum tax rate, to be effective commencing with the 1973–74 fiscal year, which does not have a termination date shall be added to the 1972–73 and 1971–72 tax rates used to determine the 1972–73 base revenue per unit of average daily attendance.

Any voted increase in the maximum tax rate, to be effective commencing with the 1973–74 fiscal year, which does have a termination date shall be multiplied by the total estimated assessed valuation for 1973–74, and the result divided by the estimated foundation program average daily attendance of the second principal apportionment for 1973–74. This override tax revenue per average daily attendance shall be added to the revenue per average daily attendance for 1973–74 prior to the computation of the revenue limit of the district for 1973–74 pursuant to subdivision (f) of Section 20934. For the computation of the revenue limit of the district for the year immediately following the last year of authorization of the voted override, the amount of this increase as it actually affected the revenue limit shall not be included.

20935. (a) For the 1974–75 fiscal year and each fiscal year thereafter, the maximum general purpose tax rate shall be computed pursuant to this section by the county superintendent of schools for each community college district in the county.

(b) The foundation program for 1974–75 fiscal years and subsequent fiscal years is as prescribed in Sections 17666.2 and 17951.

(c) The revenue limit per foundation program unit of average daily attendance for the district for the prior fiscal year shall be divided into the appropriate inflated foundation program amount per unit of average daily attendance for the prior year. If the quotient is greater than 1, it shall be deemed to be 1.

(d) The foundation program per unit of average daily attendance for the prior year used as the dividend in subdivision (c) shall be as specified pursuant to Section 17666.2 for the appropriate fiscal year.

(e) For the fiscal years 1974–75, 1975–76, 1976–77, and fiscal years thereafter, the increase in the foundation program amount per unit of average daily attendance for the budget year compared with the preceding year shall be determined for each district in accordance with Section 17666.2.

(f) The amount determined pursuant to subdivision (e) shall be multiplied by the quotient determined pursuant to subdivision (c). The resultant amount shall constitute the revenue limit inflation adjustment of the district.

(g) The revenue limit inflation adjustment for a district shall be added to the prior year revenue limit per foundation program unit of average daily attendance of the district. The sum shall be multiplied by the estimated foundation program units of average daily attendance of the budget year. The product shall be the revenue limit of the district for the budget year.

The average daily attendance for purposes of this subdivision shall include adults and other-than-adults resident students, but shall

exclude residents of other districts, nondistrict residents, and nonresident students.

(h) Any district which has a revenue limit computed pursuant to subdivision (g) which is less than the foundation program computed for the budget year may increase its revenue limit computed pursuant to subdivision (g) to the lesser of the foundation program level of the district or the prior year revenue limit increased by 15 percent.

Notwithstanding the preceding paragraph if, due to changes in federal legislation or administrative policy, the entitlement under Public Law 81-874 is reduced or discontinued and is not replaced by other federal funding, and if a district experiencing such loss has a revenue limit less than the budget year foundation program, it shall be allowed to increase the revenue limit by an amount equal to the difference between the Public Law 81-874 income per foundation program average daily attendance of the prior year and the estimated Public Law 81-874 income per foundation program average daily attendance of the budget year, if any, multiplied by the estimated foundation program average daily attendance of the budget year. Such increased revenue limit shall not exceed the foundation program of the budget year.

(i) From the amount computed pursuant to subdivision (g) or (h), there shall be subtracted the basic and equalization aid to be received for the budget year and the amount of income to be received from the equalization offset tax pursuant to Section 17263.1.

(j) The amount determined pursuant to subdivision (i) shall be adjusted sufficiently to allow for the mandated increases for district contributions for the State Teachers' Retirement System as required by Section 14100. Such adjustment, together with any rate levied in any prior year pursuant to Section 14111, shall not exceed the revenue derived by the tax rate provided in Section 14111. The adjusted amount shall be the local revenue limit of the district for the budget year.

(k) From the amount computed pursuant to subdivision (j), 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 1905, 15517, 15518, 16750, 19443, 19619, 20755, 20801, 22101, or 25541.5 (except that portion levied for interdistrict attendance tuition agreements pursuant to that section) of the Education Code and Section 5302.5 of the Streets and Highways Code.

(*l*) For the purposes of this subdivision, the assessed valuation used in computing the maximum tax rate is defined as the total actual assessed valuation, including business inventory and homeowners exemption and exclusive of the assessed valuation increment used to allocate tax receipts to a redevelopment agency pursuant to Article 6 (commencing with Section 33670) of Chapter 6 of Part 1 of Division 24 of the Health and Safety Code.

The amount determined pursuant to subdivision (k) shall be

divided by the amount of actual assessed valuation of the district on the secured roll after due allowance for delinquencies, pursuant to Section 20704. 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 1905, 15517, 15518, 16750, 19443, 19619, 20755, 20801, 22101, or 25541.5 (except that portion levied for interdistrict attendance tuition agreements pursuant to that section) of the Education Code and Section 5302.5 of the Streets and Highways Code. The revenue limit in subdivision (h) notwithstanding, in no case for districts receiving equalization aid, shall the tax rate be reduced below thirty-five cents ($0.35).

20935.1. Commencing September 4, 1973, the revenue limit prescribed by Section 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 added to the budget year revenue limit per foundation program unit of average daily attendance of the district as determined in subdivision (h) of Section 20935 in computing the maximum general purpose tax rate for each year in which the voted revenue limit increase is effective.

For the fiscal year following the last year in which the voted revenue limit increase is authorized, the amount of the voted revenue limit increase as it actually affected the revenue limit shall be subtracted from the revenue limit per foundation program unit of average daily attendance of the district as determined in subdivision (h) of Section 20935.

20935.2. 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.

20936. New community college districts without an operating tax rate for 1972–73 shall develop a base revenue figure for 1973–74, subject to approval of the Chancellor's office and the Department of Finance. This base revenue shall include payment of any obligation incurred under the terms of interdistrict attendance agreements during that year. The 1973–74 base revenue amount shall be based on data from districts which are comparable on such factors as population density, projected assessed valuation per average daily attendance, enrollment and enrollment projections, and socioeconomic composition of the district. After 1973–74, the procedure for determining annual adjustments to the base revenue for such districts shall be the same as that for all other districts.

20936.5. Whenever the computations required by Sections 20934

and 20935 result, because of estimating errors, in a total revenue limit in an amount more or less than actual data would have produced for a community college district, the district's revenue limit for the succeeding fiscal year shall be reduced a like amount if the total produced was more, and shall be increased by such an amount if the total produced was less.

20937. Any proposal for the formation of a new community college district after July 1, 1973, shall include a base revenue estimate for the first full year of district operation. This base revenue estimate shall be an inherent part of the proposition at the election for the adoption or rejection of the plans and recommendations for the formation of the new community college district.

20938. (a) A community college district may add in Sections 20934 and 20935 for purposes of increasing its revenue limit for the budget year when it is anticipated that the second principal apportionment units of average daily attendance, excluding summer sessions and adults as defined in Section 5756, will be less than those of the preceding year, an estimated number of units of average daily attendance determined as follows:

(1) When such reduction is less than 1 percent, no adjustment.

(2) When such reduction is more than 1 percent but less than 2 percent, the allowable estimated units of average daily attendance shall be the actual estimated units of average daily attendance increased by the fraction of a percent by which the percentage reduction of estimated units of average daily attendance exceeds 1 percent reduction.

(3) When such percentage estimated reduction is more than 2 percent, the allowable estimated units of average daily attendance shall be the actual estimated units of average daily attendance increased by half of the estimated numerical percentage reduction anticipated.

(b) This adjustment in estimated units of average daily attendance shall be allowed without requiring a reduction in the revenue limit of the district in the subsequent year which otherwise would be required pursuant to Section 20936.5. However, to the extent that actual data differ from the estimated units of average daily attendance used in this section, Section 20936.5 shall apply.

20939. The maximum tax rate authorized for the Yuba College District during the 1974–75 fiscal year may be increased by an amount sufficient to provide for residence hall expenditures committed prior to June 30, 1973, and arising from the annexation or prospective annexation of territories under the jurisdiction of the superintendents of schools for Lake and Sierra Counties.

SEC. 23. Section 25505.8 of the Education Code is amended to read:

25505.8. A district may admit and shall charge a tuition fee to nonresident students. The district may exempt from all or parts of the fee nonresidents who (a) enroll for six units or less or (b) are both citizens and residents of a foreign country. Any exemptions shall be

made with regard to all nonresidents described in (a) or (b), and shall not be made on an individual basis.

A district may, with the approval of the Board of Governors of the California Community Colleges contract with a state, the federal government, a foreign country, or an agency thereof, for payment of all or a part of a nonresident student's tuition fee.

The nonresident tuition fee shall be paid in two equal installments at the beginning of each semester, or three equal installments at the beginning of each quarter and shall be set by the governing board of each community college district not later than January 1st of each year. The fee shall represent the amount per student enrolled in the district, which is expended by the district for the current costs of education as defined by the California Accounting Manual for students enrolled in grades 13 and 14.

Each governing board shall compute the amount per student enrolled in the district.

The amount per student enrolled shall be derived by dividing the current costs expended from funds from all sources during the preceding year by the average daily attendance during the same year in grades 13 and 14. The same fee shall be charged irrespective of the type of class in which the student is enrolled.

The governing board of each community college district shall also adopt a per-unit tuition fee for nonresidents on less than a full-time basis by dividing the fee for full-time nonresidents by 30 (units). The same per-unit rate shall be charged all nonresident students attending any summer sessions maintained by the community college. The rate charged shall be the rate established for the fiscal year in which the summer session ends.

A district shall report annually to the Board of Governors of the California Community Colleges the number of nonresidents enrolled for six units or less, the number of nonresidents enrolled for more than six units, and the total amount of fees collected from each category.

The provisions of this section which require a mandatory fee for nonresidents shall not apply to any district in which during the school year 1962–63 more than 15 percent of the students enrolled were residents of another state; except that the provisions of this section shall apply to such districts beginning with the school year 1975–1976 and except that the provisions of this section which require annual reports to be filed with the Board of Governors of the California Community Colleges on the number of such students enrolled shall apply to such districts in the same manner as to any other district.

SEC. 24. Section 25541.5 of the Education Code is amended to read:

25541.5. The maximum rate of tax of any community college district is hereby increased by such amount as will produce the amount proposed to be expended by the district pursuant to any lease agreement for plant and equipment as shown by the budget as finally adopted by the governing board of the district for the current

fiscal year, less any unencumbered balances remaining at the end of the preceding fiscal year derived from the increase in the rate of tax provided by this section. A district shall not expend any of the revenue for costs incurred under a joint-powers agreement between two community college districts or between a community college district and another district or a governmental agency consumated after July 1, 1973.

The increase provided by this section shall not exceed the rate of tax levied in the county pursuant to Section 20202 during the fiscal year next preceding the formation of the district for all purposes, or ten cents ($0.10) per each one hundred dollars ($100) of the assessed value of the property within the district, whichever is the greater.

If the district is situated in two or more counties, the increase provided by this section shall not exceed the highest rate of tax levied in any of the counties in which the district is situated pursuant to Section 20202 during the fiscal year next preceding the formation of the district for all purposes, or ten cents ($0.10) per each one hundred dollars ($100) of the assessed value of property within the district, whichever is the greater.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following school year for the payment of any obligation incurred under the terms of a lease agreement for such school year.

The increases provided by this section to produce the amounts proposed to be expended pursuant to this section shall remain in effect until the end of the third consecutive fiscal year following the date of the first election at which the first district bond issue for community college purposes is passed, or until the end of any four-year period in which no bond issue is submitted to the voters.

SEC. 25. This act supersedes Item 303 of the Budget Act of 1973. If this act is enacted after July 1, 1973, any apportionments made to community college districts pursuant to Item 303 of the Budget Act of 1973 shall be deducted from the apportionments made under this act.

SEC. 26. The Board of Governors of the California Community Colleges shall submit a report to the Legislature prior to December 1, 1976, showing the most current trends in operating costs for community college districts. The report shall contain information that the Legislature may use to review provisions of this act for the support of community colleges.

For the 1977–78 fiscal year, and fiscal years thereafter, the increases in community college foundation programs shall be as specified in Sections 17666.2 and 17951 of the Education Code, unless changed by the Legislature.

SEC. 27. It is the intent of the Legislature to insure that the substance of Section 17951 of the Education Code, as amended by Section 18 of this act, appear in the code regardless of whether or not Assembly Bill No. 1267 of the 1973–74 Regular Session is chaptered.

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Therefore, if Assembly Bill No. 1267 is chaptered after this bill, Sections 17953 and 17954 of the Education Code, as added by Sections 18.5 and 18.7 of this act, shall become operative.

If Assembly Bill No. 1267 is chaptered before this bill, or is not chaptered, then Sections 17953 and 17954 of the Education Code, as added by Sections 18.5 and 18.7 of this act, shall not become operative.

SEC. 28. It is the intent of the Legislature that the tax rate used to compute district aid for community college districts be thirty-nine cents ($0.39) per one hundred dollars ($100) of assessed valuation.

Therefore, if Assembly Bill No. 1267 of the 1973–74 Regular Session is chaptered after this bill, Section 17702.5 of the Education Code, as added by Section 15 of this act, shall become operative.

If Assembly Bill No. 1267 is not chaptered, or is chaptered before this bill, Section 17702.5 of the Education Code, as added by Section 15 of this act, shall not become operative.

SEC. 29. Any additional local programs which are mandated by this act are deemed to be fully funded by the increases in apportionments and allowances prescribed by this act.

SEC. 30. This act shall become operative on July 1, 1973.

SEC. 31. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the constitution and shall go into immediate effect. The facts constituting such necessity are:

The Legislature enacted a comprehensive plan for providing financial support for elementary and high schools at its 1972 Regular Session; that plan being prescribed in Chapter 1406 of the Statutes of 1972. The major portions of the plan are to become operative on July 1, 1973. In order to permit the revision prescribed by this act to become operative on that same date, and so facilitate the orderly and effective administration of school finance in California, it is necessary that this act take effect immediately.

CHAPTER 210

An act to add Sections 172j and 172n to, and to repeal Section 172k of, the Penal Code, relating to alcoholic beverages.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973.]

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

SECTION 1. Section 172j is added to the Penal Code, to read:

172j. The provisions of Sections 172, 172a, 172b, 172d, and 172g shall not apply to the sale or exposing for sale of any intoxicating liquor on the premises of, and by the holder or agent of, a holder of a retail package off-sale general license or retail package off-sale beer

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and wine license issued under the Alcoholic Beverage Control Act (Division 9 (commencing with Section 23000), Business and Professions Code).

SEC. 2. Section 172k of the Penal Code is repealed.

SEC. 3. Section 172n is added to the Penal Code, to read:

172n. The provisions of Sections 172a and 172b shall not apply to the sale or exposing or offering for sale of alcoholic beverages by any off-sale licensee under the Alcoholic Beverage Control Act situated more than 2,000 feet of the boundaries of the grounds belonging to the University of California at Los Angeles on which the principal administrative offices of the university are located, as such boundaries were established as of July 1, 1959, provided the licensee has conducted a retail grocery business and has held an off-sale beer and wine license at the same location for at least 15 years.

Distances provided in this section shall be measured not by airline but by following the shortest road or roads connecting the points in question.

SEC. 4. Sections 1 and 2 shall become operative on January 1, 1979.

CHAPTER 211

An act to amend Section 54784 of the Government Code, relating to local agency formation commissions.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 54784 of the Government Code is amended to read:

54784. In each county containing two or more cities, regular and alternate city members to the commission shall be appointed by the city selection committee organized in the county pursuant to and in the manner provided in Article 11 (commencing with Section 50270) of Chapter 1 of Part 1 of Division 1 of Title 5. Regular members of the commission shall be appointed by such city selection committee pursuant to Section 54780.

The city selection committee shall appoint one alternate member to the commission in the same manner as it appoints a regular member. If one of the regular city members is absent from a commission meeting, or disqualifies himself from participating in a meeting, or is automatically disqualified from participating therein pursuant to this section, the alternate member is authorized to serve and vote in his place for that meeting. Except in the case of counties with not more than two cities, when the commission is considering a proposal for the annexation of territory to a city of which one of the

members of the commission is an officer, the member is disqualified from participating in the proceedings of the commission with respect to the proposal and the alternate member shall serve and vote in his place for such purpose.

CHAPTER 212

An act to amend Section 987.1 of the Military and Veterans Code, relating to veterans' home and farm loans.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 987.1 of the Military and Veterans Code is amended to read:

987.1. (a) Except as provided in subdivision (b), the department in each individual case may specify the terms of the contract entered into with the purchaser, but no property sold under the provisions of this article shall, voluntarily or involuntarily, by operation of law or otherwise, be transferred, assigned, encumbered, leased, let or sublet, in whole or in part, nor shall any mobilehome be removed from its original site, except in case of emergency where temporary removal is necessary to avoid potential damage, without the written consent of the department, until the purchaser has paid therefor in full and has complied with all the terms and conditions of this contract of purchase.

(b) The consent of the department shall not be required where a veteran, alone or jointly with his spouse, transfers his interest in property which is the subject of a loan agreement with the department into a revocable trust established for the benefit of the veteran or of the veteran and his spouse.

CHAPTER 213

An act to add Section 13337.6 to the Education Code, relating to certificated employees

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 13337.6 is added to the Education Code, to read:

13337.6. Notwithstanding the provisions of Section 13337, the

governing board of a unified or high school district may employ persons requiring certification qualifications for the first semester only, and classify such persons as temporary employees, whenever the district expects a reduction in student enrollment during the second semester due to students completing graduation requirements at midyear. The number of persons so employed shall be limited to requirements based on the anticipated reduced enrollment as determined by the governing board. Persons so employed who are continued in employment beyond the first semester shall be deemed probationary employees for the entire school year.

Any such employee shall be reemployed for the following semester or school year to fill any vacant positions in the school district for which the employee is certified. Preference for available positions shall be determined by the governing board using the method prescribed in Sections 13263 and 13264.

For purposes of this section "vacant position" means a position in which the employee is qualified to serve and which is not filled by a permanent or probationary employee. It shall not include a position which would be filled by a permanent or probationary employee except for the fact that such employee is on leave.

CHAPTER 214

An act to add Part 8 (commencing with Section 12970) to Division 6 of, and to repeal and add Section 31132 of, the Water Code, relating to water agencies.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Part 8 (commencing with Section 12970) is added to Division 6 of the Water Code, to read:

PART 8. WATER AGENCY RECREATIONAL FACILITIES

12970. "Water agency," as used in this part means any public corporation, district, political subdivision, or any other agency or authority now or hereafter organized under the laws of this state which develops, stores, distributes or supplies water.

12971. Notwithstanding any other provision of law, every water agency is authorized, in addition to and not in derogation or limitation of the powers conferred upon such agency by any other law, through contract or otherwise, to construct, maintain, improve, and operate recreational facilities appurtenant to any land, dams, reservoirs, facilities, or works appropriate or ancillary to such

recreational use owned, operated, or contracted to be operated by such agency. Any contract for construction or improvement work under this part shall be subject to all applicable provisions of law governing contracts of the water agency.

12972. A water agency may expend funds on such recreational facilities and may fix and assess reasonable charges for the use of such recreational facilities by members of the public.

12973. The governing body of a water agency may adopt regulations binding upon all persons covering the use of such recreational facilities. Any violation of such regulations is a misdemeanor.

SEC. 2. Section 31132 of the Water Code is repealed.

SEC. 3. Section 31132 is added to the Water Code, to read:

31132. The exercise of the power of eminent domain to acquire any land or interest therein for recreational purposes is limited to land within the district or land contiguous to the district.

SEC. 4. There are no state-mandated local costs that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 215

An act to add Section 3.5 to Chapter 434 of the Statutes of 1969, relating to county waterworks districts.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 3.5 is added to Chapter 434 of the Statutes of 1969, to read:

Sec. 3.5. Notwithstanding the provisions of Section 3 of this act, territory within the boundaries of the district at the time of merger which is liable for the payment of principal, interest, or any other amounts which shall become due on account of any bonds of the district, or any improvement district therein, and which is subject, pursuant to the provisions of subdivision (b) of Section 3, to the levying of taxes or assessments to provide for such payment, may be excluded from any further liability for such payments by the City Council of the City of Thousand Oaks pursuant to the provisions of this section.

Territory may be excluded pursuant to this section from any further liability only upon a finding by the city council following a public hearing thereon by the city council, with notice thereof to the public, that the territory to be excluded receives no benefit on account of any bonds of the district, or any improvement district therein; that the territory to be excluded is an insignificant portion

of the total territory subject to liability for the payment of any such bonds; and that such exclusion will not substantially impair the security of the bondholders.

Upon the adoption by the city council of a resolution making the findings required by this section, the territory described in such resolution shall cease to be liable for the payment of principal, interest, or any other amounts which shall become due on account of any bonds of the district, or any improvement district therein, and shall not be subject to the levy of any taxes or assessments by the city council under the provisions of this act.

CHAPTER 216

An act to amend Section 27153.5 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 12, 1973. Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 27153.5 of the Vehicle Code is amended to read:

27153.5. (a) No motor vehicle first sold or registered as a new motor vehicle on or after January 1, 1971, shall discharge into the atmosphere at elevation of less than 4,000 feet any air contaminant for a period of more than 10 seconds which is:

(1) As dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

(2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in paragraph (1) of this subdivision.

(b) No motor vehicle first sold or registered prior to January 1, 1971, shall discharge into the atmosphere at elevation of less than 4,000 feet any air contaminant for a period of more than 10 seconds which is:

(1) As dark or darker in shade than that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

(2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in paragraph (1) of this subdivision.

(c) The provisions of this section apply to motor vehicles of the United States or its agencies, to the extent authorized by federal law.

CHAPTER 217

An act to amend Section 5030.1 of the Education Code, relating to the holding of classes at San Francisco Airport and County Jail.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 5030.1 of the Education Code is amended to read:

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

CHAPTER 218

An act to amend Section 13656 of the Education Code, relating to school classified employees.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 13656 of the Education Code is amended to read:

13656. All employees a part of the classified service shall be entitled to the following paid holidays provided they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday: January 1, February 12 known as "Lincoln Day," the third Monday in February known as "Washington Day," the last Monday in May known as "Memorial Day," July 4, the first Monday in September known as "Labor Day," September 9 known as "Admission Day," the fourth Monday in October known as "Veterans Day," that Thursday in November proclaimed by the President as "Thanksgiving Day," December 25, every day appointed by the President, or the Governor of this state, as provided for in subdivisions (b) and (c) of Section 5201 for a public fast, thanksgiving or holiday, or any day declared a holiday under Section 877 or 5202 which the board specifies shall be a holiday for classified or certificated employees.

Regular employees of the district who are not normally assigned to duty during the school holidays of December 25 and January 1 shall be paid for those two holidays provided that they were in a paid status during any portion of the working day of their normal assignment immediately preceding or succeeding the holiday period.

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When a holiday herein listed falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. When a holiday herein listed falls on a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day observed. When a classified employee is required to work on any of said holidays, he shall be paid compensation, or given compensating time off, for such work, in addition to the regular pay received for the holiday, at the rate of time and one-half his regular rate of pay.

The provisions of Article 3 (commencing with Section 5201) of Chapter 2 of Division 6 shall not be construed to in any way limit the provisions of this section, nor shall anything in this section be construed to prohibit the governing board from providing holiday pay for employees who have not been in paid status on the days specified herein.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

CHAPTER 219

An act to amend Section 10601.5 of, and add Section 10607.8 to, the Education Code, relating to suspension of pupils.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 10601.5 of the Education Code is amended to read:

10601.5. The principal of a school may suspend, for good cause, any pupil from the school, subject to the provisions of Sections 10607, 10607.5, and 10607.8. The principal shall report the suspension of such a pupil to the governing board of the school district or to the district superintendent in accordance with the regulations of the governing board.

Any suspension pursuant to this section shall not exceed five schooldays.

SEC. 2. Section 10607.8 is added to the Education Code, to read:

10607.8. Whenever a pupil is suspended from school, the parent or guardian shall be notified of such action. Any notification to a pupil's parent or guardian concerning the suspension of the pupil shall be signed by the school principal or his designee.

CHAPTER 220

An act to amend Section 13489 of the Education Code, relating to school certificated employees.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 13489 of the Education Code is amended to read:

13489. Evaluation and assessment of the performance of each certificated employee shall be made on a continuing basis, at least once each school year for probationary personnel, and at least every other year for personnel with permanent status. The evaluation shall include recommendations, if necessary, as to areas of improvement in the performance of the employee. In the event an employee is not performing his duties in a satisfactory manner according to the standards prescribed by the governing board, the employing authority shall notify the employee in writing of such fact and describe such unsatisfactory performance. The employing authority shall thereafter confer with the employee making specific recommendations as to areas of improvement in the employee's performance and endeavor to assist him in such performance.

Hourly and temporary hourly certificated employees, other than those employed in adult education classes who are excluded by the provisions of Section 13485, and substitute teachers may be excluded from the provisions of this section at the discretion of the governing board.

CHAPTER 221

An act to add Section 11580.07 to the Insurance Code, relating to automobile insurance.

[Approved by Governor July 12, 1973. Filed with Secretary of State July 12, 1973.]

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

SECTION 1. Section 11580.07 is added to the Insurance Code, to read:

11580.07. Except when required by a conditional sales vendor, no person or entity who is licensed pursuant to Chapter 5 (commencing with Section 1621) of Part 2 of Division 1 and who holds an appointment by, or transacts insurance with, an insurer which is admitted to issue a policy of automobile liability insurance, as described in Section 16057 of the Vehicle Code, or a motor vehicle

liability policy, as described in Section 16450 of the Vehicle Code, or any policy or coverage described in Section 660, shall require any insured to purchase or maintain automobile collision coverage, as defined in Section 660, for the insured motor vehicle as a condition to the issuance or maintenance of comprehensive coverage for such motor vehicle, unless such policy requires the purchase of both such coverages.

This section shall apply only to those policies and coverages issued or renewed on or after the effective date of this section.

As used in this section, "comprehensive coverage" means coverage for loss or damage to the insured motor vehicle resulting from a cause other than collision or upset.

CHAPTER 222

An act to amend Section 53843 of the Government Code, relating to temporary borrowing.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973.]

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

SECTION 1. Section 53843 of the Government Code is amended to read:

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

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

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

(3) After finding that any political subdivision subject to this article periodically requires advances of current operating requirements prior to receipt of tax revenues, direct the county treasurer, upon request of such political subdivision, to solicit and receive bids for loans from time to time without advertising for them.

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The board of supervisors, unless it rejects all bids, shall accept the bid which offers the loan to the county at the lowest net interest cost not in excess of 6 percent.

CHAPTER 223

An act to add Section 54921 to the Government Code, and to add Section 16477 to the Public Utilities Code, relating to local government, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 54921 is added to the Government Code, to read:

54921. Notwithstanding Sections 54902 and 54903, any formation of recreation and park districts approved by the voters at elections conducted on or before June 26, 1973, shall be effective for assessment and taxation purposes for the 1973–74 fiscal year if the required statements and map or plat are filed on or before July 15, 1973.

SEC. 2. Section 16477 is added to the Public Utilities Code, to read:

16477. In addition to all other powers authorized by this division, the Kirkwood Meadows Public Utility District may provide snow removal and road maintenance services for public roads within the district. Prior to providing such services, the district shall obtain the consent of the public agency owning such roads. Notwithstanding the provisions of Section 16467, such snow removal or road maintenance services need not be operated on a self-sustaining, revenue-producing basis. Revenue to defray the cost of such snow removal or road maintenance services may be raised in any manner authorized by this division.

This section shall become operative only if the Kirkwood Meadows Public Utility District is incorporated on or before March 1, 1974, in which case it shall become operative on the date of incorporation of that district.

SEC. 3. The Legislature finds and declares that Section 2 of this act is necessary since special facts and circumstances applicable to the proposed Kirkwood Meadows Public Utility District, and not generally applicable, make the accomplishment of this purpose impossible by any general law. The territory proposed for inclusion within this district comprises parts of three counties, is undergoing rapid and extensive development, and the nature of the public services required in the district is peculiar to this situation in that

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presently constituted governmental agencies are unable to provide these services. The Legislature further finds and declares that since these special facts and circumstances applicable only to this district are involved, the purpose of this act is impossible to accomplish by any general law, and special legislation applicable only to Kirkwood Meadows Public Utility District is therefore necessary.

SEC. 4. Any local agency electing to file documents pursuant to the provisions of Section 1 of this act shall reimburse any local government for the costs incurred by such local government by reason of the provisions of this act.

SEC. 5. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Kirkwood Meadows Public Utility District will, when incorporated, comprise territory in three counties, and the most practical and economical way to provide snow removal and road maintenance services for residents of this area would be by means of this district. The territory of the proposed district is undergoing extensive and rapid development, and there is a great and urgent need for public services by the people of this area. In order to permit the district to be created as rapidly as possible, it is necessary that this act become effective immediately. Furthermore, in order that certain recreation and park districts may levy taxes for the 1973–74 fiscal year and may provide essential services to the residents of the district at the earliest possible time, it is necessary that this act take immediate effect.

CHAPTER 224

An act to amend Section 172l of the Penal Code, relating to alcoholic beverages.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 172*l* of the Penal Code is amended to read:

172*l*. The provisions of Section 172a shall not apply to the sale or offering for sale of any intoxicating liquor on the premises of, and by the holder or agent of a holder of, a retail off-sale license, as defined in Section 23394 of the Business and Professions Code, outside one

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mile of the closest building of the Claremont Colleges to these premises; nor shall the provisions of Section 172a apply to the sale or offering for sale of any beer, or wine, or both, on the premises of, and by the holder or agent of a holder of, a retail package off-sale beer and wine license, as defined in Section 23393 of the Business and Professions Code, outside 2,000 feet of the closest building of the Claremont Colleges to these premises.

Distance provided in this section shall be measured not by air line but by following the shortest road or roads connecting the points in question.

CHAPTER 225

An act to add Sections 42.2, 42.3, 42.4, 42.5, 42.6, 42.7, 42.8, 42.9, and 42.95 to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), relating to drainage districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 42.2 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 42.2. Pursuant to the provisions of Sections 42.2 to 42.95, inclusive, a district organized for the principal purpose of providing subsurface drainage systems to lower water tables on district lands may change the method of financing district operations from a tax based upon assessed value to a uniform assessment based on the area of land, regardless of assessed value.

SEC. 2. Section 42.3 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 42.3. A change in the method of financing district operations as authorized by Section 42.2 may be initiated by either of the following:

(a) A petition presented to the board of directors of the district signed by at least 10 percent of the qualified voters in the district alleging that the district is organized for the principal purpose of providing subsurface drainage systems to lower water tables on district lands, and requesting such a change in the method of financing district operations.

(b) A resolution adopted by a four-fifths vote of the board of directors of the district stating that the district is organized for the principal purpose of providing subsurface drainage systems to lower water tables on district lands, and also stating that the district intends to initiate proceedings to make such a change in the method of financing district operations. The resolution shall also fix a time for

hearing. Notice of the hearing shall be given as provided in Section 42.5.

SEC. 3. Section 42.4 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 42.4. The secretary of the board of directors shall upon the presentation of a petition pursuant to subdivision (a) of Section 42.3, determine if the signatures thereon comprise at least 10 percent of the qualified voters in the district. If the petition contains the required number of signatures, the secretary shall make a certificate to that effect and present the petition and his certificate to the board of directors.

SEC. 4. Section 42.5 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 42.5. If the board of directors finds that the petition has been properly presented as required pursuant to Section 42.3, then the board shall fix a time for hearing the petition, which shall not be less than two, nor more than five, weeks from the time of the presentation of the petition. It shall publish a notice of the time and place of the hearing in a newspaper of general circulation published in the county once a week for at least two weeks prior to the date of the hearing. The last publication shall be at least seven days prior to the hearing date. In addition, at least 10 days prior to the hearing a notice of hearing shall be mailed to all holders of title, or evidence of title to lands within the district as shown on the last equalized assessment roll of the county.

SEC. 5. Section 42.6 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 42.6. At the time of the hearing, or at any time to which it may be adjourned, the board of directors shall hear and consider all competent and relevant testimony or evidence offered in support of, or in opposition to, the proposed change in the method of financing district operations, and shall also consider any written protests filed with the board prior to, or at the time of, the hearing. As part of its proceedings the board shall ascertain and consider the cost of preparing the necessary assessment roll, and shall also determine whether the district is organized for the principal purpose of providing subsurface drainage systems to water tables on district lands.

SEC. 6. Section 42.7 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 42.7. If, after the hearing the board of directors determines that the public interest or welfare of the district and its inhabitants requires a change in the method of financing district operations from a tax based on assessed value to a uniform assessment based on the area of land, regardless of assessed value, then it shall by resolution adopted by a four-fifths vote of the board of directors, declare its findings, including a specific finding that the district is organized for the principal purpose of providing subsurface drainage systems to lower water tables on district lands, and shall order that thenceforth

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the method of financing district operations shall be changed from a tax based on assessed value, as provided in Section 42, to a uniform assessment based on the area of land, regardless of assessed value.

SEC. 7. Section 42.8 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 42.8. (a) If written protests filed and not withdrawn represent more than 50 percent of the assessed value of the land within the district or more than 50 percent of the persons qualified as voters in the district then the board of directors shall not adopt the resolution authorized pursuant to Section 42.7 and the proceedings shall be abandoned.

(b) If written protests filed and not withdrawn represent more than 25 percent of the assessed value of the land within the district or more than 25 percent of the persons qualified as voters in the district, then the board of directors shall not adopt the resolution authorized pursuant to Section 42.7 unless a special election is first called and the proposal is submitted thereto and approved by the qualified voters of the district. The ballot cast at such an election shall contain the words "Shall the method of financing the district operations be changed from a tax based on assessed value to a uniform assessment based on the area of land regardless of assessed value?" or words equivalent thereto, but no particular form of ballot shall be required. Voting procedure, qualification of voters, and number of votes each shall be entitled to cast shall be governed by the provisions of Sections 7 and 7.5. When the vote is canvassed by the board of directors and entered of record, if a majority of the votes cast shall favor changing the basis of the district tax levy, the board shall thereupon pass a resolution declaring the result of the election and only then adopt the resolution authorized pursuant to Section 42.7.

SEC. 8. Section 42.9 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 42.9. The secretary of the district shall forthwith forward copies of the resolution adopted pursuant to Section 42.7 to the board of supervisors, the county auditor, the county tax collector the county assessor and the State Board of Equalization.

Upon receipt of the resolution the county assessor shall prepare an assessment roll showing the names and addresses and the area owned by each person owning land within the district, which roll shall be the basis for levying the district tax authorized pursuant to Section 42.

The costs of preparing the assessment roll shall be borne by the district.

SEC. 9. Section 42.95 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 42.95. Where the assessment roll prepared pursuant to Section 42.9 is used, all assessments levied shall be assessed and collected at the same time and in the same manner as other taxes are collected for county purposes and shall be paid into the county

treasury to the credit of the district.

SEC. 10. The Legislature finds and determines as follows:

(a) Subsurface drainage systems provided by a drainage district pursuant to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903) to lower the water table on lands within its boundaries constitute a direct benefit to such lands.

(b) It is in the public interest to permit a district authorized to provide such a drainage system to raise funds for district needs by means of an assessment based on benefits received.

(c) Because of the vagrant and complex movements of underground waters it is impracticable to identify and segregate the benefits from such a project to specific parcels of land.

(d) The fairest and most practicable method of assessing such benefits is a uniform assessment, based on area of land, without regard to assessed value.

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

At least two drainage districts are presently eligible for federal grants to construct urgently needed subsurface drainage systems. These districts must immediately avail themselves of the assessment procedures authorized by this act if they are to take prompt advantage of such federal grants, and it is necessary therefore that this act go into immediate effect.

CHAPTER 226

An act to amend Section 1163 of the Education Code, relating to school district governing boards.

[Approved by Governor July 12, 1973. Filed with Secretary of State July 12, 1973.]

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

SECTION 1. Section 1163 of the Education Code is amended to read:

1163. Whenever a special election is to be conducted pursuant to Section 1162 within 90 days of a regularly scheduled election for the governing board, the special election may be held at the same time as and then shall be consolidated with that regularly scheduled election.

Whenever a vacancy in a position on a governing board occurs within four months of the end of the term of that position, there shall be no election to fill the position. The position shall remain vacant until the person elected to serve during the succeeding term takes office.

CHAPTER 227

An act to amend Sections 938.2, 2469, 3008, 6458, 6478.1, 12910, 12951, 17655, and 22500 of, and to amend and renumber the heading of Article 4 (commencing with Section 471) of Chapter 3 of Division 1 of, the Education Code, relating to education.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. The heading of Article 4 (commencing with Section 471) of Chapter 3 of Division 1 of the Education Code is amended and renumbered to read:

Article 5. California Education Information System

SEC. 2. Section 938.2 of the Education Code is amended to read:

938.2. If a unified school district is formed pursuant to Chapter 9 (commencing with Section 3001) or Chapter 10 (commencing with Section 3100) of Division 5 of this code to include all the territory of one or more elementary school districts, the governing board of the unified district may elect and reelect as district superintendent of schools of the unified district, or as deputy, associate, or assistant superintendent of schools of the unified district, for a four-year term, a person employed as district superintendent of schools of one of such elementary school districts at the time of the formation of the unified school district. The person may perform service in the position for the unified district for the term to which he is elected or reelected without possessing the certification document otherwise required if he has served continuously as district superintendent of the elementary district for at least 10 years prior to the formation of the unified district and if he is elected as district superintendent of schools of the unified district or as deputy, associate or assistant superintendent of schools of the unified district pursuant to this section.

SEC. 3. Section 2469 of the Education Code is amended to read:

2469. All or part of the territory of a union elementary school district which is not wholly included in a high school district may be included in a contiguous high school district upon petition of the governing board of the union elementary district to the board of supervisors of the county in which all the high school district is wholly situated, or, if the high school district is a joint district, to the board of supervisors of the county whose county superintendent of schools has jurisdiction over the joint high school district.

The board of supervisors shall make an order to include the territory of the union elementary district in such high school district. Upon the making of the order, the change of boundaries of the high school district to include such territory shall be deemed to be

completed and effective in accordance with Sections 1703 and 1704.

A copy of the order of the board of supervisors, certified by the clerk of the board, shall be recorded in the office of the county recorder of each county in which the district whose boundaries are changed is situated.

After the expiration of one year from the date of the recording of the order, the order shall be conclusive evidence that the boundaries have legally been changed and no suit shall be maintained which questions the validity of the change of boundaries.

SEC. 4. Section 3008 of the Education Code is amended to read:

3008. The procedures contained in Chapter 10 (commencing with Section 3100) of this division shall be used in the study and preparation of the master plan. Nothing in this chapter shall prohibit a county committee from making plans and recommendations, as authorized by Chapter 10 of this division, prior to the time when the State Board of Education approves the master plan for the county.

SEC. 5. Section 6458 of the Education Code is amended to read:

6458. For purposes of applications for federal funds a plan should be comprehensive in scope, and may include any or all of the program components set out below.

The State Board of Education shall act, upon recommendation of the Advisory Compensatory Education Commission, to establish a priority listing of the following program elements which shall be used in the approval of school district plans to determine those elements which shall be emphasized on a statewide basis:

(a) Reduction of ratios of pupils to teachers, directed specifically to enabling more individual attention to be given to disadvantaged pupils.

(b) Special efforts in the area of reading instruction, including the employment of additional teachers, special reading teachers, teacher aides, and volunteer aides. Special reading programs authorized pursuant to this subdivision shall be conducted pursuant to standards established under Chapter 5.8 (commencing with Section 5770) of this division.

(c) Preschool programs provided through the use of either school facilities, other public or private facilities, or any combination thereof, for children three years of age or older, involving intensive parent participation, established pursuant to standards prescribed by the State Board of Education.

Preschool programs authorized pursuant to this subdivision shall be conducted pursuant to the educational standards established by the State Board of Education under Section 16734.

(d) In-service professional study involving instruction and orientation of school district personnel to enable them to more effectively deal with disadvantaged students.

(e) School-home cooperation, including home visitation, parent education and participation, parent-teacher conferences utilizing, wherever necessary, bilingual interpreters.

(f) Cultural enrichment including the use of field trips, special

speakers, motion pictures, records, library programs, concerts and other means which serve to broaden the educational and cultural experience of the students.

(g) After-school tutoring programs utilizing the services of qualified college and university students and volunteers from the community.

(h) Remedial and corrective programs directed to enhancing the pupils' interest and competence in the English language, including extended remedial reading programs, special speech and oral programs, and the teaching of English as a second language, as, for example, where Spanish-speaking children are involved.

(i) Evaluation, testing, and consultation, involving the formulation of evaluation standards which are as rigorous as feasible under the circumstances; the yearly administration of comprehensive achievement tests to all compensatory education students; and the development and use of data based on group controls which will provide evidence of contrast, and the assembly and classification of data for use at the statewide level. A school district plan of compensatory education under this chapter shall, in order to receive approval, contain this program element.

SEC. 6. Section 6478.1 of the Education Code is amended to read:

6478.1. The Superintendent of Public Instruction may contract with not more than two school districts which have significant numbers of disadvantaged youth and are located in separate geographical areas of the state for the purpose of establishing a More Effective Schools Program in such districts. Each contracting school district shall establish such program in one elementary school within the district where the average achievement level in reading, as measured by tests given under the provisions of Chapter 5.8 (commencing with Section 5770) of this division, is at or near the lowest level for the district.

At least one contracting school district shall have an assessed valuation per unit of average daily attendance, such that one dollar ($1) of tax rate on each one hundred dollars ($100) of assessed valuation produces no more than twenty-eight dollars ($28) per unit of average daily attendance in revenue for the district.

SEC. 7. Section 12910 of the Education Code is amended to read:

12910. A termination of probation and dismissal of an accusation or information pursuant to Section 1203.4 of the Penal Code shall not, for the purpose of this division have any effect.

SEC. 8. Section 12951 of the Education Code is amended to read:

12951. The Legislature of the State of California finds that:

(a) There exists a worldwide revolutionary movement to establish a totalitarian dictatorship based upon force and power rather than upon law.

(b) This worldwide revolutionary movement is predicated upon and it is designed and intended to carry into execution the basic precepts of communism as expounded by Marx, Lenin, and Stalin.

(c) Pursuant to the objectives of the world communism

movement, in numerous foreign countries the legally constituted governments have been overthrown and totalitarian dictatorships established therein against the will of the people, and the establishment of similar dictatorships in other countries is imminently threatening. The successful establishment of totalitarian dictatorships has consistently been aided, accompanied, or accomplished by repeated acts of treachery, deceit, teaching of false doctrines, teaching untruth, together with organized confusion, insubordination, and disloyalty, fostered, directed, instigated, or employed by Communist organizations and their members in such countries.

(d) Within the boundaries of the State of California there are active disciplined Communist organizations presently functioning for the primary purpose of advancing the objectives of the world communism movement, which organizations promulgate, advocate, and adhere to the precepts and the principles and doctrines of the world communism movement. These Communist organizations are characterized by identification of their programs, policies, and objectives with those of the world communism movement, and they regularly and consistently cooperate with and endeavor to carry into execution programs, policies, and objectives substantially identical to programs, policies, and objectives of such world communism movement.

(e) One of the objectives of the world communism movement is to place its members in local government positions and in the public school system. If this objective is successful, propaganda can be disseminated by the members of these organizations among public school pupils by those members who would have the opportunity to teach them and to whom, as teachers, they would look for guidance, authority, and leadership. The members of such groups would use their positions to advocate and teach their doctrines and teach the prescribed Communist Party line group dogma or doctrine without regard to truth or free inquiry. This type of propaganda is sufficiently subtle to escape detection in the classroom.

There is a clear and present danger, which the Legislature of the State of California finds is great and imminent, that in order to advance the program, policies and objectives of the world communism movement, Communist organizations in the State of California and their members will engage in concerted effort to hamper, restrict, interfere with, impede, or nullify the efforts of the governing boards of school districts to comply with and enforce Section 9031 which prohibits the advocacy or teaching of communism with the intent to indoctrinate any pupil with or inculcate a preference in the mind of any pupil for communism for the purpose of undermining the patriotism for and the belief in the government of the United States and of the State of California in the minds of the pupils of the public school system.

The Legislature specifically finds that the requirement that all persons (certificated or noncertificated) now employed by the

school districts of this state, or hereafter making application for employment by any of such districts, shall declare under oath that they are not knowingly members of the Communist Party, is a reasonable measure to meet the clear and present danger hereinabove found.

The Legislature further specifically finds that an indirect or evasive answer to a question relating to any of the matters specified in Section 12955 or 12956, or an answer which neither affirms nor denies shall, for the purposes of this section and chapter, be considered as a failure and refusal to answer, regardless of the ground or explanation given for any such answer.

SEC. 9. Section 17655 of the Education Code is amended to read:

17655. For the purposes of Section 17655.5 a "necessary small school" is an elementary school with an average daily attendance of less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, during the current fiscal year maintained by an elementary school district which maintains two or more schools and to which school any of the following conditions apply:

(a) If as many as five pupils residing in the district and attending grades kindergarten to 8, inclusive, exclusive of pupils attending the seventh and eighth grades of a junior high school in the elementary school with an average daily attendance of less than 101 would be required to travel more than 10 miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school.

(b) If as many as 15 pupils residing in the district and attending grades kindergarten to 8, inclusive, exclusive of pupils attending the seventh and eighth grades of a junior high school in the elementary school with an average daily attendance of less than 101 would be required to travel more than five miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school.

(c) If topographical or other conditions exist in a district which would impose unusual hardships if the number of miles specified in (a) or (b) were required to be traveled or if during the fiscal year the roads which would be traveled have been impassable for more than an average of two weeks per year for the preceding five years, the governing board of the district may, on or before April 1st, request the Superintendent of Public Instruction, in writing, for an exemption from such requirements or for a reduction in the miles required. The request shall be accompanied by a statement of the conditions upon which such request is based, giving such information in such form as the Superintendent of Public Instruction may require. The Superintendent of Public Instruction shall cause an investigation to be made, and he shall either grant such request to the extent deemed necessary by him or deny the request.

SEC. 10. Section 22500 of the Education Code is amended to read:

22500. Public higher education consists of (1) all public

community colleges heretofore and hereafter established pursuant to law, (2) all state universities and all state colleges heretofore and hereafter established pursuant to law, and (3) each campus, branch and function of the University of California heretofore and hereafter established by the Regents of the University of California.

SEC. 11. Any section of any act enacted by the Legislature at its 1973–74 Regular Session, which takes effect on or before January 1, 1974, and which amends, amends and renumbers, or repeals a section amended, amended and renumbered, or repealed by this act, shall prevail over this act, whether such act is enacted prior or subsequent to this act.

CHAPTER 228

An act to amend Sections 21451 and 21454 of the Vehicle Code, relating to traffic control.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 21451 of the Vehicle Code is amended to read:

21451. Green alone or "go" on an official traffic control signal means that:

(a) Vehicular traffic facing the signal shall proceed straight through or may turn right or left. Traffic may make a semicircular or U-turn except where such turn is prohibited by signs erected at such location. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians which were lawfully within the intersection or an adjacent crosswalk at the time such signal was first exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk, but shall yield the right-of-way to all vehicles which were lawfully within the in tersection at the time such signal was first exhibited.

SEC. 2. Section 21454 of the Vehicle Code is amended to read:

21454. (a) A green arrow on an official traffic control signal means both of the following:

(1) Vehicular traffic facing the signal may make the movement indicated by the green arrow but shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such green arrow is exhibited.

(2) Vehicular traffic may make a semicircular or U-turn except where such turn is prohibited by signs erected at such location.

(b) A green arrow may be displayed alone or with red, yellow or green.

(c) It is unlawful to operate a traffic signal which is equipped with a green light and a red arrow which are shown simultaneously. A green arrow shall not be displayed so as to direct vehicular traffic in a manner as to conflict with another flow of vehicular traffic directed at the same time in another direction.

SEC. 3. Sections 1 and 2 of this act shall become operative on July 1, 1974.

SEC. 4. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

SEC. 5. Any costs that may be incurred by a local agency pursuant to this act shall be paid out of funds contained in the Traffic Safety Fund specified in Section 42200 of the Vehicle Code, the road fund of a county specified in Section 42201 of the Vehicle Code, and any other revenues allocated to the local agency from the Highway Users Tax Account in the Transportation Tax Fund which may be expended to carry out the program or to perform the service required to be carried out or performed by it by this act.

CHAPTER 229

An act to amend Section 869 of the Penal Code, relating to transcripts of preliminary hearings.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 869 of the Penal Code, as amended by Chapter 544 of the Statutes of 1972, is amended to read:

869. The testimony of each witness in cases of homicide must be reduced to writing, as a deposition, by the magistrate, or under his direction, and in other cases upon the demand of the prosecuting attorney, or the defendant, or his counsel. The magistrate before whom the examination is had may, in his discretion, order the testimony and proceedings to be taken down in shorthand in all examinations herein mentioned, and for that purpose he may appoint a shorthand reporter. The deposition or testimony of the witness must be authenticated in the following form:

First—It must state the name of the witness, his place of residence, and his business or profession; except that if the witness is a peace officer, it shall state his name, and the address given in his testimony at the hearing.

Second—It must contain the questions put to the witness and his answers thereto, each answer being distinctly read to him as it is

taken down, and being corrected or added to until it conforms to what he declares is the truth, except in cases where the testimony is taken down in shorthand, the answer or answers of the witness need not be read to him.

Third—If a question put be objected to on either side and overruled, or the witness declines answering it, that fact, with the ground on which the question was overruled or the answer declined, must be stated.

Fourth—The deposition must be signed by the witness, or if he refuses to sign it, his reason for refusing must be stated in writing, as he gives it, except in cases where the deposition is taken down in shorthand, it need not be signed by the witness.

Fifth—The reporter shall, within 10 days after the close of such examination, if the defendant be held to answer the charge in superior court, or in any other case if either the defendant or the prosecution orders the transcript, transcribe his shorthand notes, making an original and one copy and as many additional copies thereof as there are defendants (other than fictitious defendants), regardless of the number of charges or fictitious defendants included in the same examination, and certify and deliver the original and all copies to the county clerk of the county in which the defendant was examined. The reporter shall, before receiving any compensation as such reporter, file with the auditor of the county his affidavit setting forth that said transcript has been delivered to the county clerk within the time herein provided for. The compensation of the reporter for any services rendered by him as such reporter in any court of this state shall be reduced one-half if the provisions of this section as to the time of filing said transcript have not been complied with by him.

Sixth—In every case in which a transcript is delivered as provided in this section, the county clerk shall file the original of said transcript with the papers in the case, and shall deliver a copy of said transcript to the district attorney immediately upon his receipt thereof and shall deliver a copy of said transcript to each defendant (other than a fictitious defendant) at least five days before trial or upon earlier demand by him without cost to him; provided, however, that if any defendant be held to answer to two or more charges upon the same examination and thereafter the district attorney shall file separate informations upon said several charges, the delivery to each such defendant of one copy of the transcript of said examination shall be a compliance with this section as to all of said informations.

Seventh—If said transcript is delivered by the reporter within the time hereinbefore provided for, the reporter shall be entitled to receive the compensation fixed and allowed by law to reporters in the superior courts of this state.

CHAPTER 230

An act to add Sections 488.5, 557.5, and 669.5 to the Insurance Code, relating to motor vehicles.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 488.5 is added to the Insurance Code, to read:

488.5. No insurer shall, in issuing or renewing a private automobile insurance policy to a peace officer, member of the California Highway Patrol, or fireman, with respect to his operation of a private motor vehicle, increase the premium on such policy for the reason that the insured or applicant for insurance has been involved in an accident while operating an authorized emergency vehicle, as defined in subdivision (a) of Section 165 of the Vehicle Code or in paragraph (1) or (2) of subdivision (b) of Section 165 of the Vehicle Code, in response to a call to duty.

As used in this section:

(a) "Peace officer" shall have the same meaning as defined in Section 830.1 of the Penal Code.

(b) "Policy" shall have the same meaning as defined in subdivision (a) of Section 660.

SEC. 2. Section 557.5 is added to the Insurance Code, to read:

557.5. No peace officer, member of the California Highway Patrol, or fireman shall be required to report any accident in which he is involved while operating an authorized emergency vehicle, as defined in subdivision (a) of Section 165 of the Vehicle Code or in paragraph (1) or (2) of subdivision (b) of Section 165 of the Vehicle Code, in response to a call to duty, to any person who has issued such peace officer, member of the California Highway Patrol, or fireman a private automobile insurance policy.

As used in this section:

(a) "Peace officer" shall have the same meaning as defined in Section 830.1 of the Penal Code.

(b) "Policy" shall have the same meaning as defined in subdivision (a) of Section 660.

SEC. 3. Section 669.5 is added to the Insurance Code, to read:

669.5. No insurer shall fail to renew any private automobile insurance policy of a peace officer, member of the California Highway Patrol, or fireman, with respect to his operation of a private motor vehicle, for the reason that the insured has been involved in an accident while operating an authorized emergency vehicle, as defined in subdivision (a) of Section 165 of the Vehicle Code or in paragraph (1) or (2) of subdivision (b) of Section 165 of the Vehicle Code, in response to a call to duty.

As used in this section, "peace officer" shall have the same meaning as defined in Section 830.1 of the Penal Code.

CHAPTER 231

An act to amend Section 11512 of the Government Code, relating to administrative hearings.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 11512 of the Government Code is amended to read:

11512. (a) Every hearing in a contested case shall be presided over by a hearing officer. The agency itself shall determine whether the hearing officer is to hear the case alone or whether the agency itself is to hear the case with the hearing officer.

(b) When the agency itself hears the case the hearing officer shall preside at the hearing, rule on the admission and exclusion of evidence, and advise the agency on matters of law; the agency itself shall exercise all other powers relating to the conduct of the hearing but may delegate any or all of them to the hearing officer. When the hearing officer alone hears a case he shall exercise all powers relating to the conduct of the hearing.

(c) A hearing officer or agency member shall voluntarily disqualify himself and withdraw from any case in which he cannot accord a fair and impartial hearing or consideration. Any party may request the disqualification of any hearing officer or agency member by filing an affidavit, prior to the taking of evidence at a hearing, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. Where the request concerns an agency member the issue shall be determined by the other members of the agency. Where the request concerns the hearing officer the issue shall be determined by the agency itself if the agency itself hears the case with the hearing officer, otherwise the issue shall be determined by the hearing officer. No agency member shall withdraw voluntarily or be subject to disqualification if his disqualification would prevent the existence of a quorum qualified to act in the particular case.

(d) The proceedings at the hearing shall be reported by a phonographic reporter.

(e) Whenever, after the agency itself has commenced to hear the case with a hearing officer presiding, a quorum no longer exists, the hearing officer who is presiding shall complete the hearing as if sitting alone and shall render a proposed decision in accordance with subdivision (b) of Section 11517 of the Government Code.

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CHAPTER 232

An act to amend Section 10218 of the Business and Professions Code, relating to real estate licenses.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 10218 of the Business and Professions Code is amended to read:

10218. (a) Except as provided in subdivisions (b) and (c), the fee for the change of name or of address of a licensee on the records of the department is four dollars ($4).

(b) No fee shall be required for change of address of a licensee on the records of the department when there is no physical change in the location of his office.

(c) No fee shall be required for change of address of a real estate salesman licensee when the change was the result of a change of address of a broker employing such licensee.

CHAPTER 233

An act to amend Sections 1510 and 1513 of the Probate Code, relating to credit unions.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 1510 of the Probate Code, as amended by Chapter 579 of the Statutes of 1972, is amended to read:

1510. If the court approves a compromise of, or the execution of a covenant not to sue on, a minor's disputed claim for damages, money or other property, or approves a compromise of a pending action or proceeding to which a minor, or insane or incompetent person is a party, or gives judgment for such a person, and the money or the value of other property to be paid or delivered under such compromise, covenant, order or judgment does not exceed ten thousand dollars ($10,000), and there is no guardian of the estate of the minor, or insane or incompetent person, such court, in its discretion, may require that the remaining balance of any money paid or to be paid under such compromise, covenant, order or judgment, after payment of all expenses, costs and fees as approved and allowed by the court, be deposited in a bank or banks, or a trust company or companies, or be invested in an account or accounts in an insured savings and loan association or associations, or be invested

in shares of an insured credit union, subject to withdrawal only upon the order of the court, or it may require a guardian of the estate to be appointed and the money or the other property to be paid or delivered to such guardian, or prescribe such other conditions as the court in its discretion deems to the best interests of the minor, or insane or incompetent person; provided, however, that if the money or the value of other property to be paid or delivered under such compromise, covenant, order or judgment does not exceed one thousand dollars ($1,000), and such money or property is to be paid or delivered for the benefit of a minor, the court may direct that all or any part of the money or the property be paid or delivered to a parent of the minor, without bond, upon the terms and under the conditions specified in Section 1430 of the Probate Code. If the money or the value of other property to be paid or delivered under such compromise, covenant, order or judgment exceeds ten thousand dollars ($10,000), and there is no guardian of the estate of the minor, or insane or incompetent person, such court shall require a guardian of the estate to be appointed and shall direct that the money or the other property be paid or delivered to the guardian, or in lieu of the appointment of a guardian of the estate, shall require that the remaining balance of any money paid or to be paid under such compromise, covenant, order or judgment, after payment of all expenses, costs and fees as approved and allowed by the court, be deposited in a bank or banks, or a trust company or companies, or be invested in an account or accounts in an insured savings and loan association or associations, or be invested in shares of an insured credit union, subject to withdrawal only upon order of the court, and as to other property to be paid or delivered, the court shall prescribe such conditions as it may deem to the best interests of the minor, or insane or incompetent person.

Notwithstanding any other provision of law, upon approval of a compromise of, or the execution of a covenant not to sue on, a minor's disputed claim, or approval of a compromise of a pending action or proceeding to which a minor is a party, or giving judgment for such a person, providing for the payment or delivery of money or other property, in any case to which this section applies, the court making the order or giving judgment, and as a part thereof, may expressly retain jurisdiction of any part or all of the money paid, delivered, deposited, or invested until the minor reaches the age of 18 years.

Upon approval of a compromise of, or the execution of a covenant not to sue on, a minor's disputed claim, or approval of a compromise of a pending action or proceeding to which a minor, or insane or incompetent person is a party, or giving judgment for such a person, providing for the payment or delivery of money or other property, the court making the order or giving judgment, and as a part thereof, shall make a further order authorizing and directing a parent of the minor or guardian of the minor, or insane or incompetent person, or the payer of any money to be paid for the benefit of such person, to

pay, from the money or other property to be paid or delivered, such reasonable expenses (medical or otherwise and including reimbursement to a parent or guardian), costs and attorney's fees as the court shall approve and allow therein. The remaining balance of such money or other property shall be paid, delivered or deposited as hereinabove provided.

The term "account in an insured savings and loan association" used in this section means shares issued by a federal savings and loan association, or investment certificates issued by a state-chartered building and loan association or savings and loan association doing business in this state which is an "insured institution" as defined in Title IV of the National Housing Act, or shares issued by a state-chartered building and loan association or savings and loan associations doing business in this state which does not issue investment certificates and which is an "insured institution" as defined in Title IV of the National Housing Act.

The term "shares of an insured credit union" means shares issued by a credit union, either federally chartered or state licensed, which are insured under Title II of the Federal Credit Union Act.

Where reference is made in this section to "guardian of the estate" such reference shall be deemed to include "conservator of the estate," and reference to "incompetent person" shall be deemed to include "a person for whom a conservator may be appointed."

SEC. 2. Section 1513 of the Probate Code is amended to read:

1513. A guardian may deposit any money belonging to the ward with one or more banks within this state or invest any such money in an account or accounts in one or more insured savings and loan associations, or shares of an insured credit union, whereupon he shall be discharged from further care or responsibility therefor until the money is withdrawn by him. Unless the money is deposited pursuant to an order, under the provisions of the Bank Act, or is invested pursuant to an order, under the provisions of the Savings and Loan Association Law, or the California Credit Union Law, it may be withdrawn without order of court. The terms "account or accounts in one or more insured savings and loan associations" and "shares of an insured credit union," used in this section, have the same meaning as the corresponding terms in Section 1510 of the Probate Code.

CHAPTER 234

An act to amend Sections 5258 and 18460 of, to repeal Section 25904 of, and to repeal Article 3.6 (commencing with Section 6478) of Chapter 6.5 of Division 6 of, the Education Code, relating to education.

[Approved by Governor July 12, 1973. Filed with Secretary of State July 12, 1973.]

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

SECTION 1. Section 5258 of the Education Code is amended to read:

5258. The governing board may conduct the kindergarten in the same room with and by the same teacher conducting one or more elementary grades maintained by the district. The minimum schoolday for pupils of a kindergarten which is so conducted is 180 minutes, inclusive of recesses, and the attendance of the children enrolled in the kindergarten shall be counted as attendance upon a kindergarten. The minimum schooldays for pupils of the other grades so conducted are those specified in Sections 11005 and 11006, exclusive of noon intermissions and recesses, and the attendance of the children enrolled in such other grades shall be counted as attendance upon those grades.

No teacher shall teach more than one such class in any single schoolday.

SEC. 2. Article 3.6 (commencing with Section 6478) of Chapter 6.5 of Division 6 of the Education Code is repealed.

SEC. 3. Section 18460 of the Education Code is amended to read:

18460. If the total amount allowed county school service funds under Sections 18351 to 18354, inclusive, is less than the amounts provided by Section 18352 the balance shall be added to the balances resulting from the application of Sections 18061, 18452, and 18453. Only so much of the total of such balances as is actually necessary shall be used as follows:

(a) First, to restore proportionately the amounts reduced under Section 18455.

(b) Second, to restore, in the order herein listed, the amounts reduced under Section 18456 and subdivision (a) of Section 18061.

(c) Third, to restore proportionately the amounts reduced under Sections 18456.1 and 18456.2.

Any remaining balances otherwise transferable under subdivisions (b) and (c) of Section 17301 shall revert to the General Fund.

SEC. 4. Section 25904 of the Education Code is repealed.

CHAPTER 235

An act to amend Section 1718 of the Civil Code, relating to repair of farm machinery.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 1718 of the Civil Code, as amended by Chapter 302 of the Statutes of 1972, is amended to read:

1718. (a) As used in this section:

(1) "Farm machinery" means all tools and equipment used in relation to the operation of a farm.

(2) "Farm machinery repair shop" means a business which, for compensation, engages in the operation, on or off its premises, of repairing farm machinery.

(3) "Per-job basis" means each act of maintenance or repair which is performed on farm machinery.

(b) All work done by a farm machinery repair shop, including all warranty work, shall be recorded on an invoice, which shall describe all service work done and parts supplied. If more than one act of maintenance or repair is performed by a farm machinery repair shop, the invoice shall be written in such a way that the labor cost per hour and total labor cost, as well as the specific parts used and their cost, shall be recorded on a per-job basis.

However, where work is done on an agreed total-cost-per-job basis, or the work includes an agreed total cost for component unit replacement, the invoice shall describe the work done on such basis and the total cost for such work.

(c) Each farm machinery repair shop shall give to each customer, upon request, a written estimated price for labor and parts necessary, on a per-job basis. It shall not charge for work done or parts supplied in excess of the estimated price without the consent of the customer, which shall be obtained at some time after it is determined that the estimated price is insufficient and before the work not included in the estimate is done, or the parts not included in the estimate are supplied. Nothing in this section shall be construed to require a farm machinery repair shop to give a written estimated price if the shop does not agree to perform the requested repair.

(d) Any violation of this section is a misdemeanor.

CHAPTER 236

An act to amend Section 8920 of the Elections Code, relating to elections.

[Aproved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 8920 of the Elections Code is amended to read:

8920. Each committee shall meet in the courthouse at its county seat, upon call, which shall be given by the county clerk of the county and in quarters to be arranged or provided for by the county clerk

of the county, on the second Monday after the first day in January following the direct primary election, unless the committee decides by majority vote to meet on the second Monday after the first day in July following the direct primary election and files a written memorandum of such decision with the county clerk before the direct primary election.

SEC. 2. The present county central committees of the Democratic Party availing themselves of the provisions of this act shall continue in office until the organizational meeting in July 1974.

CHAPTER 237

An act to amend Section 226.9 of the Civil Code, relating to adoptions.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 226.9 of the Civil Code, as amended by Chapter 1593 of the Statutes of 1971, is amended to read:

226.9. Notwithstanding any other provisions of this chapter, in case of an adoption of a child by a stepparent where one natural or adoptive parent retains his or her custody and control of said child, the consent of either or both parents must be signed in the presence of a county clerk, probation officer or county welfare department staff member of any county of this state on a form prescribed by the State Department of Health and the county clerk, probation officer or county welfare department staff member before whom such consent is signed shall immediately file said consent with the clerk of the superior court of the county where the petition is filed and said clerk shall immediately file a certified copy of such consent to adoption with the State Department of Health.

If the father or mother of a child to be adopted is outside the State of California at the time of signing consent, his or her consent may be signed before a notary or other person authorized to perform notarial acts.

Such consent, when reciting that the person giving it is entitled to sole custody of the minor child, shall, when duly acknowledged before the county clerk, probation officer, or county welfare department staff member be prima facie evidence of the right of the person making it to the sole custody of the child and such person's sole right to consent.

A parent who is a minor shall have the right to sign a consent for the adoption of his or her child and such consent shall not be subject to revocation by reason of such minority.

CHAPTER 238

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

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

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

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

CHAPTER 239

An act to amend Section 72451 of the Government Code, and to repeal Section 2 of Chapter 57 of the Statutes of 1972, relating to courts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 72451 of the Government Code is amended to read:

72451. Each traffic trial commissioner appointed pursuant to this article shall have the qualifications of a judge of the municipal court and receive a monthly salary in the same sum as is paid a commissioner in the Los Angeles Municipal Court District. The deputy clerk and secretary in the supporting staff shall receive a monthly salary in the same sum as is paid similar employees having comparable duties in the court in which they serve not to exceed the salary payable to a deputy clerk grade IV and deputy clerk, judicial secretary in the top step, in the Los Angeles Municipal Court District. The salaries and expenses of a traffic trial commissioner and his staff appointed pursuant to this article shall be paid or reimbursed by the appointing authority to the extent that funds are available therefor.

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SEC. 2. Section 2 of Chapter 57 of the Statutes of 1972 is repealed.

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

The provisions authorizing the Judicial Council and a municipal court to appoint a traffic trial commissioner and a supporting staff, with each other's approval, will remain in effect only until December 31, 1973, so it is necessary that this act take immediate effect in order that these provisions will remain in effect.

CHAPTER 240

An act to amend Sections 12, 15, and 27 of, and to add Section 27.1 to, the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961), relating to the Desert Water Agency.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 12 of the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961) is amended to read:

Sec. 12. The board of directors shall act only by ordinance, resolution, or motion. On all ordinances the roll shall be called and the ayes and noes recorded in the journal of the proceedings of the board of directors. Resolutions and orders may be adopted by voice vote, but on demand of any member the roll shall be called. No ordinance, motion, or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the Desert Water Agency as follows:" The board of directors may enact any ordinance which adopts any code by reference following the procedures, definitions, and provisions of Article 2 (commencing with Section 50020) of Chapter 1, Part 1, Division 1, Title 5 of the Government Code so far as they may be applicable. Each of the members of the board of directors shall receive for each attendance at the meetings of the board fifty dollars ($50) for attendance at any regular, special or adjourned meeting, but shall receive pay for not more than four such meetings in any calendar month. A director shall be compensated for a meeting of the board if at the time of the holding of such meeting he is on other business of the district, at the request of the board. If allowed by the board, a director shall also receive traveling and actual and necessary expenses incurred by him on agency business, at the request of the board. Any vacancy in the board of directors shall be filled by a majority of the remaining

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directors, the person so chosen shall be a resident of and otherwise qualified to be a director of the agency and shall hold office for the remainder of the unexpired term.

SEC. 2. Section 15 of the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961) is amended to read:

Sec. 15. The Desert Water Agency incorporated as herein provided, shall have the power:

1. To have perpetual succession;

2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;

3. To adopt a seal and alter it at pleasure;

4. To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the Desert Water Agency;

5. To acquire, or contract to acquire, waterworks or a waterwork system, waters, water rights, lands, rights and privileges and construct, maintain and operate conduits, pipelines, reservoirs, works, machinery and other property useful or necessary to store, convey, supply or otherwise make use of water for a waterworks plant or system for the benefit of the agency, and to complete, extend, add to, repair or otherwise improve any waterworks or waterworks system acquired by it as herein authorized.

6. To construct, maintain, improve and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the Desert Water Agency, and to provide by ordinance regulations binding upon all persons to govern the use of such facilities including regulations imposing reasonable charges for the use thereof. Violation of any such regulation shall be a misdemeanor.

7. To lease of and from any person, firm or public or private corporation, or public agency, with the privilege of purchasing or otherwise, all or any part of water storage, transportation or distribution facilities, existing waterworks or a waterworks system, and to carry on and conduct waterworks or a waterworks system; also to sell water under the control of the agency to cities, and to other public corporations and public agencies within the agency, and to the inhabitants of such cities and of other territory within the agency, and to persons, corporations, and other private agencies within the agency for use within said agency without any preference; also to sell water outside the boundaries of the agency to the extent that the lands and inhabitants so served are southerly and westerly of the White Water River and northerly of the township line between Township 4 South and Township 5 South, S.B.B. & M., and exclusive of that certain subdivision known as Palm Springs Outposts Estates situated in Section 21, Township 4 South, Range 5 East, S.B.B. & M. and it may, whenever the board shall find that there is a surplus of water above that which may be required by such consumers within said agency, sell or otherwise dispose of such surplus water to any

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persons, firms, public or private corporations or public agencies or other consumers;

8. The agency may supply and deliver water to property not subject to agency taxes at special rates, terms, and conditions as are determined by the board for such service.

9. To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to supply the agency or any portion thereof with water, whether such property be already devoted to the same use or otherwise, and may condemn any existing waterworks or system, or any portion thereof, or any waters or water rights owned by any person, firm or private corporation. In proceedings relative to the exercise of such right, the agency shall have all of the rights, powers and privileges of a city; provided, the agency in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location. The agency shall not exercise the power of eminent domain with respect to property situated outside the boundaries of the agency unless it first obtains the consent of the board of supervisors of the county in which such property is located; provided, however, that the agency may exercise the right of eminent domain for the condemnation of property outside the boundaries of the agency for the acquisition of rights-of-way in any county in which territory of the agency is located or in any county adjacent to such county without obtaining the consent thereto of the board of supervisors thereof. When the agency proposes to exercise the power of eminent domain, under this section, for the condemnation of property outside the boundaries of the agency for the acquisition of rights-of-way in any county in which territory of the agency is located or in any county adjacent to such county, it shall give written notice, at least two weeks prior to condemning the property, to the board of supervisors of the county in which the property is located. Such written notice shall contain a description of the property to be condemned. The agency shall have the power to acquire by eminent domain with respect to property situated outside the boundaries of the agency other than the power to acquire by eminent domain any integrated water production, transmission and distribution facilities located partially within and without the boundaries of the agency, provided such integrated facilities are located southerly and westerly of the White Water River and northerly of the township line between Township 4 South and Township 5 South, S.B.B. & M., and exclusive of that certain subdivision known as Palm Springs Outposts Estates situated in Section 21, Township 4 South, Range 5 East, S.B.B. & M. The agency shall not have or exercise power of eminent domain as to any property belonging to a county water district which has more than 50,000 acres of land within its boundaries.

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10. To issue bonds, borrow money and incur indebtedness as authorized by law or in this act provided; also to refund (by the issuance of the same obligations following the same procedure) or retire any indebtedness or lien that may exist against the agency or property thereof; also to issue warrants to pay the formation expenses of the agency, which warrants may bear interest at a rate not exceeding 6 percent per annum from the date of issue until funds are available to pay the warrants, and which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings.

11 To issue negotiable promissory notes bearing interest at a rate not exceeding 7 percent per annum; provided, however, that said notes shall be general obligations of the agency payable from revenues and taxes in the same manner as bonds of said agency; and provided further that the maturity shall not be later than five years from the date thereof and that the total aggregate amount of such notes outstanding at any one time may be at least equal to seventy-five thousand dollars ($75,000) in the Desert Water Agency but shall not otherwise exceed the lesser of either one million five hundred thousand dollars ($1,500,000) or 3 percent of the assessed valuation of the taxable property in the Desert Water Agency, or, if said assessed valuation is not obtainable, 3 percent of the county auditor's estimate of the assessed valuation of the taxable property in the agency evidenced by his certificate. Promissory notes issued pursuant to Section 51 may be disregarded in computing the aggregate amount of notes that may be issued pursuant to this subdivision;

12. To cause taxes to be levied, in the manner hereinafter provided, for the purpose of paying any obligation of the agency, including its formation expenses and any warrants issued therefor;

13. To restrict the use of agency water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of agency water or the use of agency water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the agency; to prohibit the use of such water during such periods for specific uses which the agency may from time to time find to be nonessential;

14. To prescribe and define by ordinance, the restrictions, prohibitions and exclusions referred to in subdivision 13 hereof. Every ordinance relating to the matters referred to in this subdivision shall be in full force and effect forthwith upon adoption, but shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation, printed, published and circulated in the agency within 10 days after adoption, or if there be no such newspaper it shall be posted within said time in three public places within the agency,

15. To make contracts, to employ labor, and do all acts necessary for the full exercise of the foregoing powers;

16. In case of condemnation proceedings the board shall proceed in the name of the agency;

17. To provide by ordinance of its board of directors for the pensioning of officers or employees and the creation of a special fund for the purpose of paying such pensions, and the accumulation of contributions to said fund from the revenues of the agency, the wages of officers or employees, voluntary contributions, gifts, donations or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of such officers or employees, and to provide in such ordinance for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of officers or employees before such pensions shall be available to them;

18. To acquire, control, distribute, store, spread, sink, treat, purify, reclaim, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses and protection of the agency or its inhabitants or the owners of rights to water therein; provided, however, that all waters of the Whitewater River System are excluded from the provisions hereof, except such waters of said system as may be lawfully acquired by the Desert Water Agency; provided further that rights to any water made available by the Desert Water Agency are owned and controlled exclusively by the agency, and no person within or outside of the boundaries of the Desert Water Agency shall acquire any property or other right in such water, except as provided by contract with the agency, or pursuant to such rules and regulations as the agency may from time to time establish and enforce.

19. Subject to the limitations in subdivision 9 of this section, to join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of the agency, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for any agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contracts with other public agencies or private corporations or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. The term "public agency," as used in this subdivision, shall be deemed to mean and include the United States of America or any department or agency thereof, the State of California or any department or agency thereof, a county, city, public corporation, the Metropolitan Water District of Southern

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California, or other public district of this state. The term "private corporation," as used in this subdivision, shall be deemed to mean and include any private corporation organized under the laws of the United States of America or of this or any other state thereof. Contracts mentioned herein include those made with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation. Any such contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the Desert Water Agency, or an improvement district thereof, incurs an indebtedness or liability exceeding in any year the income and revenue for such year shall not be executed without the assent of two-thirds of the qualified electors of the agency, or an improvement district thereof, voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the agency. The exact form of such contract need not be available at the time of the special election, but the (1) purpose of the contract; (2) maximum amount of the indebtedness created thereby; (3) maximum term of repayment, and (4) maximum interest rate on such indebtedness shall be known and included in the proposition or measure submitted to the qualified electors of the agency, or an improvement district thereof, at such special election.

20. To commence, maintain, intervene in, defend and compromise, in the name of the agency, or as a class representative of the inhabitants, property owners, taxpayers, or water producers or water users within the agency, or otherwise, and to assume the costs and expenses of any and all actions and proceedings, now or hereafter begun, involving or affecting the ownership or use of water or water rights, used or useful for any purpose of the agency, or a common benefit to the lands within the agency or its inhabitants.

20.1. To commence, maintain, intervene in, defend and compromise, in the name of the agency, or as a class representative of the inhabitants, property owners, taxpayers, water producers or water users within the agency or otherwise, and to assume the costs and expenses of any and all actions or proceedings, now or hereafter begun, to prevent, control, or abate the pollution of water used or useful for any purpose of the agency, or a common benefit to lands within the agency, or to the inhabitants of the agency, or any watershed or basin overlain in whole or in part by the agency or which contributes to the water supply of the agency.

21. Distribute water to persons in exchange for ceasing or reducing ground water extractions and to fix the terms and conditions of any contract under which producers may agree voluntarily to use replenishment water from a nontributary source in lieu of ground water, and to such end an agency may become a party to such contract and pay from the agency funds such portion

of the cost of such replenishment waters as will encourage the purchase and use of such water in lieu of pumping so long as the persons or property within the agency are directly or indirectly benefited by the resulting replenishment.

22. To issue bonds under Section 28 of this act for the purpose of providing money required to be paid by this agency as all or part of the terms and conditions under which the corporate area of the Desert Water Agency may be annexed to and become a part of any metropolitan water district organized under the Metropolitan Water District Act. The amount of said bonds may include expenses of all proceedings for the authorization, issuance and sale of the bonds.

23. To issue revenue bonds for any purpose for which general obligation bonds may be issued, and for any purpose for which such bonds could be issued under the provisions of the Revenue Bond Law of 1941 or any other law which by its terms is applicable to this agency.

24. To use the Improvement Act of 1911, the Municipal Improvement Act of 1913, and the Improvement Bond Act of 1915 for the construction of any facilities authorized to be constructed under the provisions of this act. The powers and duties conferred by such improvement acts on the various boards, officers and agents of cities shall be exercised by the respective boards, officers and agents of the Desert Water Agency. In the application of such improvement acts to proceedings instituted by the Desert Water Agency, the terms used in such improvement acts shall have the following meanings:

(a) "City council", "council," or legislative body shall mean the board of directors of the Desert Water Agency.

(b) "Municipality" and "city" shall mean the Desert Water Agency.

(c) "Clerk" and "city clerk" shall mean the secretary of the agency.

(d) "Superintendent of streets," "street superintendent" and "city engineer" shall mean the chief engineer of the agency.

(e) "Tax collector" shall mean the county tax collector.

(f) "Treasurer" and "city treasurer" shall mean the treasurer of the Desert Water Agency.

(g) "Mayor" shall mean the president of the board of directors of the Desert Water Agency.

(h) "Right-of-way" shall mean any parcel of land in, on, under or through which a right-of-way or easement has been granted to the agency for the purpose of constructing and maintaining any works or improvements of the Desert Water Agency.

(i) "Auditor" means the county auditor.

Any certificates or documents required by such improvement acts to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed and recorded in the office of the secretary of the Desert Water Agency.

25. To disseminate information concerning the rights, properties, and activities of the agency.

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SEC. 3. Section 27 of the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961) is amended to read:

Sec. 27. The board of directors shall determine the amounts necessary to be raised by taxation during the fiscal year and shall fix the rate or rates of tax to be levied which will raise the amounts of money required by the agency, and within a reasonable time previous to the time when the board of supervisors is required by law to fix its tax rate, the board of directors shall certify to the board of supervisors the rate or rates so fixed and shall furnish to the board of supervisors a statement in writing containing the following: (a) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for the payment of the principal of an interest on any bonded debt of the agency or of an improvement district thereof as will become due before the proceeds of a tax levied at the next general tax levy will be available; (b) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for all other purposes of the agency; (c) a statement of any delinquent and unpaid charges for water and other services, or either, requested in writing by the owner of the property that remain delinquent and unpaid for 60 days or more on July 1st. The board of directors shall direct that at the time and in the manner required by law for the levying of taxes for county purposes, such board of supervisors shall levy, in addition to such other tax as may be levied by such board of supervisors, at the rate or rates so fixed and determined by the board of directors, a tax upon the property within the agency, or improvement district thereof benefited by the bonded debt, as the case may be, and it is made the duty of the officer or body having authority to levy taxes within each county to levy the tax so required. Taxes for the payment of the interest on or principal of any bonded debts shall be levied on the property within the agency, or improvement district thereof, benefited by the bonded debt, as determined by the board of directors in the resolution declaring the necessity to incur the debt. Taxes for other purposes of the agency shall be levied on all property in the district or portion thereof subject to the particular tax. And it shall be the duty of all county officers charged with the duty of collecting taxes to collect such tax in time, form, and manner as county taxes are collected, and when collected to pay the same to the agency. Taxes for the payment of a bonded debt and the interest thereon shall be a lien on all the property benefited thereby as stated in the resolution of the board of directors declaring the necessity to incur the debt. All taxes for other purposes of the agency shall be a lien on all the property in the agency subject to the respective tax. Agency taxes, whether for payment of a bonded indebtedness and the interest thereon or for other purposes, shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

SEC. 4. Section 27.1 is added to the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961), to read:

Sec. 27.1. The amount of any charges for water and other services or either included in the statement of delinquent and unpaid charges pursuant to subdivision (c) of Section 27 shall constitute a special assessment against the property upon which the water for which the charges are unpaid was used and upon the property subject to the charges for any other agency services and shall constitute a lien on that property as of the same time and in the same manner as does the tax lien securing such annual taxes. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection, and enforcement of county ad valorem property taxes shall be applicable to such assessment, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the delinquent and unpaid charges relating to such property shall be placed on the unsecured roll for collection. The county shall deduct from the charges collected an amount sufficient to compensate the county for costs incurred in collecting such delinquent and unpaid charges. The amount of such compensation shall be fixed by agreement between the board of supervisors and the agency's board of directors. The agency shall notify the holder of title to land whenever delinquent and unpaid charges for water and other services or either which could become a lien on such property remain delinquent and unpaid for 60 days.

SEC. 5. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 241

An act to amend Section 31701 of, and to add Section 30579.5 to, the Water Code, relating to county water districts.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 30579.5 is added to the Water Code, to read:

30579.5. Notwithstanding the provisions of subdivision (a) of Section 30578 and subdivision (a) of Section 30579, the board may alternatively authorize, subject to such limitations and conditions as it may determine, the execution of contracts on behalf of the district by another officer or officers of the district.

SEC. 2. Section 31701 of the Water Code is amended to read:

31701. If a district has no revenue or if the revenues of the district are, or in the judgment of the board of directors are likely to be, inadequate to pay the interest on or principal of any bonded debt as it becomes due, or any other expenses or claims against the district, or if there are delinquent and unpaid charges, as defined in subdivision (e), outstanding, the board of directors shall, annually, on or before August 1st, furnish to the board of supervisors and to the auditor of each county, respectively, in writing:

(a) An estimate of the minimum amount of money required to be raised by taxes in the county for the payment of its proportion of the amount required to pay the principal of or interest on any bonded debt of the district or of an improvement district therein as it becomes due.

(b) A description of the improvement district benefited by the purposes of the bonded debt as stated in the resolution declaring the necessity to incur the bonded indebtedness, or, if the whole district was benefited by incurring it, a statement of that fact.

(c) An estimate of the minimum amount of money required to be raised by taxes in the county for the payment of its proportion of the amount required to meet all the charges, claims, expenditures and expenses, other than a bonded debt, of each improvement district created in the county pursuant to this division, together with a description of each such improvement district as determined by resolution of the board.

(d) An estimate of the minimum amount of money required to be raised by taxes in the county for the payment of its proportion of the amount required by the district for other expenses and claims against it.

(e) A statement of those delinquent and unpaid charges for water and other services, or either, requested in writing by the owner of the property that remain delinquent and unpaid for 60 days or more on July 1st determined by the board to be included therein.

CHAPTER 242

An act to amend Section 11908 of the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 11908 of the Public Utilities Code is amended to read:

11908. The board shall establish rules for its proceedings and may provide by ordinance or resolution that each member shall receive for each attendance at the meetings of the board the sum of fifty dollars ($50). No director shall receive any other compensation, nor receive pay for more than two meetings in any one calendar month.

CHAPTER 243

An act to amend Section 1191.5 of the Labor Code, relating to minimum wage.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 1191.5 of the Labor Code is amended to read:

1191.5. Notwithstanding the provisions of Section 1191, the commission may issue a special license to a nonprofit organization such as a sheltered workshop or rehabilitation facility to permit the employment of employees who have been determined by the commission to meet the requirements in Section 1191 without requiring individual licenses of such employees. The commission shall fix a special minimum wage for such employees. The special license for the nonprofit corporation shall be renewed on a yearly basis, or more frequently as determined by the commission.

CHAPTER 244

An act to add Section 15.1 to the Orange County Flood Control Act (Chapter 723 of the Statutes of 1927), relating to the Orange County Flood Control District.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 15.1 is added to the Orange County Flood Control Act (Chapter 723 of the Statutes of 1927), to read:

Sec. 15.1. Emergency work, found by the board of supervisors to be necessary in order to protect life and property from immediately impending flood damage, may also be done by negotiated contract without advertising for bids therefor. The purchasing agent of

Orange County, unless otherwise ordered by the board of supervisors, may purchase for the district all materials, supplies, equipment and other personal property necessary to carry out the purposes of this section and shall make all such purchases and contracts upon proper requisition therefor, signed by the chief engineer of the district, or in his absence by his designee

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CHAPTER 245

An act to amend Sections 38213, 38651, 38652, 38653, and 62472 of, to amend the heading of Article 23 (commencing with Section 38651) of Chapter 5 of Part 3 of Division 15 of, to add Section 38654 to, and to repeal Article 24 (commencing with Section 38661) of Chapter 5 of Part 3 of Division 15 of, the Food and Agricultural Code, relating to milk.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

The people of the State of California do enact as follows

SECTION 1. Section 38213 of the Food and Agricultural Code is amended to read:

38213. Except as otherwise provided in this article, low-fat milk shall meet all standards and requirements which are specified in this division for market milk. It shall be labeled "low-fat milk" or "lowfat milk."

SEC. 2. The heading of Article 23 (commencing with Section 38651) of Chapter 5 of Part 3 of Division 15 of the Food and Agricultural Code is amended to read:

Article 23. Flavored Milk, Flavored Low-Fat Milk, and Flavored Nonfat Milk

SEC. 3. Section 38651 of the Food and Agricultural Code is amended to read:

38651. Flavored milk is market milk to which has been added a stabilizer, sugar, syrup, or flavor made from wholesome ingredients. Flavored milk may be sold as flavored milk, flavored low-fat milk, and flavored nonfat milk. Flavored milk shall be labeled with the name of the product. The principal flavor may be substituted for the word "flavored" in the name of the product as, for example, "chocolate nonfat milk" in substitution for "flavored nonfat milk." Flavored milk shall be so colored or contain ingredients that cause it to differ distinctly from milk in appearance and other characteristics.

SEC. 4. Section 38652 of the Food and Agricultural Code is amended to read:

38652. Flavored milk is pasteurized, homogenized milk which meets all standards and requirements which are specified in this division for pasteurized, homogenized milk, and which are specified in Section 38651, except flavored milk shall contain not less than 3.25 percent milk fat.

SEC. 5. Section 38653 of the Food and Agricultural Code is amended to read:

38653. Flavored low-fat milk shall contain not less than 1 percent milk fat nor more than 2.1 percent milk fat, and shall otherwise meet all standards and requirements which are specified in this division for low-fat milk, and which are specified in Section 38651.

SEC. 6. Section 38654 is added to the Food and Agricultural Code, to read:

38654. Flavored nonfat milk shall contain not more than fifty hundredths of 1 percent (0.5%) of milk fat, and shall otherwise meet all standards and requirements which are specified in this division for skim milk or nonfat milk, and which are specified in Section 38651.

SEC. 7. Section 62472 of the Food and Agricultural Code is amended to read:

62472. In every marketing area in which a stabilization and marketing plan for fluid milk is now or hereafter in effect pursuant to the provisions of this chapter, the director shall designate and prescribe, or provide methods for designating and prescribing, minimum wholesale and minimum retail prices for fluid milk, including pasteurized concentrated milk, and low-fat milk, pursuant to the provisions of this article.

In every marketing area in which the director has, under a stabilization and marketing plan for fluid milk, prescribed minimum prices which are to be paid by the distributors for fluid cream or fluid skim milk, or both, the director may designate and prescribe, or provide methods for designating and prescribing, minimum wholesale and minimum retail prices for fluid cream or fluid skim milk, or both, pursuant to the provisions of this article.

Unless the context otherwise requires or indicates, the term "fluid milk," as in this chapter, includes both of the following:

(a) Fluid skim milk in the application of this chapter to any marketing area in which the director has exercised his discretion to designate and prescribe, or provide methods for designating and prescribing, minimum wholesale and minimum retail prices for fluid skim milk.

(b) Low-fat milk.

As used in this chapter, unless the context otherwise requires or indicates, the term "fluid milk" also includes flavored milk; the term "low-fat milk" includes flavored low-fat milk; and the term "fluid skim milk" includes flavored nonfat milk.

SEC. 8. Article 24 (commencing with Section 38661) of Chapter 5 of Part 3 of Division 15 of the Food and Agricultural Code is repealed.

SEC. 9. No appropriation is made by this act, nor is any obligation

created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 246

An act to amend, repeal, and add Section 7676 of the Public Utilities Code, relating to railroads, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 7676 of the Public Utilities Code is amended to read:

7676. (a) Except as otherwise provided in subdivision (b) or (c), every person who, in making up or running any railroad train, places or runs, or causes to be placed or run, any freight car in the rear of passenger cars, is guilty of a misdemeanor, and if loss of life or limb results from such placing or running, is guilty of a felony.

(b) Subdivision (a) shall not apply where railroad trains are carrying only personnel and equipment in connection with military or naval movements.

(c) Subdivision (a) shall not apply to the operation of intercity rail passenger service by the National Railroad Passenger Corporation, or by any person or corporation contracting with the National Railroad Passenger Corporation, pursuant to Chapter 14 (commencing with Section 501) of Title 45 of the United States Code except that any car, or cars so operated should be provided with passageways, exit corridors and exits which are at least 20 inches wide and 5 feet 10 inches high, in order to permit prompt escape in case of fire, accident, or other emergencies. An exit or exit access door into a passageway or exit corridor shall not, when opened, restrict the effective width thereof to less than the minimum width herein specified.

(d) "Freight car," as used in this section, does not include a baggage, express, or mail car.

(e) This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 2. Section 7676 is added to the Public Utilities Code, to read:

7676. Every person who, in making up or running any railroad train, places or runs, or causes to be placed or run, any freight car in the rear of passenger cars, is guilty of a misdemeanor, and if loss of life or limb results from such placing or running, is guilty of a felony. This section shall not apply where railroad trains are carrying only

personnel and equipment in connection with military or naval movements. "Freight car," as used in this section, does not include a baggage, express, or mail car.

This section shall become operative on January 1, 1976.

SEC. 3. It is the intent of the Legislature that the amendments to Section 7676 of the Public Utilities Code which are made by Section 1 of this act shall remain in effect only until January 1, 1976, and on that date Section 2 of this act shall become operative to restore Section 7676 to the form in which it read immediately prior to the effective date 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:

There is uncertainty under the law whether Section 7676 of the Public Utilities Code would operate so as to prevent the National Railroad Passenger Corporation from instituting auto-train service in this state whereby passengers and private automobiles are transported on the same train. In order to remove the uncertainty in the law as to whether Section 7676 would impede the institution of this unique and worthwhile transportation service, it is necessary that this act go into immediate effect.

CHAPTER 247

An act relating to property taxation.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Property which is owned by community chests, funds, foundations or corporations organized and operated for hospital purposes and which is leased to, and used exclusively by, the United States Navy for its interest and benefit shall be exempt from taxation within the meaning of "charitable purposes" in Section 1c of Article XIII of the Constitution of California if:

(1) All the provisions of Section 214 are complied with except subdivision (3); and

(2) Such property was leased to the United States Navy on the effective date of this section; and

(3) Such property was subject to the lease agreement with the United States Navy and was exempt from property taxation when it was acquired by such organization claiming the exemption; and

(4) Such property will meet the provisions of Section 214 when the lease to the United States Navy expires, as certified by organization claiming the exemption.

This section shall be applicable with respect to property tax assessments for the 1974–75 and 1975–76 fiscal years only.

SEC. 2. The Legislature finds and declares that the exemption granted by this act is consistent with the provisions of the second paragraph of Section 2163 of the Revenue and Taxation Code. The property which will be exempted by this act was exempt from taxation in the hands of another owner as of the effective date of Chapter 1406 of the Statutes of 1972.

CHAPTER 248

An act to amend Section 1392 of the Penal Code, relating to service of summons.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 1392 of the Penal Code is amended to read:

1392. The summons must be served at least five days before the day of appearance fixed therein, by delivering a copy thereof and showing the original to the president or other head of the corporation, or to the secretary, cashier, managing agent, or an agent of the corporation designated for service of civil process.

CHAPTER 249

An act to amend Section 892 of the Penal Code, relating to corporations.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973.]

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

SECTION 1. Section 892 of the Penal Code is amended to read:

892. The grand jury may proceed against a corporation.

CHAPTER 250

An act to amend Section 6711 of the Business and Professions Code, relating to the practice of engineering.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 6711 of the Business and Professions Code is amended to read:

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

CHAPTER 251

An act to amend Section 4.5 of Chapter 805 of the Statutes of 1969, relating to bridge and highway districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 4.5 of Chapter 805 of the Statutes of 1969 is amended to read:

Sec. 4.5. The district shall submit its plan for transit services, other than for the interim system of buses and ferries between the City and County of San Francisco and the Counties of Marin and Sonoma, to the Legislature by June 30, 1974.

The plan shall include a statement indicating that the plan is approved or disapproved by the Metropolitan Transportation Commission.

The district may not, until 120 days after submission of the plan to the Legislature, expend any of its funds to implement the addition of a second deck to the Golden Gate Bridge or any other proposed plan for transit services, other than for its interim system of buses and ferries. It is the intention of the Legislature that the district's interim system of buses and ferries shall be the system outlined in the district's grant application to the Urban Mass Transportation

Administration, dated May 21, 1971, entitled, "Application of the Golden Gate Bridge, Highway and Transportation District for a Mass Transportation Capital Grant under the Urban Mass Transportation Act of 1964, "as amended." The district, however, may expend the necessary funds for planning purposes, and for the acquisition of rights-of-way necessary regardless of what type of transit system may be proposed in the transportation facilities plan submitted to the Legislature pursuant to Sections 4 and 4.5.

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

In order that this act take effect in time so that the Golden Gate Bridge, Highway and Transportation District may have adequate time to prepare its plan for transit services, other than for the interim system of buses and ferries between the City and County of San Francisco and the Counties of Marin and Sonoma, for submittal to the Legislature, it is necessary that this act take effect immediately.

CHAPTER 252

An act to amend Section 5023 of, and to repeal Section 5024 of, the Education Code, relating to school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973.]

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

SECTION 1. Section 5023 of the Education Code is amended to read:

5023. Whenever the governing board of a school district is unable to maintain the school or schools in the district because of its inability to secure a teacher or teachers, or because of lack of facilities, the board may, with the approval of the county superintendent of schools having jurisdiction and the Superintendent of Public Instruction maintain the school or schools of the district elsewhere than within the district or contract for the education of the pupils of such school or schools with the governing board of another district.

SEC. 2. Section 5024 of the Education Code is repealed.

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

Many school districts in California are experiencing declining enrollments while other districts are expanding enrollments with the necessity to obtain additional facilities. In order that school districts

with expanding enrollments may obtain facilities at the lowest possible cost to the taxpayers in time for the 1973–74 school year, it is necessary that this act take effect immediately.

CHAPTER 253

An act to amend Section 1081.5 of the Education Code, relating to school field trips and excursions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 1081.5 of the Education Code is amended to read:

1081.5. The governing board of any school district or the county superintendent of schools of any county may:

(a) Conduct field trips or excursions in connection with courses of instruction or school-related social, educational, cultural, athletic, or school band activities to and from places in the state, any other state, the District of Columbia, or a foreign country for pupils enrolled in elementary or secondary schools. A field trip or excursion to and from a foreign country may be permitted to familiarize students with the language, history, geography, natural sciences, and other studies relative to the district's course of study for such pupils.

(b) Engage such instructors, supervisors, and other personnel as desire to contribute their services over and above the normal period for which they are employed by the district, if necessary, and provide equipment and supplies for such field trip or excursion.

(c) Transport by use of district equipment, contract to provide transportation, or arrange transportation by the use of other equipment, of pupils, instructors, supervisors or other personnel to and from places in the state, any other state, the District of Columbia, or a foreign country where such excursions and field trips are being conducted; provided that, when district equipment is used, the governing board shall secure liability insurance, and if travel is to and from a foreign country, such liability insurance shall be secured from a carrier licensed to transact insurance business in such foreign country.

(d) Provide supervision of pupils involved in field trips or excursions by certificated employees of the district.

No pupil shall be prevented from making the field trip or excursion because of lack of sufficient funds. To this end, the governing board shall coordinate efforts of community service groups to supply funds for pupils in need of them.

No group shall be authorized to take a field trip or excursion

authorized by this section if any pupil who is a member of such an identifiable group will be excluded from participation in the field trip or excursion because of lack of sufficient funds

No expenses of pupils participating in a field trip or excursion to any other state, the District of Columbia, or a foreign country authorized by this section shall be paid with school district funds. Expenses of instructors, chaperones, and other personnel participating in a field trip or excursion authorized by this section may be paid from school district funds, and the school district may pay from school district funds all incidental expenses for the use of school district equipment during a field trip or excursion authorized by this section.

The attendance or participation of a pupil in a field trip or excursion authorized by this section shall be considered attendance for the purpose of crediting attendance for apportionments from the State School Fund in the fiscal year. Credited attendance resulting from such field trip or excursion shall be limited to the amount of attendance which would have accrued had the students not been engaged in the field trip or excursion, but shall not exceed 10 schooldays. The Superintendent of Public Instruction shall advise the Legislature of the total amount of attendance credits which resulted from all field trips or excursions during the 1972–1973 fiscal year and the 1973–1974 fiscal year.

All persons making the field trip or excursion shall be deemed to have waived all claims against the district or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip or excursion. All adults taking out-of-state field trips or excursions and all parents or guardians of pupils taking out-of-state field trips or excursions shall sign a statement waiving such claims.

No transportation allowances shall be made by the Superintendent of Public Instruction for expenses incurred with respect to field trips or excursions which have an out-of-state destination. Any school district which transports pupils, teachers or other employees of the district in schoolbuses within the state and to destinations within the state, pursuant to the provisions of this section, shall report to the Superintendent of Public Instruction on forms prescribed by him the total mileage of schoolbuses used in connection with such educational excursions. In computing the allowance to such school district for regular transportation there shall be deducted therefrom an amount equal to the depreciation of schoolbuses used for such transportation in accordance with rules and regulations adopted by the Superintendent of Public Instruction.

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

In order to insure that a proposed field trip or excursion that is considered a sufficient worthwhile learning experience to be approved by a school district is not canceled for lack of school district

support, it is necessary that this act go into immediate effect.

CHAPTER 254

An act to add Section 20903.5 to the Education Code, relating to school district taxes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 20903.5 is added to the Education Code, to read:

20903.5. For purposes of Section 20904, for the 1973–74 fiscal year the maximum general purpose tax rate of a unified school district, which district was effective for all purposes on July 1, 1973, and the formation of which was approved by the voters on June 6, 1972, shall be a rate computed by adding: (1) the rate set out in the ballot proposition for the election which approved the formation of said unified district, (2) such additional rates, not exceeding one dollar and fifty cents ($1.50) for each one hundred dollars ($100) assessed valuation of taxable property in the district, as the district could have levied if those permissive override taxes which are made inoperative by Section 20903 were allowed in fiscal year 1973–74, and (3) an additional rate approved by the State Superintendent of Public Instruction which in his opinion would raise sufficient revenues to offset inflationary factors which have occurred since June 30, 1971.

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

In order that the school district tax rate computations authorized by this act may be effectively utilized during the 1973–74 fiscal year, it is essential that this act go into effect at the earliest possible time.

CHAPTER 255

An act to add Section 22501.5 to the Education Code, relating to higher education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 22501.5 is added to the Education Code, to read:

22501.5. The provisions of Section 22501 shall not be applicable to a community college constructed in a territory annexed to an existing community college district, where such annexation became effective, for all purposes, on July 1, 1968.

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

In order to clarify existing law concerning the acquisition of sites for new community college construction, and to permit the prompt development of urgently needed community college campuses and facilities, it is necessary that this act take effect immediately.

CHAPTER 256

An act to amend Sections 59104, 59110, and 59119 of, to add Sections 6571.2, 59103.1, 59121, and 59178.1 to, and to add Article 5.5 (commencing with Section 59280) to Chapter 5 of Division 2 of Title 6, of the Government Code, to add Section 9.1 to the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of the 1960 First Extraordinary Session), and to amend Section 5 of the Refunding Assessment Bond Act of 1935 (Chapter 732 of the Statutes of 1935), relating to bonds, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 6571.2 is added to the Government Code, to read:

6571.2. Any joint powers agency which, prior to January 1, 1972, has issued revenue bonds pursuant to Section 6571.1 of this article for the purpose of acquiring and constructing sanitary sewer facilities, may, in addition to the powers authorized by Article 1 (commencing with Section 6500) and this article issue revenue bonds for the following purposes:

(a) To refund all or any part of the principal amount of any revenue bonds previously issued for the acquisition and construction of sanitary sewer facilities.

(b) To acquire directly by acquisition of title or by acquisition of capacity rights, and construct, sanitary sewer facilities, including but not limited to collection, treatment, and disposal works and facilities or the refunding of such bonds; provided, that this subdivision shall have no force or effect after December 31, 1977.

SEC. 2. Section 59103.1 is added to the Government Code, to read:

59103.1. If a public district legislative body conducts such proceedings the words and phrases defined in the Improvement Act of 1911 and the Improvement Bond Act of 1915 shall be construed to have the same meaning when used in this chapter as is ascribed to them in such acts so far as properly applicable.

SEC. 3. Section 59104 of the Government Code is amended to read:

59104. "Local agency" means city, county, city and county, or public district.

SEC. 4. Section 59110 of the Government Code is amended to read:

59110. In addition to other proper items, "incidental expenses" includes:

(a) Legal, engineering, and other technical services employed by the legislative body to accomplish the purposes of this chapter.

(b) The cost of printing and advertising.

(c) The cost and expenses of any bankruptcy proceeding instituted in connection with the proceedings.

(d) All expenses incident to the calling, retiring, or paying of the bonds to be refunded and to the issuance of the refunding bonds, including the charges of any escrow agent or trustee in connection with the issuance of the refunding bonds or in connection with the redemption or retirement of the bonds to be refunded.

(e) Either (i) interest upon the refunding bonds from the date of the sale thereof to the date of payment of the bonds to be refunded out of the proceeds of the sale of the refunding bonds, or to the date upon which the bonds to be refunded will be paid pursuant to call or agreement with the holders of such bonds or (ii) interest upon the bonds to be refunded from the date of sale of the refunding bonds to the date of payment of the bonds to be refunded or to the date upon which the bonds to be refunded will be paid pursuant to call or agreement with the holders of such bonds.

(f) Any premium necessary in the calling or retiring of the bonds to be refunded.

SEC. 5. Section 59119 of the Government Code is amended to read:

59119. "District" means the district or improvement district against which the original bonds were issued and whose indebtedness is to be refunded pursuant to this chapter.

SEC. 6. Section 59121 is added to the Government Code, to read:

59121. Whenever the legislative body determines that the public interest, convenience, or necessity requires the refunding of bonds of an improvement district within the local agency, whether such bonds are due or not due or which may become due at the option of the local agency or by the consent of the bondholders or by any lawful means, it may proceed pursuant to this chapter.

SEC. 7. Section 59178.1 is added to the Government Code, to read:

59178.1. If the district lies entirely within the incorporated territory of a public district, the public district legislative body has complete authority.

SEC. 8. Article 5.5 (commencing with Section 59280) is added to Chapter 5 of Division 2 of Title 6 of the Government Code, to read:

Article 5.5. Refunding of Ad Valorem Tax or Assessment Bonds

59280. The legislative body shall have power under this chapter to refund bonds which constitute an indebtedness of a local agency or any improvement district or zone thereof payable, both principal and interest, from the proceeds of ad valorem taxes or ad valorem assessments which may be levied without limitation as to rate or amount upon property in the local agency or in the improvement district or zone thereof subject to taxation or assessment.

59281. Refunding bonds may be issued under this chapter for the purpose of refunding any indebtedness of the local agency which is evidenced by bonds, whether due or not due or which may thereafter become payable at the option of such local agency or by consent of the bondholders or by any lawful means.

59282. The incidental costs of issuing the refunding bonds may be paid by the purchaser of the refunding bonds or may be paid from any other legally available source including, without limitation, the general fund of the local agency, other available revenues of the local agency under the control of the legislative body, the proceeds of the sale of the refunding bonds, the interest or other gain derived from investment of any of the proceeds of the sale of the refunding bonds, any other moneys in escrow or in trust, or any combination thereof, as the legislative body may determine.

59283. The proceeds of the sale of any refunding bonds shall be deposited in escrow or in trust with any bank or trust company within or without the state, or both within or without the state, and shall be secured in accordance with the laws applicable to funds of the local agency and may, along with any other moneys available for that purpose similarly deposited, be invested or reinvested in federal securities. The term "federal securities" means those securities described in Sections 1360 and 1360.1 of the Financial Code or Section 53601 of this code.

59284. Such proceeds and reinvestments in escrow or in trust shall be in an amount at the time of the issuance of such refunding bonds sufficient to meet the requirements of either subdivision (a) or (b) of this section. Such proceeds and reinvestments in escrow or in trust shall also be certified by a certified public accountant licensed to practice in this state to be of an amount sufficient to meet such requirements.

(a) Such proceeds and investments, together with any interest or other gain to be derived from any such investment, shall be in an amount at least sufficient to pay (i) the principal of, and interest and

redemption premiums if any, on, the refunded bonds as they become due, or at designated dates prior to maturity if the legislative body has exercised or has obligated itself to exercise a redemption privilege on behalf of the local agency, and (ii) the designated costs of issuance of the refunding bonds; or

(b) Such proceeds and investments, together with any interest or other gain to be derived from any such investment, shall be in an amount at least sufficient to pay (i) the principal of, and interest and redemption premiums if any, on, the refunding bonds prior to the maturity of the bonds to be refunded or prior to a designated date or dates before the maturity of the bonds to be refunded if the legislative body has exercised or has obligated itself to exercise a redemption privilege on behalf of the local agency, (ii) the principal of, and any redemption premiums due on, such refunded bonds at maturity or at such designated date or dates and (iii) the designated costs of issuance of the refunding bonds.

59285. Upon the issuance, sale and delivery or exchange of refunding bonds pursuant to this article, if both the refunding bonds and the bonds to be refunded remain outstanding for any period of time following the date of the issuance, sale and delivery of the refunding bonds, then until the date on which the bonds to be refunded are no longer outstanding:

(a) If the local agency has met the test of subdivision (a) of Section 59284, the bonds to be refunded shall no longer be considered outstanding in any computation of the general obligation indebtedness of such local agency;

(b) If the local agency has met the test of subdivision (b) of Section 59284, then the bonds to be refunded shall be considered outstanding in any computation of the general obligation bonded indebtedness of such local agency until the date on which the refunded bonds are retired.

59286. In proceeding under the alternatives provided for in this article, it shall be unnecessary for the legislative body to give notice to the bondholders and to obtain their consents or to obtain written proposals from them, and the provisions in this chapter relating to such consents or proposals from the original bondholders shall not be applicable to any proceedings conducted pursuant to the authority in this article.

SEC. 9. Section 9.1 is added to the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of the 1960 First Extraordinary Session), to read:

Sec. 9.1. The legislative body of the district has jurisdiction, power and authority to conduct proceedings for the refunding of bonded indebtedness under the Refunding Assessment Bond Act of 1935, Chapter 732 of the Statutes of 1935, and under the Special Assessment and Bond Refunding Law of 1939, which is provided for in Chapter 5 (commencing with Section 59100) of Division 2 of Title 6 of the Government Code.

SEC. 10. Section 5 of the Refunding Assessment Bond Act of 1935

(Chapter 732 of the Statutes of 1935) is amended to read:

Sec. 5. (1) Jurisdiction, power, and authority to conduct proceedings for the refunding of indebtedness under this act and the levy of an assessment therefor is conferred upon the legislative bodies of cities or counties, or cities and counties, or the public district which ordered the issuance of the original bonds, as set forth herein. The legislative body, which ordered the bonds of any district which are to be refunded issued, shall have complete jurisdiction, power, and authority to conduct proceedings to refund the indebtedness of said district under this act and to levy an assessment therefor.

(2) If the district, the indebtedness of which is to be refunded, lies entirely within a municipality, the legislative body of said municipality or the public district shall have complete jurisdiction, power, and authority to conduct proceedings to refund such indebtedness under this act and to levy an assessment therefor; and if the district, the indebtedness of which is to be refunded, lies entirely within unincorporated territory of a county, the legislative body of such county or the public district shall have complete jurisdiction, power, and authority to conduct proceedings to refund such indebtedness under this act and to levy an assessment therefor. It is the intent of this section that, in all cases of incorporation of municipalities, or annexation of territory to municipalities, or consolidation of municipalities, or exclusion of territory from municipalities, or the dissolution of municipalities, the jurisdiction, power, and authority which, under paragraph numbered (1) of this section, would have been vested in the legislative body which conducted the proceedings for the issuance of the bonds to be refunded, shall be vested in and may be exercised by the legislative body which, by reason of such incorporation, annexation, consolidation, exclusion, or dissolution, has jurisdiction at the time such refunding is begun over the territory of the assessment district; provided, however, that, in the event all of the territory of the district lies entirely within a municipality but the tax or assessment for the payment of principal and interest of the bonds which are to be refunded is levied by the legislative body of the county, the consent of the legislative body of such county to the refunding of the indebtedness of said district under this act and the levy of an assessment therefor shall be obtained as hereinafter provided.

(3) In case an assessment district lies entirely within two or more municipalities, the legislative body of any municipality in which any part of the district lies may conduct the proceedings to refund the indebtedness of said district and to levy an assessment therefor, and, in case the assessment district lies partly within unincorporated territory of a county and partly within one or more municipalities, the legislative body of the county, or of any municipality in which any portion of the district lies, may conduct proceedings to refund the indebtedness of said district, and to levy an assessment therefor; provided, however, that in any case in which the assessment district

lies entirely within two or more municipalities, or partly within unincorporated territory of a county and partly within one or more municipalities, or in any case in which the legislative body proposing to conduct the refunding proceeding is not the legislative body which levies the tax or assessment for the payment of principal and interest of the bonds to be refunded, the legislative body which proposes to conduct the refunding proceeding shall obtain the consent of the legislative body of each municipality in which any part of the district lies, of the legislative body of the county in case a part of the district lies in unincorporated territory of the county, and of the legislative body which levies the said tax or assessment for the payment of principal and interest of the bonds to be refunded, to the refunding of the indebtedness of such district under this act and the levying of an assessment therefor Such consent shall be obtained prior to the adoption of the resolution of intention in the refunding proceeding and shall be expressed by resolution, a certified copy of which shall be filed with the clerk of the legislative body which proposes to conduct the refunding proceedings on or before the date the resolution of intention in the refunding proceedings is adopted. When such consent has been given, the legislative body to which the consent has been granted shall have complete jurisdiction, power, and authority to refund the bonds of such district under this act and to levy an assessment therefor under the provisions hereof.

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

Bonds issued by joint powers agencies of the nature described herein were issued during a period of high interest rates. Since that period rates have declined and it is possible that substantial interest savings may be generated by the refunding of such agency's bonds. Additionally, unique problems due to rapid growth of population exist in those areas where joint powers agencies have previously financed sanitary sewer facilities. Recently adopted water quality control standards require additional sanitary sewage facilities in order to meet such standards with respect to use of water in the operation of the existing system after the introduction of water from the State Water Project occurs. Legislation authorizing joint powers agencies to finance sanitary sewer facilities expired in 1972 but it has become apparent that such powers are again necessary.

Further, the provisions of this act are vital to the financing of improvements by local agencies and improvement districts, and in order that the benefits of this act may be derived at the next district elections, it is essential that it take effect immediately.

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CHAPTER 257

An act to repeal Section 13355.5 of the Vehicle Code, and to amend Section 564 of the Welfare and Institutions Code, relating to the driving privilege of juveniles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 13355.5 of the Vehicle Code is repealed.

SEC. 2. Section 564 of the Welfare and Institutions Code is amended to read:

564. Upon a hearing conducted in accordance with Section 563, upon an admission by the minor of the commission of a traffic violation charged, or upon a finding that the minor did in fact commit such traffic violation, the judge, referee, or traffic hearing officer may:

(1) Reprimand the minor and take no further action, or

(2) Direct the probation officer to file a petition as provided for in Article 7 (commencing with Section 650) of this chapter, or

(3) Make any or all of the following orders:

(a) That the driving privileges of the minor be suspended or restricted as provided in Article 2 (commencing with Section 13200) of Chapter 2 of Division 6 of the Vehicle Code.

(b) That the minor attend traffic school over a period not to exceed 60 days.

(c) That the minor pay to the general fund of the county a sum, not to exceed fifty dollars ($50).

(d) That the probation officer undertake a program of supervision of the minor for a period not to exceed six months.

(e) That the minor work in a city park or recreational facility or county or regional park for not to exceed 25 hours over a period not to exceed 30 days, during times other than his hours of school attendance or employment. When the order to work is made by a referee or a traffic hearing officer, it shall be approved by a judge of the juvenile court.

The judge, referee, or traffic hearing officer shall retain jurisdiction of the case until all orders made under this section have been fully complied with.

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:

Chapters 755 and 1196 of the Statutes of 1972 were enacted to provide, among other things, that judges, referees, and traffic hearing officers, when ordering suspensions of juvenile traffic violators' driving privileges, would act in accordance with the

Vehicle Code. Chapter 755 repealed Section 13355.5 of the Vehicle Code and Chapter 1196 amended the Welfare and Institutions Code to achieve that effect. Subsequently, Chapter 1407 was enacted which had the effect of restoring Section 13355.5 of the Vehicle Code thus nullifying the effect of Chapters 755 and 1196. In order to clarify this situation and give effect to Chapters 755 and 1196 as soon as possible, it is necessary that this act take effect immediately.

CHAPTER 258

An act to amend Section 13976 of the Water Code, relating to water quality, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973.]

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

SECTION 1. Section 13976 of the Water Code is amended to read:

13976. (a) The moneys in the fund shall be used for the purposes set forth in this section.

(b) The board is authorized to enter into contracts with municipalities having authority to construct, operate and maintain treatment works, for grants to such municipalities to aid in the construction of eligible projects, and for reclamation of water.

Grants may be made pursuant to this section to reimburse municipalities for construction for which contracts were let subsequent to July 1, 1970, and before the first sale of bonds authorized to be issued by this chapter.

Any contract pursuant to this section may include such provisions as may be agreed upon by the parties thereto, and any such contract concerning an eligible project shall include, in substance, the following provisions:

(1) An estimate of the reasonable cost of the eligible project;

(2) An agreement by the board to pay to the municipality, during the progress of construction or following completion of construction as may be agreed upon by the parties, an amount which equals at least 12½ percent of the eligible project cost determined pursuant to federal and state laws, and regulations. Notwithstanding the provisions of any existing agreements entered into pursuant to this subdivision, the board shall pay to the municipality under any contract entered into pursuant to this subdivision for a project for which the federal grant offer was made on or after October 18, 1972, an amount which equals 12½ percent of the eligible project cost determined pursuant to federal and state law and regulations;

(3) An agreement by the municipality, (i) to proceed expeditiously with, and complete, the eligible project, (ii) to

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commence operation of the treatment works on completion thereof, and to properly operate and maintain such works in accordance with applicable provisions of law, (iii) to apply for and make reasonable efforts to secure federal assistance for the eligible project, (iv) to secure the approval of the board before applying for federal assistance in order to maximize the amounts of such assistance received or to be received for all eligible projects in the state, and (v) to provide for payment of the municipality's share of the cost of the eligible project.

(c) The board may make direct grants to any municipality or by contract or otherwise undertake plans, surveys, research, development and studies necessary, convenient or desirable to the effectuation of the purposes and powers of the board pursuant to this division and to prepare recommendations with regard thereto, including the preparation of comprehensive statewide or areawide studies and reports on the collection, treatment and disposal of waste under a comprehensive cooperative plan.

The aggregate amount of moneys which may be advanced or granted to or committed to municipalities for the purpose of planning, research and development, whether by the board or under the direction of the board or in the form of direct grants to municipalities for such purpose, shall not exceed in the aggregate such amount as may be fixed from time to time by the committee.

(d) The board may from time to time with the approval of the committee transfer moneys in the fund to the State Water Quality Control Fund to be available for loans to public agencies pursuant to Chapter 6 (commencing with Section 13400) of this division.

(e) Not more than one-half of 1 percent of the moneys deposited in the fund may be expended by the board for costs incurred in administering the provisions of this chapter.

(f) As much of the moneys in the fund as is necessary shall be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code.

(g) The board may with the approval of the committee transfer not more than ten million dollars ($10,000,000) from the fund to a special reserve fund as additional security for the payment of the principal of and the interest on revenue bonds sold by the state as provided by law to provide funds to municipalities for needed sewage facilities. Such money shall be used for such purpose only after all other securities provided by law have been exhausted. Any money not used for such purpose shall, after retirement of the revenue bonds, be returned to the fund and be available for other purposes provided for in this section.

(h) The board may adopt rules and regulations governing the making and enforcing of contracts pursuant to this section.

SEC. 2. (a) It is the intention of the Legislature, in enacting the provisions of this act, to insure that the total amount of federal and state grants for any project for which the State Water Resources Control Board has entered into a contract pursuant to the provisions

of the Clean Water Bond Law of 1970 (Chapter 13 (commencing with Section 13970) of Division 7 of the Water Code) for a project for which the federal grant offer was made on or after October 18, 1972, shall equal 87½ percent of the eligible project cost.

(b) Notwithstanding the provisions of any such existing agreements, such agreements shall be amended to reflect the changes made by this act as if the provisions of this act had been in effect at the time of the execution of the agreements.

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 construction of new treatment works is urgently needed to protect and enhance the quality of California's waters. This act will make available additional funds to permit the construction of such works at the earliest possible time. In order, therefore, to most effectively protect water quality in this state, it is necessary that this act go into immediate effect.

CHAPTER 259

An act to amend Section 11784 of, to add Article 2 (commencing with Section 11755) to Chapter 7.5 of Part 1 of Division 3 of Title 2 of, and to repeal Article 2 (commencing with Section 11755) of Chapter 7.5 of Part 1 of Division 3 of Title 2 of, and to repeal Section 11785 of, the Government Code, and to repeal Section 3 of Chapter 1254 of the Statutes of 1972, relating to electronic data processing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Article 2 (commencing with Section 11755) of Chapter 7.5 of Part 1 of Division 3 of Title 2 of the Government Code is repealed.

SEC. 2. Article 2 (commencing with Section 11755) is added to Chapter 7.5 of Part 1 of Division 3 of Title 2 of the Government Code, to read:

Article 2. California Information Systems Implementation Committee

11755. Electronic data-processing policies have been established in Sections 11700 and 11701. It is the intent of the Legislature that these policies and any others deemed necessary be implemented expeditiously.

11756. There is in state government a California Information Systems Implementation Committee, hereafter referred to as the committee. It shall consist of the Secretary of Business and Transportation, Secretary of Health and Welfare, Chairman and Vice Chairman of Assembly Committee on Ways and Means, and Chairman and Vice Chairman of Senate Committee on Finance, Director of Finance, Director of General Services, Chairman and Vice Chairman of the Joint Legislative Budget Committee, and Chairman and Vice Chairman of the Assembly Committee on Efficiency and Cost Control. The chairman shall be elected by the committee at its first meeting.

The committee shall exist for the specific purpose of formulating recommendations regarding appropriate legislative and executive actions required for implementing the state's electronic data-processing policies as set forth in Article 1 (commencing with Section 11700) of Chapter 7.

11757. The committee shall begin its work immediately.

11758. The committee, in carrying out its specific purpose, shall:

(a) Review electronic data-processing policies set forth in Article 1 (commencing with Section 11700) of Chapter 7, and Chapter 8 (commencing with Section 11775), and make recommendations for appropriate additions, deletions or revisions thereto;

(b) Develop electronic data-processing procedures for implementing the policies of protecting the privacy and confidentiality of records and the rights and privacy of the individual as established by law.

(c) Submit an annual report to the Legislature and the Governor on or before February 1, commencing in 1975, which shall specify the recommendations and procedures for implementing the conclusions of the committee.

SEC 3. Section 11784 of the Government Code is amended to read.

11784. Any contract entered into by the Department of Finance, any state agency, or any consolidated data center, concerning data-processing systems design, programming, documentation, conversion, and other aspects of data-processing operations shall require that contract personnel shall be physically on the premises of the consolidated data center or state entity in the conduct of systems design, programming, and documentation; however, these functions other than systems design may be conducted off state premises for the one-time conversion necessary to place them on the consolidated data center equipment in order to implement the consolidated data center. Training shall be conducted on state premises unless the equipment being trained for is not installed or available on state premises and such contract shall also contain a provision requiring the contractor and all of his staff working under such contract to maintain all information obtained as a result of such contract as confidential and to not divulge such information to any other person or entity. Where contracts are entered into pursuant to

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this section, as a condition of such contract, provision shall be made that state personnel are to be working directly with such contract personnel to assure continuation of all projects for which the contract is let after a contractor has fulfilled his contractual obligations. Full documentation of all programs shall reside both in the data center and the state entity for which the program was written.

The provisions of this section shall not apply to the University of California, the State Compensation Insurance Fund, or agencies provided for by Article VI of the Constitution, the Legislative Counsel Bureau, or the Legislature.

SEC. 4. Section 11785 of the Government Code is repealed.

SEC. 5. Section 3 of Chapter 1254 of the Statutes of 1972 is repealed.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The implementation phase of the consolidated data centers created by statute at the 1972 Regular Session of the Legislature has begun. This act will provide for necessary continuous communication between the executive and legislative branches of government concerning various electronic processing matters. Therefore, it is necessary that this act take effect immediately so that such communication may take place during the important implementation phase of such centers.

CHAPTER 260

An act to add and repeal Section 31671.2 to the Government Code, relating to the County Employees Retirement Law of 1937, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1973 Filed with Secretary of State July 12, 1973]

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

SECTION 1. Section 31671.2 is added to the Government Code, to read:

31671.2. Notwithstanding the provisions of Section 31671.02, any member who entered the system as an elected judge of a justice court and succeeded by operation of law to the nonelective office of clerk of a superseding municipal court shall be retired as of the first day of the calendar month next succeeding that in which he attains age 67.

SEC. 2. This act shall be operative until January 1, 1976, and thereafter is repealed and shall have no force or effect.

SEC. 3. This act is an urgency statute necessary for the

immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution.

The facts constituting such urgency are that present statutes would require an officer who had been elected to office, but whose office had been changed by operation of law, to retire at an earlier date than would be required by an elective status, and this act is necessary to prevent such earlier mandatory retirement.

CHAPTER 261

An act to add Section 4650.1 to the Public Resources Code, relating to state forests.

[Approved by Governor July 13, 1973. Filed with Secretary of State July 13, 1973]

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

SECTION 1. Section 4650.1 is added to the Public Resources Code, to read:

4650.1. Notwithstanding any other provision of law, timber from state forests shall not be sold to any primary manufacturer, or to any person for resale to a primary manufacturer, who makes use of such timber at any plant not located within the United States unless it is sawn on four sides to dimensions not greater than 4 inches by 12 inches.

Any purchaser of timber from state forests who makes use of such timber in violation of this section shall be prohibited from purchasing state forest timber for a period of five years and may have his license suspended for a period of up to six months.

The department may adopt appropriate regulations to prevent the substitution of timber from state forests for timber exported from private timberlands.

SEC. 2. No provision of this act shall be construed to affect any contract entered into prior to the effective date of the act.

CHAPTER 262

An act to amend Section 1241 of the Code of Civil Procedure, relating to eminent domain.

[Approved by Governor July 13, 1973 Filed with Secretary of State July 13, 1973]

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

SECTION 1. Section 1241 of the Code of Civil Procedure is amended to read:

1241. Before property can be taken, it must appear:

1. That the use to which it is to be applied is a use authorized by law;

2 That the taking is necessary to such use; provided, when the board of a sanitary district or the board of directors of an irrigation district, of a transit district, of a rapid transit district, of a public utility district, of a county sanitation district, of a community service district, or of a water district or the legislative body of a county, city and county, or an incorporated city or town, or the governing board of a school district, shall, by resolution or ordinance, adopted by vote of two-thirds of all its members, have found and determined that the public interest and necessity require the acquisition, construction or completion, by such county, city and county, or incorporated city or town, or school district, or sanitary, irrigation, transit, rapid transit, public utility, county sanitation, community services or water district, of any proposed public utility, or any public improvement, and that the property described in such resolution or ordinance is necessary therefor, such resolution or ordinance shall be conclusive evidence; (a) of the public necessity of such proposed public utility or public improvement; (b) that such property is necessary therefor, and (c) that such proposed public utility or public improvement is planned or located in the manner which will be most compatible with the greatest public good, and the least private injury; provided, that said resolution or ordinance shall not be such conclusive evidence in the case of the taking by any county, city and county, or incorporated city or town, or school district, or sanitary, irrigation, transit, rapid transit, public utility, county sanitation, community services or water district, of property located outside of the territorial limits thereof.

3. If already appropriated to some public use, that the public use of which it is to be applied is a more necessary public use; provided, that where such property has been so appropriated by any individual, firm or private corporation the use thereof for a public street or highway of the state, a county, city and county, or any incorporated city or town, or joint highway district, or the use thereof by the state, a county, city and county, or any incorporated city or town, or joint highway district, or a municipal water district or an irrigation district, a transit district, a rapid transit district, a public utility district, a community service district, or a water district for the same purposes to which it has been appropriated or for any public purpose, shall be deemed a more necessary use than the public use to which such property has been already appropriated; and provided, further, that property of any character, whether already appropriated to public use or not, including all rights of any nature in water, owned by any person, firm or private corporation may be taken by a county, city and county, or any incorporated city or town or by a municipal water district, or an irrigation district, a transit

district, a rapid transit district, a public utility district, a community service district, or a water district, for the purpose of supplying water, or electricity for power, lighting or heating purposes to such county, city and county, or incorporated city or town, or municipal water district, or an irrigation district, a transit district, a rapid transit district, a public utility district, a community service district, or a water district, or the inhabitants thereof, or for the purpose of supplying any other public utility, or for any other public use. And such taking may be made, either to furnish a separate and distinct supply of such water, and such electricity for power, lighting or heating purposes, or to provide for any such separate and distinct other public utility or other public use; to furnish such a supply or provide for any such other public utility or other public use in conjunction with any other supply or with any other public utility or other public use that may have been theretofore provided for or that may thereafter be provided for in so supplying or providing for such county, city and county, or incorporated city or town, or municipal water district or an irrigation district, a transit district, a rapid transit district, a public utility district, a community service district, or a water district, or the inhabitants thereof; or in conjunction with any other supply or with any other public utility or other public use that may have been theretofore determined upon or that may thereafter be determined upon in accordance with law by the people of any such county, city and county, incorporated city or town or municipal water district or an irrigation district, a transit district, a rapid transit district, a public utility district, a community service district, or a water district. Nothing herein contained shall be construed as in any way limiting such rights as may be given by any other law of this state to counties, cities and counties, incorporated cities or towns or municipal water districts or irrigation districts, transit districts, rapid transit districts, public utility districts, a community service district, or water districts.

But private property appropriated to the use of any county, city and county, incorporated city or town, or municipal water district, or irrigation district, or transit district, or rapid transit district, or public utility district, or community services district, or water district, may not be taken by any other county, city and county, incorporated city or town, or municipal district, or irrigation district, or transit district, or rapid transit district, or public utility district, a community services district, or water district, while such property is so appropriated and used for the public purposes for which it has been so appropriated.

CHAPTER 263

An act to amend Sections 213 and 4651 of the Labor Code, relating to employee compensation.

[Approved by Governor July 13, 1973. Filed with Secretary of State July 13, 1973.]

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

SECTION 1. Section 213 of the Labor Code is amended to read:

213. Nothing contained in Section 212 shall:

(a) Prohibit an employer from guaranteeing the payment of bills incurred by an employee for the necessaries of life or for the tools and implements used by the employee in the performance of his duties.

(b) Apply to counties, municipal corporations, quasi municipal corporations or school districts.

(c) Apply to students of nonprofit schools, colleges, universities, and other nonprofit educational institutions.

(d) Prohibit an employer from depositing wages due or to become due or an advance on wages to be earned in an account in any bank, savings and loan association or credit union of the employee's choice in this state, provided the employee has voluntarily authorized such deposit. If an employer discharges an employee or the employee quits such voluntary authorization for deposit shall be deemed terminated and the provisions of this article relating to payment of wages upon termination of employment shall apply.

SEC. 2. Section 4651 of the Labor Code is amended to read:

4651. Such permanent or temporary disability payments shall thereafter be made not less frequently than twice in each calendar month, unless otherwise ordered by the appeals board.

No such payment shall be made by any written instrument unless it is immediately negotiable and payable in cash, on demand, without discount at some established place of business in the state.

Nothing in this section shall prohibit an employer from depositing such payment in an account in any bank, savings and loan association or credit union of the employee's choice in this state, provided the employee has voluntarily authorized such deposit.

CHAPTER 264

An act to amend Section 21754 of the Education Code, relating to school district bonds.

[Approved by Governor July 13, 1973. Filed with Secretary of State July 13, 1973.]

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

SECTION 1. Section 21754 of the Education Code is amended to read:

21754. If it appears from the certificate of election results that two-thirds of the votes cast on the proposition of issuing bonds of the district are in favor of issuing the bonds; or, a majority of the votes cast, if the election is held to repair, reconstruct or replace school buildings in compliance with Section 15503 or any other provision of law; the governing board of the school district shall cause an entry of that fact to be made upon its minutes. The governing board shall then certify to the board of supervisors of the county whose superintendent of schools has jurisdiction over the district, all proceedings had in the premises. The county superintendent of schools shall send a copy of the certificate of election results to the board of supervisors of the county.

SEC. 2. Since Section 40 of Article XIII of the California Constitution now permits local entities to authorize, by a simple majority vote, general obligation bonds for the purpose of repairing, reconstructing, or replacing public school buildings determined in any manner prescribed by law to be structurally unsafe for school use, the amendment made to Section 21754 of the Education Code by Section 1 of this act is merely declaratory of existing law.

CHAPTER 265

An act to amend the heading of Article 8.5 (commencing with Section 5100) of Chapter 1 of Division 3 of, and to amend Sections 5101, 5102, 5103, 5104, 5105, 5108, and 5109 of, the Vehicle Code, relating to license plates, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 13, 1973. Filed with Secretary of State July 13, 1973.]

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

SECTION 1. The heading of Article 8.5 (commencing with Section 5100) of Chapter 1 of Division 3 of the Vehicle Code is amended to read:

Article 8.5. Environmental License Plates

SEC. 2. Section 5101 of the Vehicle Code is amended to read:

5101. Any person who is the registered owner or lessee of a passenger vehicle, commercial vehicle, or trailer registered with the department, or who makes application for an original registration or renewal registration of any such vehicle, may, upon payment of the

fee prescribed in Section 5106, apply to the department for environmental license plates, in the manner prescribed in Section 5105, which plates shall be affixed to the passenger vehicle, commercial vehicle, or trailer for which registration is sought in lieu of the regular license plates.

SEC. 3. Section 5102 of the Vehicle Code is amended to read:

5102. The environmental license plates shall be the same color and design as regular passenger vehicle, commercial vehicle, or trailer license plates, and shall consist of numbers or letters, or any combination thereof not exceeding six positions and not less than two positions, provided that there are no conflicts with existing passenger, commercial, trailer, motorcycle, or special license plates series or with the provisions of Section 4851.

SEC. 4. Section 5103 of the Vehicle Code is amended to read:

5103. "Environmental license plates," as used in this article, means license plates that have displayed upon them the registration number assigned to the passenger vehicle, commercial vehicle, or trailer for which such registration number was issued in a combination of letters or numbers, or both, requested by the owner or lessee of the vehicle.

SEC. 5. Section 5104 of the Vehicle Code is amended to read:

5104. Environmental license plates shall be issued only to the registered owner or lessee of the vehicle on which they are to be displayed.

SEC. 6. Section 5105 of the Vehicle Code is amended to read:

5105. (a) An applicant for issuance of environmental license plates or renewal of such plates in the subsequent year pursuant to this article shall file an application therefor in such form and by such date as the department may require, indicating thereon the combination of letters or numbers, or both, requested as a registration number. There shall be no duplication of registration numbers, and the department may refuse to issue any combination of letters or numbers, or both, that may carry connotations offensive to good taste and decency or which would be misleading or a duplication of license plates provided for in Article 8 (commencing with Section 5000) of Chapter 1 of Division 3.

(b) The department may cancel and order the return of any environmental license plate heretofore or hereafter issued, containing any combination of letters, or numbers, or both, which the department determines carries connotations offensive to good taste and decency. Whenever the department orders any person to return any such environmental license plate, the person so ordered may, in writing and within 10 days after receiving the order, demand a hearing, which shall be granted. The provisions of Article 3 (commencing with Section 14100) of Chapter 3 of Division 6 shall, to the fullest extent feasible, apply to hearings provided for in this subdivision. Any person ordered to return such plates shall either be reimbursed for any additional fees he paid for the plates pursuant to Section 5106 or 5108 for the year in which they are recalled, or be

given, at no additional cost therefor, replacement environmental license plates, the issuance of which is in compliance with this code.

SEC. 7. Section 5108 of the Vehicle Code is amended to read:

5108. Whenever any person who has been issued environmental license plates applies to the department for transfer of such plates to another passenger vehicle, commercial vehicle, or trailer, a transfer fee of twelve dollars ($12) shall be charged in addition to all other appropriate fees.

SEC. 8. Section 5109 of the Vehicle Code is amended to read:

5109. When any person who has been issued environmental license plates sells, trades, or otherwise releases ownership of the vehicle upon which the environmental license plates have been displayed, he shall immediately report the transfer of such plates to an acquired passenger vehicle, commercial vehicle, or trailer pursuant to Section 5108, or he shall surrender such plates to the department forthwith.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act is intended to provide certain needed clarification regarding the issuance, cancellation, and recall of environmental license plates. In order for such clarification to be provided at the earliest possible time, it is necessary that this act go into effect immediately.

CHAPTER 266

An act to amend Section 1473 of the Health and Safety Code, relating to county medical facilities.

[Approved by Governor July 13, 1973 Filed with Secretary of State July 13, 1973]

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

SECTION 1. Section 1473 of the Health and Safety Code is amended to read:

1473. The board of supervisors in each county may fix the rates to be charged patients admitted to any county hospital and may direct any county officer to collect the amounts due the county for hospitalization and medical care. In fixing and collecting hospital charges the board may exercise all the powers conferred by Chapter 5 (commencing with Section 17400) of Part 5 of Division 9 of the Welfare and Institutions Code. The board, or such county officer as it may authorize or designate, may adjust or compromise hospital charges for any of the following reasons:

(a) The patient, his estate, or legally responsible relatives are

unable to pay the charges.

(b) Collection of the charges is barred by the statute of limitations or is otherwise legally uncollectible.

(c) The cost of administering a collection procedure would exceed the amount of revenue which might reasonably be anticipated would be recovered.

(d) Neither the patient nor his legally responsible relatives can be located.

The amendments to this section enacted by the Legislature at the 1973–74 Regular Session shall not be construed to require that any county adopt standards of indigency or requirements of reimbursement more stringent than those in use by such county immediately prior to the effective date of such amendments.

CHAPTER 267

An act to repeal Section 6416 of the Labor Code, relating to safety in employment.

[Approved by Governor July 13, 1973 Filed with Secretary of State July 13, 1973]

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

SECTION 1. Section 6416 of the Labor Code is repealed.

CHAPTER 268

An act to amend Section 972 of the Military and Veterans Code, relating to county veteran service officers.

[Approved by Governor July 13, 1973 Filed with Secretary of State July 13, 1973]

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

SECTION 1. Section 972 of the Military and Veterans Code is amended to read:

972. The board of supervisors may provide the county veteran service officer with such assistants and facilities as it deems necessary. If such a position is created and filled, the compensation and expenses of the county veteran service officer shall be a county charge, but the Department of Veterans Affairs, out of state moneys available therefor, may pay each county a portion of such costs in an amount determined by the department, conditioned upon the observance of standards and regulations prescribed by, and in compliance with the direction of the department and its authorized

representatives. State money available for paying counties any portion of the cost of the compensation and expenses of county veteran service officers shall not include any funds of the Veterans' Farm and Home Building Fund of 1943. Contributions by the department to any county toward the payment of the salary of the county veteran service officer shall not exceed the sum of seventy-five dollars ($75) per month.

CHAPTER 269

An act to add Sections 31522.1 and 31580.2 to the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor July 13, 1973 Filed with Secretary of State July 13, 1973]

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

SECTION 1. Section 31522.1 is added to the Government Code, to read:

31522.1. Both the board of retirement and the board of investment may appoint such administrative, technical, and clerical staff personnel as are required to accomplish the necessary work of the boards. The appointments shall be made from eligible lists created in accordance with the civil service or merit system rules of the county in which the retirement system governed by the boards is situated. The personnel shall be subject to the county civil service or merit system rules and shall be included in the salary ordinance or resolution adopted by the board of supervisors for the compensation of county officers and employees.

SEC. 2. Section 31580.2 is added to the Government Code, to read:

31580.2. In counties where the board of retirement and board of investment have appointed personnel pursuant to Section 31522.1, the entire expense of administration of the retirement system shall be charged against the earnings of the retirement fund. The charge shall not exceed one-tenth of 1 percent of the total assets of the retirement system.

CHAPTER 270

An act to amend Section 20025.2 of the Government Code, relating to retirement overtime.

[Approved by Governor July 13, 1973 Filed with Secretary of State July 13, 1973]

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

SECTION 1. Section 20025.2 of the Government Code is amended to read:

20025.2. When the compensation of a member is a factor in any computation to be made under this part there shall be excluded from such computations any compensation based on overtime put in by a member whose service retirement allowance is a fixed percentage of final compensation for each year of current service. For the purposes of this part, overtime is the aggregate service performed by an employee as a member for all employers and in all categories of employment in excess of the hours of work considered normal for employees on a full-time basis, and for which monetary compensation is paid.

If a member concurrently renders service in two or more positions, one or more of which is full time, he may designate within 30 days of notice given following the effective date of the amendment to this section during the 1973–74 Regular Session or the date upon which such concurrent employment begins whichever is later, the position in which the overtime shall be deemed to be served. If he does not so designate, service in a part-time position or, if all are full time, the position having the lesser compensation shall constitute overtime.

CHAPTER 271

An act to amend Section 2601 of the Elections Code and Section 1773 of the Government Code, relating to vacancies in office.

[Approved by Governor July 13, 1973. Filed with Secretary of State July 13, 1973]

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

SECTION 1 Section 2601 of the Elections Code is amended to read:

2601. (a) At least 44 days before the general election, and at least 84 days, but not more than 194 days, before a special statewide election, the Governor shall issue an election proclamation, under his hand and the Great Seal of the state, and transmit copies to the boards of supervisors of the counties in which the elections are to be held

(b) A special election to fill a vacancy in the office of Representative in Congress, State Senator, or Member of Assembly shall be conducted on a Tuesday at least 84 days, but not more than 91 days, following the issuance of an election proclamation by the Governor pursuant to Section 1773 of the Government Code, except that any such special election may be conducted within 180 days following the proclamation in order that the election or the primary

election may be consolidated with the next regularly scheduled statewide election.

SEC. 2. Section 1773 of the Government Code is amended to read:

1773. When a vacancy occurs in the office of Representative to Congress, or in either house of the Legislature, the Governor shall within 14 calendar days after the occurrence of the vacancy issue a writ of election to fill the vacancy.

The Governor shall issue the election proclamation under his hand and the Great Seal of the state, and transmit copies to the boards of supervisors of the counties in which the election is to be held.

CHAPTER 272

An act to amend Section 31641.6 of the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor July 13, 1973 Filed with Secretary of State July 13, 1973]

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

SECTION 1. Section 31641.6 of the Government Code is amended to read:

31641.6. An employee of a city who has become a county employee upon the assumption by the county of the functions of the city department in which he was employed, may, if he is not covered by the city under a contract with the Public Employees' Retirement System, elect to receive credit in the county retirement system for service for the city prior to the cessation of his employment by the city. When such person elects to receive credit, membership in the retirement system shall commence with the first day of the month in which credit is granted.

Any such person shall be entitled to credit in the county retirement system for service performed for the city when and if (a) the board of retirement receives certification from the city of the city service and earnable compensation of the employee; and (b) the employee deposits into the employees' retirement system the amount of contributions he would have made had he been a county employee during his city employment; and (c) there is also deposited in the employees' retirement system by the city, the employee, or both, the amount that the county would have been required to deposit to the employees' retirement fund based on the city salary paid to such employee.

Upon deposit of such funds, the employee's age at entry shall be considered to be his age at time of employment with the city or at the time this chapter was effective in the county whichever is later. Such money deposited under (b) above shall be considered as

accumulated normal contributions of the employee and any such money deposited under (c) above shall be considered as contributions of the employer county.

If all of the money called for under (b) above is not paid within 90 days after employment by the county, only the part of city employment latest in date covered by such deposit shall be credited and the age at entry and the amount under (c) above shall be adjusted accordingly.

An employee shall receive credit for city employment prior to his employment by the county only for such service for which he is not entitled to receive a pension or retirement from such city.

This section shall become operative in any county on the first day of the calendar month after the board of supervisors adopts by four-fifths vote a resolution making it operative in the county.

CHAPTER 273

An act to amend Section 35002.5 of the Government Code, relating to city government.

[Approved by Governor July 13, 1973 Filed with Secretary of State July 13, 1973]

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

SECTION 1. Section 35002.5 of the Government Code is amended to read:

35002.5. Territory shall not be deemed contiguous as the word "contiguous" is used in this chapter if the only contiguity is based on a strip of land over 300 feet long and less than 200 feet wide, such width to be exclusive of highways.

CHAPTER 274

An act to add Section 24004.5 to the Government Code, relating to county officers.

[Approved by Governor July 13, 1973 Filed with Secretary of State July 13, 1973.]

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

SECTION 1. Section 24004.5 is added to the Government Code, to read:

24004.5. Nothing in Section 24004 shall be construed to prohibit a deputy sheriff who is otherwise qualified to practice law from giving legal advice to his employer when directed to do so within the

course and scope of his employment.

CHAPTER 275

An act relating to clinical laboratory technology, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 15, 1973 Filed with Secretary of State August 15, 1973]

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

SECTION 1. Notwithstanding any other provision of Chapter 3 (commencing with Section 1200) of Division 2 of the Business and Professions Code, any person permanently employed by the University of California performing the duties of a clinical laboratory technologist since November 30, 1970, and who was exempt from licensure under Chapter 3 (commencing with Section 1200) of Division 2, pursuant to Section 1241 of the Business and Professions Code as such provision read immediately prior to the amendment thereof at the 1970 Regular Session of the Legislature which exempted clinical laboratories of the University of California, on payment of the application fee required by Chapter 3 (commencing with Section 1200) of Division 2 of the Business and Professions Code, shall be eligible for examination by the board to demonstrate his ability to perform the duties of a clinical laboratory technologist and to be licensed if his examination performance meets the minimum standards set by the board for licensure. This act shall remain in effect for a period of 90 days, and shall thereafter be of no force or effect.

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

In order to prevent the imposition of severe hardship and detriment upon the persons affected by the provisions of this act, it is necessary that this act become effective immediately.

CHAPTER 276

An act to add Sections 19627.3, 19627.5, and 19627.7 to the Business and Professions Code, and to amend Section 3865 of, and to add Section 3903 to, the Food and Agricultural Code, relating to fairs.

[Approved by Governor August 15, 1973 Filed with Secretary of State August 15, 1973]

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

SECTION 1. Section 19627.3 is added to the Business and Professions Code, to read:

19627.3. Any unallocated moneys at the end of any fiscal year from the appropriation made by Section 19627 shall be allocated by the Director of Food and Agriculture for capital outlay to county, district, combined county and district, or citrus fruit fairs for fair projects involving public health and safety, for fair projects involving major and deferred maintenance, for fair projects necessary due to any emergency, for projects that are required by physical changes to the fair site, for projects that are required to protect the fair property or installation, such as fencing and flood protection, and for the acquisition or improvement of any property or facility that will serve to enhance the operation of the fair.

It is the intent of the Legislature that such moneys shall be used primarily for those fairs whose sources of revenue may be limited for purposes described in this section.

SEC. 2. Section 19627.5 is added to the Business and Professions Code, to read:

19627.5. Any unanticipated revenues, other than any allocation from the state, which are in excess of the approved budget for any fiscal or calendar year of any county, district, combined county and district fair, or citrus fruit fairs, shall be retained by such fair and may be expended for any purpose described in Section 19627.3.

SEC. 3. Section 19627.7 is added to the Business and Professions Code, to read:

19627.7. There is in the Department of Food and Agriculture a Fair Budget Review Board to advise the Director of Food and Agriculture on the following:

(a) Allocation of state support to county, district, combined county and district, or citrus fruit fairs, for operational purposes.

(b) The types and amount of capital outlay projects approved for each eligible fair.

As used in this section, "board" means the Fair Budget Review Board.

The board shall act as a review board making recommendations to the Director of Food and Agriculture relative to proposed legislation affecting fairs.

The board of directors of the fairs in each fair area designated in Section 4532 of the Food and Agriculture Code shall nominate three persons to serve on the board. The director shall appoint one person from among the nominees of each such area to serve on the board. Each member of the board shall be subject to confirmation by the Senate.

Any member of the board initially appointed from a fair area designated by Section 4532 of the Food and Agricultural Code as 1, 3, 5, or 7 shall serve a term of office of four years, and any member initially appointed from a fair area 2, 4, or 6 shall serve a term of office

of six years Each appointment made thereafter from any of such fair areas shall be for six-year terms.

Any appointment made to fill a vacancy on the board of any unexpired term, shall be made only for the remainder of the unexpired term.

The board shall, from time to time, elect a chairman and vice chairman from among its members. The board shall meet at the call of its chairman, at the request of the Director of Food and Agriculture, or upon request of a majority of its members.

The members of the board shall be reimbursed for any necessary expenses incurred in the performance of their duties, in accordance with the rates set by the Board of Control for boards and commissions.

SEC. 4. Section 3865 of the Food and Agricultural Code is amended to read:

3865. District 15 is all that portion of the County of Kern which is not included in District 53.

SEC. 5. Section 3903 is added to the Food and Agricultural Code, to read:

3903. District 53 is all of the portion of Kern County east of the Los Angeles Aqueduct. District 53 shall be known and designated as the Desert Empire Fair, and the fair site shall be near Ridgecrest.

SEC. 6. The amount of moneys designated in Item 91 of the Budget Act of 1973 shall be used for loans to county, district, combined county and district, or citrus fruit fairs, for capital outlay projects, major maintenance projects, or emergencies.

It is the intent of the Legislature that such moneys shall be used primarily for those fairs that display ability to repay any such loan within a reasonable time period at the rate of interest as may be prescribed by Department of Finance.

Repayment of loans to finance major capital outlay projects may be extended to a maximum period of 10 years.

Loans shall be made at a rate of interest equal to that returned by investment of state funds through the Pooled Money Investment Board.

SEC. 7. Any loan executed under the provisions of this act to correct health and safety deficiencies shall be at an interest rate of not to exceed 6 percent per year.

CHAPTER 277

An act to amend Sections 39604 and 39615 of, and to add Sections 39636 and 39637 to, the Health and Safety Code, and to add Section 201.5 to the Revenue and Taxation Code, relating to pollution control, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 15, 1973 Filed with Secretary of State August 15, 1973]

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

SECTION 1. Section 39604 of the Health and Safety Code, as added by Chapter 1257 of the Statutes of 1972, is amended to read:

39604. There is in the state government the California Pollution Control Financing Authority. The authority constitutes a public instrumentality and a political subdivision of the State of California, and the exercise by the authority of the powers conferred by this division shall be deemed and held to be the performance of an essential public function. The authority shall consist of five members: the Director of Finance, the Chairman of the State Water Resources Control Board, the Chairman of the State Air Resources Board, the State Treasurer, and the State Controller.

The Director of Finance, the Chairman of the State Water Resources Control Board, and the Chairman of the State Air Resources Board may each designate a deputy or clerk in his agency to act for him and represent him at all meetings of the authority.

The first meeting of the authority shall be convened by the Director of Finance.

SEC. 2. Section 39615 of the Health and Safety Code is amended to read:

39615. No project shall be eligible for financing under this division unless the appropriate state control agency certifies that there is reasonable assurance that:

(a) The project is necessary to further compliance with applicable federal and state standards.

(b) The project is consistent with an approved regional, basin, or state plan for environmental protection.

For the purposes of this section, the state control agency shall be the State Water Resources Control Board, State Air Resources Board, or the Resources Agency for a project not affecting the air or water or any agency subsequently empowered to control pollution. The authority shall reimburse the control agencies for their reasonable and necessary expenses in making the certification.

In addition to the foregoing, no project for water pollution control is eligible for financing under this division unless the authority finds that local public financing cannot reasonably be obtained.

Projects shall be financed in such order of priority as the authority may determine. It may take into consideration such factors as (1) certification and recommendation of the State Water Resources Control Board, the State Air Resources Board, or the Resources Agency, (2) location of the proposed project, (3) nature of the proposed project, (4) time of application, and (5) any other factors the authority may deem pertinent. The amendments to this section enacted at the 1973–74 Regular Session of the Legislature shall apply to any applications filed prior to the effective date of such amendments. In the event that requests are received regarding

projects which would be eligible for financing except for the limitations on new debt in Section 39620, such requests shall be considered in accordance with rules and regulations of the authority at such time as new indebtedness has been authorized pursuant to Section 39620.5. Such rules and regulations shall give priority to projects which will achieve the maximum conservation and reuse of resources and to projects for the pretreatment of industrial waste prior to discharge into a sewerage system operated by a public agency. No project, construction of which was completed prior to the effective date of this section, may be financed by the authority under this division, provided, however, that additions and improvements to such a project which are commenced on or after the effective date of this section may be financed by the authority.

SEC. 3. Section 39636 is added to the Health and Safety Code, to read:

39636. The authority shall not be required to pay any property taxes or assessments upon, or in respect to, a project or any property acquired by or for the authority under the provisions of this division or upon the income therefrom, so long as the authority holds title to such project or the property or facilities comprised in the project. The exemption of the authority from taxation of any project herein provided shall cease forthwith when title to such property is transferred from the authority to any participating party. The provisions of this section shall not exempt any participating party from taxation with respect to any project, or the property or facilities comprised in any project, which may otherwise be applicable to such participating party.

SEC. 4. Section 39637 is added to the Health and Safety Code, to read:

39637. Upon dissolution of the authority, the title to all properties owned by it shall vest in and become the property of the State of California.

SEC. 4. Section 201.5 is added to the Revenue and Taxation Code, to read:

201.5. (a) Possessory interests in property acquired by or for the California Pollution Control Financing Authority pursuant to Division 27 (commencing with Section 39600) of the Health and Safety Code, whether in real or personal property, shall be subject to taxation under this code.

(b) If the amount determined pursuant to subdivision (a) is less than the amount of tax which would have been imposed if the participating party owned the pollution control facility, the contract or lease between the California Pollution Control Financing Authority and such party shall provide that the difference between the amount of tax paid pursuant to subdivision (a) and the amount determined on the basis of the full cash value of the property shall be paid by such party to the tax collector for the taxing agency at the same time as the property tax is paid.

SEC. 5. This act is an urgency statute necessary for the

immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act will affect the issuance and sale of revenue bonds and bond anticipation notes and the approval of pollution control projects. In order to provide an appropriate amount of time for whatever changes this act will require, it is necessary that it go into effect immediately.

CHAPTER 278

An act to codify Section 4 of Chapter 38 of the Statutes of 1972 by adding Section 25.1 to the Civil Code and by repealing Section 4 of Chapter 38 of the Statutes of 1972, relating to the age of majority.

[Approved by Governor August 20, 1973 Filed with Secretary of State August 20, 1973]

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

SECTION 1 Section 25.1 is added to the Civil Code, to read:

25.1. The Legislature intends that any use of or reference to the words "age of majority," "age of minority," "adult," "minor," or words of similar intent in any instrument, order, transfer, or governmental communication whatsoever made in this state:

(a) Before March 4, 1972, shall make reference to persons 21 years of age and older, or younger than 21 years of age, and

(b) On or after March 4, 1972, shall make reference to persons 18 years of age and older, or younger than 18 years of age.

Nothing contained herein or in Chapter 1748 of the Statutes of 1971 shall prevent the amendment of any court order, will, trust, contract, transfer, or instrument to refer to the new 18-year-old age of majority where such court order, will, trust, contract, transfer, or instrument is:

(1) In existence on March 4, 1972; and

(2) Subject to amendment by law and where amendment is allowable or not prohibited by the terms thereof; and

(3) Otherwise subject to the laws of this state.

SEC. 2. Section 4 of Chapter 38 of the Statutes of 1972 is repealed.

CHAPTER 279

An act to amend Sections 13336.5 and 13337.3 of the Education Code, relating to school certificated employees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 20, 1973 Filed with Secretary of State August 20, 1973]

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

SECTION 1. Section 13336.5 of the Education Code is amended to read:

13336.5. Any employee classified as a substitute or temporary employee, who serves during one school year for at least 75 percent of the number of days the regular schools of the district were maintained in such school year and has performed the duties normally required of a certificated employee of the school district, shall be deemed to have served a complete school year as a probationary employee if employed as a probationary employee for the following school year.

Any such employee shall be reemployed for the following school year to fill any vacant positions in the school district for which the employee is certified.

For purposes of this section "vacant position" means a position in which the employee is qualified to serve and which is not filled by a permanent or probationary employee. It shall not include a position which would be filled by a permanent or probationary employee except for the fact that such employee is on leave.

Any employee classified as a substitute or temporary employee who has rendered the service required to qualify under this section but who has not been reemployed due to a lack of a vacant position shall be reemployed as a substitute or temporary employee for the following school year.

In any district in which appointments are made from eligible lists established by examination, special eligible lists shall be established at the end of each school year which consist of the names of those employees who met the requirements of this section. Such lists shall be in rank order based on the final scores established by examination. Such lists shall be valid for at least two school years. Offers for appointments to probationary status during the ensuing school year shall be made from such special eligible lists established by examination; provided, however, permanent or probationary employees terminated during the preceding 39 months pursuant to Section 13447, shall be given priority in employment over persons on such special eligible lists.

Those employees classified as substitutes, and who are employed to serve in an on-call status to replace absent regular employees on a day-to-day basis shall not be entitled to the benefits of this section.

SEC. 1.5. Section 13337.3 of the Education Code is amended to read:

13337.3. Notwithstanding the provisions of Sections 13336 and 13337, the governing board of a school district may employ as a teacher, for a complete school year but not less than one semester during a school year, any person holding appropriate certification documents, and may classify such person as a temporary employee.

The employment of such persons shall be based upon the need for additional certificated employees during a particular semester or year because a certificated employee has been granted leave for a semester or year, or is experiencing long-term illness, and shall be limited, in number of persons so employed, to that need, as determined by the governing board.

Any person employed for one complete school year as a temporary employee shall, if reemployed for the following school year in a position requiring certification qualifications, be classified by the governing board as a probationary employee and the previous year's employment as a temporary employee shall be deemed one year's employment as a probationary employee for purposes of acquiring permanent status.

SEC. 2. This act shall become operative on July 1, 1973.

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

In order to permit this act to become operative at the beginning of the 1973–1974 school year, and so facilitate its orderly administration, it is necessary that this act take effect immediately.

CHAPTER 280

An act to add Section 21158 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor August 20, 1973 Filed with Secretary of State August 20, 1973.]

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

SECTION 1. Section 21158 is added to the Government Code, to read:

21158. A contracting agency may employ any person retired under this part who has attained age 67 until age 70 to render essential court reporter services if the person possesses the legal requirement for the position of official court reporter and was employed to perform such duties at the time of attainment of age 67.

The allowance of any such person who renders such service shall be suspended during such time and he shall be deemed not to be an employee of the agency for the purposes of the Public Employees' Retirement Law, nor shall he acquire any additional retirement rights or benefits thereunder because of such employment.

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CHAPTER 281

An act to amend Section 1237 of the Civil Code, relating to homesteads.

[Approved by Governor August 20, 1973 Filed with Secretary of State August 20, 1973]

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

SECTION 1. Section 1237 of the Civil Code is amended to read:

1237. The homestead consists of the dwelling house in which the claimant resides, together with outbuildings, and the land on which the same are situated, selected as in this title provided.

The dwelling house may be in a condominium, as defined in Section 783 of the Civil Code, a planned development, as defined in Section 11003 of the Business and Professions Code, a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code, or a community apartment project, as defined in Section 11004 of the Business and Professions Code, or may be situated on real property held under long-term lease rather than a freehold. In such cases, an agreement, covenant, or restriction between or binding upon the owners of a title, interest, or estate in a condominium, planned development, stock cooperative, or community apartment project, or a lien arising under such agreement, covenant, or restriction, or an underlying lease or sublease, indebtedness, security, or other interest or obligation may be enforced in the same manner as if no homestead were declared, and the homestead shall include the interest in and right to use common areas and other appurtenances subject to the terms and conditions applicable thereto. For the purposes of this section "long-term lease" is a lease of 30 years or more

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CHAPTER 282

An act to amend Sections 11493, 11498, 11508, 11511, 11512, 11512.2, and 11515 of, and to add Section 11493.3 to, the Insurance Code, relating to nonprofit hospital service plans

[Approved by Governor August 20, 1973 Filed with Secretary of State August 20, 1973]

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

SECTION 1. Section 11498 of the Insurance Code is amended to read:

11498. Not more than one-half of the directors of such a corporation shall be duly appointed representatives of hospitals with which the corporation has contracts for the rendering of hospital

services and duly qualified and licensed practicing physicians holding valid and unrevoked certificates to practice medicine and surgery or physician and surgeon certificates, issued under the provisions of the State Medical Practice Act in the State of California.

A corporation presently operating under this chapter shall not be required to comply with the amendments to this section enacted at the 1973–74 Regular Session of the Legislature, if such compliance would require the resignation of any person duly appointed or elected as a director of such corporation at the time such amendments become effective; provided, however, that after such amendments become effective, no person shall be appointed, elected, reappointed or reelected as a director of such corporation if such appointment, election, reappointment or reelection would be in violation of this section. This exemption shall not be applicable to any corporation operating under this chapter after January 1, 1977.

SEC. 3. Section 11493 of the Insurance Code is amended to read:

11493. "Hospital services," as used in this chapter, may include the providing of any or all of the following:

(a) Maintenance and care in the hospital, including but not limited to: nursing care, drugs, medicines, supplies, physiotherapy, transportation, and use of facilities and appliances;

(b) Reimbursement of the beneficiary or subscriber for, but without requiring that he first pay, expenses incurred for any of the items included in subdivision (a);

(c) Reimbursement of the beneficiary or subscriber for, but without requiring that he first pay, the costs and expenses incurred for professional medical services rendered during hospitalization; or

(d) In respect to corporations possessing an unrevoked certificate issued pursuant to Section 11511, reimbursement of the beneficiary or subscriber for, but without requiring that he first pay, the costs and expenses incurred for any or all of the following services: appliances, drugs, medicines, supplies and all other health goods and services (including ambulance and laboratory services), and the services of physicians, dentists, and other licensed practitioners of the healing arts.

(e) In respect to corporations possessing an unrevoked certificate issued pursuant to Section 11511, the provision of comprehensive health care services, on a capitation or other prepaid periodic charges basis to subscribers or beneficiaries, including, as determined by the corporation, inpatient and outpatient hospital care; care provided in other organized inpatient and outpatient facilities (including without limitation extended, intermediate, rehabilitative, convalescent, nursing home, clinic, and home health care); preventive services, appliances, drugs, medicines, supplies and any and all other health goods and services (including ambulance and laboratory services); and the services of physicians, dentists, and other licensed practitioners of the healing arts.

SEC. 4. Section 11493.3 is added to the Insurance Code, to read.

11493.3. A corporation which is eligible to, and establishes a

comprehensive health care program or programs pursuant to the provisions of Section 11493(e) may, subject to the approval of the commissioner and for the specific purposes of this section only:

(a) Expend sums, including loans to a corporation or other legally recognized entity, to amortize capital costs of the purchase or construction of health care facilities to be operated by such corporation or entity as a part of such a program;

(b) Enter into agreements with individual physicians or groups thereof for the rendering of services to subscribers or beneficiaries of such a program on a fee-for-service or prepaid capitation basis; and with other licensed practitioners of the healing arts or groups thereof on a fee-for-service, prepaid capitation, salary, or any other basis compatible with the best interests of such subscribers and beneficiaries.

(c) Enter into such other agreements as may be necessary or convenient for the establishment and operation of such programs;

(d) Engage in experimental projects and programs to explore more efficient and economical methods of implementing such programs and the purposes of this section.

(e) Notwithstanding any other provisions of this chapter, a corporation which is eligible to, and establishes a comprehensive health care program, may take such actions as are necessary to guarantee hospital services to subscribers and beneficiaries.

SEC. 5. Section 11508 of the Insurance Code is amended to read:

11508. A corporation organized hereunder shall be deemed to be insolvent if its reserve fund shall be impaired so as to be less than the amounts set forth in Section 11507. For the purposes of determining such insolvency and the financial condition of such a corporation, and also for the purposes of preparation of annual statements and the provisions of Section 11505 and all other purposes not otherwise expressly provided for in this chapter, the commissioner may establish reasonable rules and regulations relating to the assets, liabilities and reserves of such corporations; otherwise such corporations shall, for such purposes, be subject to the requirements of this code as to assets, liabilities and reserves which are applicable to disability insurers.

SEC. 6. Section 11511 of the Insurance Code is amended to read:

11511. If any corporation subject to this chapter has a reserve of admitted assets over all liabilities in excess of two hundred fifty thousand dollars ($250,000), upon its written request the commissioner shall issue to it his certificate stating such fact. Whenever the commissioner finds such fact does not exist he shall revoke and require the surrender of such certificate. Upon any such revocation the corporation shall cease to enter into or to renew any contracts issued under the provisions of subdivisions (d) and (e) of Section 11493, except that it may continue to carry out in good faith its obligations under any such contract which was entered into prior to such revocation up to but not beyond the date of the next annual renewal of any such contract; provided, however, that a corporation

engaged at such time in the operation of a comprehensive health care program or programs under Section 11493(e) may continue, subject to the approval of the commissioner, to exercise any and all the rights and powers which corporations operating such programs are permitted to exercise under the provisions of Section 11493.3.

SEC. 7. Section 11512 of the Insurance Code, as amended by Chapter 388 of the Statutes of 1972, is amended to read:

11512. No hospital service contract shall be entered into between a corporation proposing to furnish or provide any one or more of the services authorized under this chapter and a subscriber:

(a) Unless the entire consideration therefor is expressed in the contract;

(b) Unless the times at which the benefits or services to the subscriber take effect and terminate are stated in a portion of the contract above the evidence of its execution;

(c) If the contract purports to entitle more than one person to benefits or services except family hospital service contracts issued under Section 11512.1, group hospital service contracts issued under Section 11512.2 and blanket contracts issued under Section 11512.4;

(d) Unless every printed portion and any endorsement or attached papers is plainly printed in type of which the face is not smaller than 10 points,

(e) Except for group hospital service contracts and blanket contracts issued under Section 11512.2, unless the exceptions of the contract are printed with greater prominence than the benefits to which they apply;

(f) Except for group hospital service contracts and blanket contracts issued under Section 11512.2, unless, if any portion of such contract purports, by reason of the circumstances under which an illness, injury or disablement is incurred to reduce any service to less than that provided for the same illness, injury or disablement incurred under ordinary circumstances, such portion is printed in boldface type and with greater prominence than any other text of the contract;

(g) If the contract contains any provisions purporting to make any portion of the charter, constitution or bylaws of such nonprofit corporation a part of the contract unless such portion is set forth in full in the contract;

(h) Except for a comprehensive health care contract issued under Section 11493(e), unless the contract for hospital service contains in blackface type not less than 10-point the following provisions:

Nothing in this contract contained shall in any way or manner restrict or interfere with the right of any individual entitled to hospital service and care hereunder to select the contracting hospital or to make a free choice of his attending physician, who shall be the holder of a valid and unrevoked physician and surgeon's certificate and who is a member of, or acceptable to, the attending staff and board of directors of the hospital in which said hospital services are to be provided and rendered;

(i) If such contract contains coverage for sterilization operations or procedures and it imposes any disclaimer, restriction on, or limitation of coverage relative to the insured's reason for sterilization. All such contracts entered into or renewed on or after the effective date of the amendments to this section enacted at the 1972 Regular Session shall be construed to be in compliance with this section, and any provision in any such contract which is in conflict with this section shall be of no force or effect.

SEC. 8. Section 11512.2 of the Insurance Code is amended to read:

11512.2. Group hospital service contracts may be issued in conformity with all of the following conditions:

(a) Written under a master hospital service contract,

(1) Issued either to the federal or state government, or to any federal or state agency, political subdivision or district, or to any public, governmental, or municipal corporation, or to any unit, agency, or department thereof, or to any corporation, copartnership or individual employer, or to the trustee of any association of employers, offering hospital services to all the employees of any such employer or of the employer members of such association or to all of any class or classes thereof determined by conditions pertaining to employment and covering not less than 10 such employees or such employees together with their dependents or spouses for amounts of hospital services based upon some plan which will preclude individual selection by the employee as to the amount of hospital services he may obtain thereunder; or

(2) Issued to any association having a constitution and bylaws and formed in good faith for purposes other than that of obtaining insurance offering hospital services to all the members of such association and covering not less than 10 such members or such members together with their dependents or spouses and not less than 50 percent of all eligible members for amounts of hospital services based upon some plan which will preclude individual selection by the member as to the amount of hospital services he may obtain thereunder. Any such master hospital service contract shall by its terms require the rates, dues, fees or other periodic charges to be paid to the corporation either by means of payroll deduction or periodically by some designated person acting on behalf of the association covered; or

(3) Issued to any trustees eligible to have issued to them a policy of group life insurance under the provisions of Section 10202.8 and covering not less than 10 employees or members eligible thereunder to be covered or such employees or members together with their dependents or spouses; and under which

(b) For delivery to each person covered under the master hospital service contract, other than dependents or spouses of an insured employee or person, there is issued to the holder of such master hospital service contract by the corporation an individual certificate setting forth the benefits and the exceptions under, and referring to,

the master hospital service contract under which the certificate is issued.

(c) In the case of a group contract providing comprehensive health care services issued under Section 11493(e), no such group contract may be offered to any group unless at least one alternative arrangement providing health care services is available to all members of the group which affords free choice among physicians, dentists, other practitioners of the healing arts, pharmacists, pharmacies and health facilities to individual members of the group to the extent such services are made available thereunder.

SEC. 9. Section 11515 of the Insurance Code is amended to read:

11515. The commissioner may after notice and hearing promulgate such reasonable rules and regulations, not inconsistent with the provisions of this chapter, relating to the substance, form and issuance of any contract covering the furnishing of hospital services as defined in subdivisions (d) and (e) of Section 11493 and required to be approved by him by the provisions of Section 11513, as are necessary or desirable to preserve, insofar as applicable, standards as respects substance, form and issuance comparable to the standards in such respects prescribed by Chapter 4 (commencing with Section 10270), Part 2, Division 2 of this code and applicable to disability policies, and to further the purpose or purposes for which such contracts are to be issued. Such rules and regulations shall not prohibit the use in any such contract or agreement of:

(a) The word "subscriber" as a designation of the obligee;

(b) The phrase "a family member" as a designation for the members of the family of the obligee;

(c) The word "contract" or "agreement" as a designation for the undertakings of the hospital service corporation;

(d) The phrases "furnishing of service" or "payment of benefits" as a designation for the commitments of the hospital service corporation; or

(e) The phrase "the service" as a designation for the corporate obligor in any such contract or agreement.

CHAPTER 283

An act to protect the water resources of the state by creating the North Delta Water Agency and prescribing the boundaries, organization, operation, management, financing, and other powers and duties of the agency.

[Approved by Governor August 20, 1973. Filed with Secretary of State August 20, 1973]

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

Article 1. General Provisions

SEC. 1.1. This act may be cited as the North Delta Water Agency Act.

SEC. 1.2. There is hereby created a body politic and corporate of the State of California to be known as the "North Delta Water Agency" which shall have the boundaries hereafter described.

SEC. 1.3. As used herein, unless otherwise indicated by their context:

(a) "Agency" means the North Delta Water Agency.

(b) "United States" means and includes the United States of America and all bureaus, commissions, divisions, departments, boards, agencies, and officers of the executive branch thereof.

(c) "State of California" includes the State of California and all bureaus, commissions, divisions, departments, boards, agencies, and officers of the executive branch thereof.

(d) "Board" means the board of directors of the agency.

(e) "Director" means a member of the board of directors.

(f) "Chairman" means the chairman of the board of directors of the agency.

(g) "Secretary" means the secretary of the board of directors of the agency.

(h) "Legal representative" means an official of a corporation owning land, and means a guardian, conservator, or administrator of the estate of the holder of title to land who:

(1) Is appointed under the laws of this state.

(2) Is authorized by the appointing court to exercise the particular right, privilege, or immunity which he seeks to exercise.

(i) "Voter" means the owner of record of the fee title to lands within the agency.

SEC. 1.4. "Land" or "lands" as used herein excludes improvements thereon, and also excludes rights or privileges appertaining to minerals, oil, gas, or other hydrocarbon substances underlying the surface thereof when such rights or privileges are assessed separately from the land.

Article 2. Elections

SEC. 2.1. Except as otherwise provided herein, the Uniform District Election Law relating to landowner voting districts, shall apply to all elections within the agency.

SEC. 2.2. Each landowner shall have one vote for each dollar's worth of assessed value of land to which he holds title within the division. The last equalized assessment roll of the county in which the land is located is conclusive evidence of ownership and of the worth of the land for voting purposes.

SEC. 2.3. Every voter or his legal representative may vote at any agency election either in person or by a person duly appointed as his proxy.

SEC. 2.4. No appointment of a proxy shall be valid, accepted, or vote allowed thereon at any agency election unless it meets all of the following requirements:

(a) It is in writing.

(b) It is executed by the person or legal representative of the person who, in accordance with the provisions of Section 2.3, is entitled to cast the votes for which the proxy is given.

(c) It is acknowledged.

(d) It specifies the election at which it is to be used. An appointment of a proxy shall be used only at the election specified.

Every appointment of a proxy is revocable, at the pleasure of the person executing it, at any time before the person appointed as proxy shall have cast a ballot representing the votes for which the appointment was given.

SEC. 2.5. Before a legal representative votes at an agency election he shall present to the precinct board a certified copy of his authority which shall be kept and filed with the returns of the election.

SEC. 2.6. The ballots used at an agency election shall be provided by the county clerk pursuant to the provisions of the Uniform District Election Law, and shall be in the form prescribed in Section 35106 of the Water Code.

SEC. 2.7. Except as otherwise provided herein or in the Uniform District Election Law, the procedures to be used at the polls by the precinct board shall be as set forth in Section 35107 of the Water Code.

SEC. 2.8. Any voter may commence the contest of an agency election within 20 days after the result has been declared by filing a complaint in the superior court of the county within which the voter's lands are situated. If no contest is commenced within that time, the declaration of the result as determined from the canvass of the respective county clerks is final and conclusive.

Article 3. Internal Organization

SEC. 3.1. The government of the agency shall be vested in a board of directors selected as herein provided, and the powers of the agency, except as otherwise herein expressly provided, shall be exercised by the board.

SEC. 3.2. The board shall consist of five members, one from each of the five divisions in the agency, and each of whom shall be an owner of real property, or the legal representative of an owner of real property, within the respective division he represents.

SEC. 3.3. The members representing each division on the first board of directors of the agency shall be appointed on or before March 1, 1974, by the board of supervisors of the county in which the division or the greater portion of the assessed value of taxable land in the division is located, which board of supervisors shall be the supervising authority for the purpose of appointment in lieu of

election pursuant to Section 23520 of the Elections Code.

SEC. 3.4. The terms of office for the first board of directors shall expire in 1975 for those directors appointed to represent even-numbered divisions, and in 1977 for those appointed to represent odd-numbered divisions as designated in Section 9.2, as provided in the Uniform District Election Law.

SEC. 3.5. All directors shall thereafter be elected or appointed in lieu of election in the manner prescribed in Article 2 (commencing with Section 2.1) of this act. The term of each director other than those appointed pursuant to Section 3.3 shall be four years and until his successor qualifies.

SEC. 3.6. Within 20 days after receiving his certificate of election, or certificate of appointment, each member director shall qualify by taking and subscribing an official oath and filing it in the office of the agency.

SEC. 3.7. Any vacancy occurring on the board shall be filled by appointment by the board of supervisors of the county within which such division or the major portion of the assessed value of taxable land in such division is located, and such appointee shall serve for the unexpired portion of the term of the office in which such vacancy exists.

SEC. 3.8. The first board shall hold its first meeting as soon as possible after the appointment and qualification of the members of the first board of directors. It shall choose one of its members as chairman, and one of its members as vice chairman, and shall thereupon provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

A majority of the board shall constitute a quorum for the transaction of business.

At its first meeting in January of each year, the board shall choose one of its members as chairman and one of its members as vice chairman, who shall serve as such until the first meeting in January of the immediately following year, or until their respective successors are chosen.

SEC. 3.9. The board shall act only by resolution or motion, which may be adopted by voice vote, but on demand of any member the roll shall be called. No motion or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board.

SEC. 3.10. The board may adopt reasonable rules and regulations to facilitate the exercise of its duties and powers.

SEC. 3.11. Each of the members of the board shall receive for each attendance at the meetings of the board the sum of twenty-five dollars ($25).

In addition to his compensation for attendance at meetings of the board, each member of the board shall be allowed his actual, necessary and reasonable expenses incurred in carrying out his duties.

Each member of the board shall receive such compensation as the

board determines to be just and reasonable for services, other than attendance at meetings of the board, performed at the direction of the board.

SEC. 3.12. The board may appoint, define the duties, and fix the compensation of such advisers, assistants, and employees as it may deem necessary to efficiently maintain and operate the agency. The exercise of any and all executive, administrative and ministerial powers may be delegated by the board.

SEC. 3.13. The board shall have the power:

1. To fix the time and place or places at which its regular meetings shall be held, and shall provide for the calling and holding of special meetings;

2. To fix the location of the principal place of business of the agency and the location of all offices of the agency.

3. To prescribe a system of business administration; to create any and all necesary offices; to establish and reestablish the powers and duties and compensation of all officers and employees; and to require and fix the amount of all official bonds necessary for the protection of the funds and property of the agency.

4. To designate depositories for the funds of the agency.

Article 4. Purposes and Powers

SEC. 4.1. The general purposes of the agency shall be to negotiate, enter into, execute, amend, administer, perform, and enforce one or more agreements with the United States and with the State of California, or with either, which have for their general purposes the following:

(a) To protect the water supply of the lands within the agency against intrusion of ocean salinity; and

(b) To assure the lands within the agency a dependable supply of water of suitable quality sufficient to meet present and future needs.

SEC. 4.2. The agency shall also have the following powers:

(a) To have perpetual succession.

(b) To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at pleasure.

(d) To take by grant, purchase, gift, devise, or lease, or dispose of, real and personal property of every kind within or without the agency.

(e) To borrow money and incur indebtedness; provided, however, that with the exception of agreements provided for in Section 4.1, the agency shall not at any one time incur indebtedness in excess of the ordinary annual income and revenues of the agency; except that the agency may borrow money for its expenses incurred during the period until the agency first receives tax money.

(f) To employ labor and contract for services.

(g) To cause assessments to be levied, in the manner hereinafter

provided, for the purpose of paying expenses and obligations of the agency, including its formation expenses and any warrants issued therefor.

(h) To act jointly with or cooperate with the United States and with the State of California to the end that the purposes and activities of the agency may be fully and economically performed.

(i) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(j) To carry on technical and other investigations of all kinds necessary or convenient for the accomplishment of the purposes or powers of the agency.

SEC. 4.3. The agency shall have all powers necessary or convenient to carry out the purposes of this act, including powers granted by this act and any other provision of law.

Article 5. Finances

SEC. 5.1. On or before the 30th day of June of each year, the board shall determine, and cause to be thereafter assessed and collected as provided in this act, an amount of money sufficient to meet and pay the estimated expenses and obligations, including a reasonable reserve for contingencies, of the agency, until such time as moneys shall be available to the agency from assessments levied in the next succeeding year, subject, however, to a maximum limit of 10 cents ($0.10) upon each one hundred dollars ($100) of assessed valuation of all taxable land within the agency, as shown by the last equalized assessment rolls of all counties within which such lands are located, for purposes other than payment under the contracts provided for in Section 4.1.

SEC. 5.2. The agency shall, at the time of making the determinations specified in Section 5.1, also determine the portion of the amounts to be raised applicable to each county within which lands lying within the agency are located, on the ratio of the assessed value of the taxable land within the agency shown on the last equalized assessment roll of each county to the total assessed value of all the taxable land within the agency, as shown on the last equalized assessment rolls of all counties within which such lands are located, as determined by the agency, and the board shall certify such determinations to the board of supervisors of each county within which lands lying within the agency are located on or before the 30th day of June.

SEC. 5.3. Upon receipt of such certificate of determination, the county auditor, county assessor and county tax collector of each county shall take such action as may be necessary to collect such amount by prorating it on the basis of the assessed value of the taxable land, as defined in this act, lying within the agency and located in such county.

SEC. 5.4. The agency shall pay to each county the cost incurred by the county auditor, county assessor and county tax collector

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complying with the provisions of this act.

SEC. 5.5. The board of supervisors shall levy an assessment on the lands within the agency in accordance with the determinations made above, at the same time county taxes are levied, and its collection shall be at the same time and in the same manner as county taxes. Such assessments shall be a lien on the lands assessed and shall be enforceable in the same manner and by the same means as county taxes.

When collected, the amount, less the cost incurred by the county in complying with the provisions of this act, shall be paid to the treasurer of the agency under the general requirements and penalties provided by law for the settlement of other taxes.

SEC. 5.6. The board may, but need not, appoint as treasurer of the agency the county treasurer of any county situated in whole or in part within the boundaries of the agency. In the event that a county treasurer is appointed, he shall be the depository of the funds of the agency.

The board may issue warrants drawn on the appropriate funds of the agency to pay indebtedness of the agency incurred in carrying out the powers and duties of the agency in anticipation of the collection of assessment levies.

SEC. 5.7. The lands within the agency comprise a portion of the lands lying within the Delta Water Agency, the existence of which agency terminates on December 31, 1973, pursuant to Section 8.1 of the Delta Water Agency Act of 1968 (Chapter 419 of the Statutes of 1968). The successor of the Delta Water Agency, pursuant to Section 56501 of the Government Code, shall hold for the benefit of this agency that portion of the moneys, funds, and other assets of the Delta Water Agency which bears the same ratio to such total moneys, funds, and other assets as the assessed valuation of lands within this agency which were also situated within the Delta Water Agency bears to the total assessed evaluation of lands within the Delta Water Agency, and which remained on hand in the Delta Water Agency after payment of all outstanding obligations of such agency, and shall distribute such portion of the remaining assets to this agency following its initial organization in lieu of the distribution of such assets otherwise provided under Section 56507 of the Government Code.

Article 6. Validation Proceedings

SEC. 6.1. The agency shall validate any contract entered into with the United States or the State of California under the provisions of Section 4.1 in the manner provided in Chapter 9 (commencing with Section 860), Title 10, Part 2 of the Code of Civil Procedure.

Article 7. Approval of Contract by Voters

SEC. 7.1. No contract of the nature and character authorized by Section 4.1 of this act may be entered into by the agency unless first approved by a majority of the votes cast at an election held within the agency.

SEC. 7.2. The election called for the purpose of voting upon such a contract shall be conducted insofar as applicable, in the manner provided in Article 2 (commencing with Section 2.1) of this act.

SEC. 7.3. Notice of such a contract approval election shall be published once a week for four successive weeks in a newspaper of general circulation published in each county within which affected lands of the agency are located. Proof of publication shall be filed with the secretary prior to the day of the election.

SEC. 7.4. The notice of the election shall specify:

(a) The time and place of the election.

(b) The purpose of the election.

(c) A brief statement of the general purpose of the contract.

(d) The amount of money to be paid to the United States, or the State of California, or both, under the contract.

SEC. 7.5. The ballots at the election shall contain a brief statement of the general purpose of the contract substantially as stated in the notice of election and the amount of money to be paid to the United States, or the State of California, or both, under the contract with the words "Contract—Yes" and "Contract—No."

Article 8. Dissolution for Failure to Execute Agreement

SEC. 8.1. In the event that the agency fails to enter into and execute on or before January 1, 1978, a contract with the United States and the State of California of the character and nature described in Section 4.1 of this act, the agency is dissolved and its existence is automatically terminated, and all of its corporate powers shall cease, except for the purpose of winding up the affairs of the agency.

SEC. 8.2. In the event of such dissolution of the agency and the termination of its existence, its affairs shall be wound up, its successor for the purpose of winding up its affairs determined, and its assets and funds distributed in accordance with the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6 of the Government Code.

Article 9. Boundaries

SEC. 9.1. The boundaries of the agency are as follows:

Beginning at the Sacramento River at the I Street bridge proceeding westerly along the Southern Pacific Railroad to its intersection with the west levee of the Yolo By-Pass; southerly along the west levee to an intersection with Putah Creek, then westerly

along the left bank of Putah Creek to an intersection with the north-south section line dividing sections 29 and 28, T8N, R3E; south along this section line to the northeast corner of section 5, T7N, R3E; west to the northwest corner of said section; south along west boundary of said section to intersection of Reclamation District No. 2068 boundary at northeast corner of SE ¼ of section 7, T7N, R3E; southwesterly along Reclamation District No. 2068 boundary to southeast corner of SW ¼ of Section 8, T6N, R2E; west along the south boundary of Section 8, T6N, R2E to the southeast corner of Section 7, T6N, R2E; north to the northeast corner of the SE ¼ of said Section 7; west to the northwest corner of the SE ¼ of said Section 7; south to the northeast corner of the SE ¼ SW ¼ of said Section 7; west to the northeast corner of the SE ¼ SE ¼ of Section 11, T6N, R1E; north to the southeast corner of the NE ¼ NE ¼ of said Section 11; west to the southwest corner of the NW ¼ NE ¼ of said Section 11; north to the northwest corner of the NW ¼ NE ¼ of said Section 11; west along the north boundary of said Section 11 to the northwest corner of said Section 11; south along the west boundaries of Sections 11 and 14, T6N, R1E to the relocated channel of Ulatis Creek; southeast along the relocated channel of Ulatis Creek to the south boundary of Section 6, T5N, R2E; west to the southwest corner of the SE ¼ of said section; south to the southwest corner of the NE ¼ of section 7, T5N, R2E; east to the southeast corner of the NE ¼ of said section; south to the southeast corner of said section; west to the northeast corner of section 13, T5N, R1E; south to the southeast corner of said section; west to the northwest corner of the NE ¼ of section 23, T5N, R1E; south to the southwest corner of the NE ¼ of said section; west to the northwest corner of the SW ¼ of said section; south to the southwest corner of the NW ¼ of section 26, T5N, R1E; east to the northeast corner of the SE ¼ of section 25, T5N, R1E; south to the southeast corner of said section; east to the northeast corner of section 31, T5N, R2E; south to the southeast corner of the NE ¼ of said section; east to the northeast corner of the SE ¼ of section 32, T5N, R2E; south to the northwest corner of section 4, T4N, R2E; east to the northeast corner of said section; south to the southwest corner of the NW ¼ of section 3, T4N, R2E; east to the northeast corner of the SE ¼ of said section; south to the southwest corner of the NW ¼ of the NW ¼ of section 11, T4N, R2E; east to the southeast corner of the NE ¼ of the NE ¼ of said section; south along the east line of section 11, T4N, R2E to a road intersection approximately 1000 feet south of the southeast corner of said section; southeasterly along an unnamed road to its intersection with the right bank of the Sacramento River about 0.7 mile upstream from the Rio Vista bridge; southwesterly along the right bank of the Sacramento River to the Rio Vista Bridge; southeast along the Rio Vista Bridge to the left bank of the Sacramento River; southwest along the left bank of the enlarged Sacramento River channel to the north end of the west levee of Sherman Island; south to Mayberry Slough; southerly along Mayberry Slough to the San Joaquin River; south to a point on the

Sacramento County line, said point being located south of the confluence of Mayberry Slough with the San Joaquin River and south of the east end of Donlan Island; northeast along Sacramento County line to the South Fork Mokelumne River; easterly and northerly along the centerline of the South Fork of the Mokelumne River to Hog Slough, which is the south boundary of Reclamation District 2086; east and north along the southern and eastern boundaries of Reclamation District 2086 to the southern boundary of Reclamation District 348; easterly and northerly along the southern and eastern boundaries of Reclamation District 348 to the south boundary of Reclamation District 1609; easterly and northerly along the southern and eastern boundary of Reclamation District 1609 to the Cosumnes River; upstream along the right bank of the Cosumnes River to an intersection with the eastern boundary of extended section 23, T5N, R5E; north along the eastern boundary of said extended section to the southeast corner of the NE ¼ of the NE ¼ of said extended section; west to the southeast corner of the NE ¼ of the NW ¼ of said extended section; north to the southeast corner of the NW ¼ of extended section 14, T5N, R5E; west to an intersection with Desmond Road; north along Desmond Road to Wilder-Ferguson Road; west along Wilder-Ferguson Road to the Western Pacific Railroad; northerly along the Western Pacific Railroad to Lambert Station Road; west along Lambert Station Road to the southeast corner of Section 31, T6N, R5E; north to the northeast corner of the SE ¼ SE ¼ of said Section 31; west to the northwest corner of the SW ¼ SE ¼ of Section 36, T6N, R4E; north to the northwest corner of the SW ¼ NE ¼ of said Section 36; east to the southeast corner of the NE ¼ NE ¼ of said Section 36; north to the northwest corner of the SW ¼ SW ¼ of Section 30, T6N, R5E; east to the northeast corner of the SE ¼ SE ¼ of said Section 30; north to the northeast corner of the NE ¼ SE ¼ of said Section 30; west to the northwest corner of the NE ¼ SE ¼ of said Section 30; north to the northeast corner of the SW ¼ NE ¼ of said Section 30; west to the northwest corner of the SW ¼ NE ¼ of said Section 30; north to the south line of Section 19, T6N, R5E; east along the south lines of Sections 19 and 20 to the south east corner of the SW ¼ of Section 20 T6N, R5E; north to the center of said Section 20; west to the southwest corner of the NW ¼ of said Section 20; north to the northwest corner of said Section 20; west to the northwest corner of the NE ¼ of Section 19, T6N, R5E; south to the southeast corner of the NE ¼ NW ¼ of said Section 19; west to the southwest corner of the NE ¼ NW ¼ of said Section 19; north to the northwest corner of the SE ¼ SW ¼ of Section 18, T6N, R5E; east to the northeast corner of the SE ¼ SW ¼ of said Section 18; north to the south line of Section 6, T6N, R5E; west to the southeast corner of the SW ¼ SW ¼ of said Section 6; north to the southeast corner of the SW ¼ NW ¼ of Section 31, T7N, R5E; west to an intersection with the range line dividing R4E and R5E; north along this range line to the south boundary of the City of Sacramento; westerly along the boundary of the City of Sacramento to its intersection with the

Sacramento River; north along the right bank of the Sacramento River to the I Street Bridge.

Section, range, and township locations are referenced to the Mount Diablo Base Line and Meridian. Road names and locations are as shown on the following United States Geological Survey Quadrangles, 7.5 minute series, Rio Vista, 1953; Clayton, 1953; Vernalis, 1952; Ripon, 1952; Bruceville, 1953; Florin, 1953; and Stockton West, 1952.

SEC. 9.2. The area of each division of the agency is as follows:

Division 1

That portion of the agency in Sacramento and San Joaquin Counties described as follows:

Beginning at a point on the southern boundary of the agency and on the Sacramento County line, said point being located south of the confluence of Mayberry Slough with the San Joaquin River and south of the east end of Donlan Island; easterly and northerly along the southern boundary of the agency to the North Fork Mokelumne River; northerly along the North Fork of Mokelumne River to Snodgrass Slough; northerly along Snodgrass Slough to the Delta Cross Channel; northwesterly along the Delta Cross Channel to the Sacramento River; northwesterly along the Sacramento River to Sutter Slough; southwesterly along Sutter Slough, Steamboat Slough and Cache Slough to the Sacramento River; southwesterly and southerly along the boundary of the agency and along the left bank of the enlarged Sacramento River channel and Mayberry Slough to a point on the Sacramento County line located south of the east end of Donlan Island, being the point of beginning.

Division 2

That portion of the agency in Sacramento and San Joaquin Counties described as follows:

Beginning at a point on the Sacramento River at its intersection with the south boundary of the City of Sacramento which is also the boundary of the agency; southeasterly and southwesterly along the boundary of the agency to the North Fork Mokelumne River; northerly along the North Fork Mokelumne River to Snodgrass Slough; northerly along Snodgrass Slough to the Delta Cross Channel; northwesterly along the Delta Cross Channel to the Sacramento River; northeasterly along the Sacramento River to its intersection with the south boundary of the City of Sacramento being the point of beginning.

Division 3

That portion of the agency in Solano County described as follows:

Beginning at a point where the Solano-Yolo County line intersects

the Sacramento River Deep Water Ship Channel; southerly along said Ship Channel to Cache Slough; southerly along Cache Slough to the Sacramento River; southwesterly along the Sacramento River to the boundary of the agency at a point about 0.7 mile upstream from the Rio Vista Bridge; northerly along the boundary of the agency to the intersection with the Solano-Yolo County line; southerly and easterly along the Solano-Yolo County line to its intersection with the Sacramento River Deep Water Ship Channel, being the point of beginning.

Division 4

That portion of the agency in Yolo County described as follows:

Beginning at a point where the Solano-Yolo County line intersects the Sacramento River Deep Water Ship Channel; northeast along said Ship Channel to the southern boundary of Reclamation District 900; east along the southern boundary of Reclamation District 900 to the Sacramento River, which is also the boundary of the agency, northerly, westerly, and southerly along the boundary of the agency to its intersection with the Solano-Yolo County line; southerly and easterly along the Solano-Yolo County line to its intersection with the Sacramento River Deep Water Ship Channel, being the point of beginning.

Division 5

That portion of the agency in Yolo and Solano Counties described as follows:

Beginning at the confluence of Steamboat Slough and Cache Slough within Solano County; northeast along the center line of Steamboat Slough to its confluence with Sutter Slough; northeast along the center line of Sutter Slough to its confluence with the Sacramento River; northerly along the Sacramento River to the southern boundary of Reclamation District 900; west along the southern boundary of Reclamation District 900 to the Sacramento River Deep Water Ship Channel; southwesterly along the Sacramento River Deep Water Ship Channel to Cache Slough; southerly along Cache Slough to the confluence with Steamboat Slough, being the point of beginning.

SEC. 10. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 284

An act to add Section 18617.2 to the Financial Code, relating to industrial loan company advertising.

[Approved by Governor August 20, 1973 Filed with Secretary of State August 20, 1973.]

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

SECTION 1. Section 18617.2 is added to the Financial Code, to read:

18617.2. An industrial loan company which issues thrift certificates shall not use any advertisement which refers to the industrial loan company's ownership by, or affiliation with, any other entity unless the advertisement also discloses in as prominent a manner and as large a type size as the referenced ownership, or affiliation was stated, whether or not the owner or affiliate so named guarantees thrift certificates issued by the industrial loan company.

CHAPTER 285

An act to amend Section 9 of the Civil Code, relating to holidays.

[Approved by Governor August 22, 1973 Filed with Secretary of State August 22, 1973]

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

SECTION 1. Section 9 of the Civil Code is amended to read:

9. All other days than those mentioned in Section 7 are to be deemed business days for all purposes; provided, that as to any act appointed by law or contract, or in any other way, to be performed by, at, or through any bank organized under the laws of or doing business in this state, Saturday is a holiday and not a business day; and provided, that any act appointed by law or contract, or in any other way, to be performed on any day which is an optional bank holiday as defined in Section 3123 of the Commercial Code, by, at, or through any bank or branch or office thereof, whether acting in its own behalf or in any other capacity whatsoever, may be performed on such optional bank holiday if the bank or branch or office thereof by, at, or through which such act is to be performed is open for the transaction of business on such optional bank holiday, or, at the option of the person obligated to perform the act, it may be performed on the next succeeding business day which is not a Saturday.

CHAPTER 286

An act to add Section 114 to the Mendocino County Flood Control and Water Conservation District Act (Chapter 995 of the Statutes of 1949), relating to the Mendocino County Flood Control and Water Conservation District.

[Approved by Governor August 22, 1973 Filed with Secretary of State August 22, 1973]

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

SECTION 1. Section 114 is added to the Mendocino County Flood Control and Water Conservation District Act (Chapter 995 of the Statutes of 1949), to read:

114. Territory may be annexed to an improvement district pursuant to the provisions of the District Reorganization Act of 1965.

CHAPTER 287

An act to amend Section 16522 of the Education Code, relating to governing boards of school districts.

[Approved by Governor August 22, 1973 Filed with Secretary of State August 22, 1973]

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

SECTION 1. Section 16522 of the Education Code is amended to read:

16522. The governing board of a school district may rent or lease personal property needed for district purposes, including the renting or leasing of caps and gowns for seniors who participate in high school graduation ceremonies.

CHAPTER 288

An act to amend Section 190 of the Streets and Highways Code, relating to grade separations.

[Approved by Governor August 22, 1973 Filed with Secretary of State August 22, 1973]

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

SECTION 1. Section 190 of the Streets and Highways Code is amended to read:

190. In each annual budget report prepared by the commission

and the department under Section 143.1, commencing with the 1972–1973 fiscal year, the sum of ten million dollars ($10,000,000) shall be set aside for allocations to grade separation projects, including the elimination of existing or proposed grade crossings, the elimination of grade crossings by removal or relocation of streets or railroad tracks, and the alteration or reconstruction of existing grade separations, of separations of grade districts, cities, cities and counties, and counties on county roads or city streets as provided in Sections 189 to 191, inclusive.

An allocation shall be made of one-half of the estimated cost, after deducting therefrom any contribution to be made by the railroad corporations involved, towards any project which qualifies therefor under the provisions of those sections, except that in no event shall allocations be made to projects for the alteration or reconstruction of grade separations unless the affected railroad or railroads have agreed, or have been required by decision of the Public Utilities Commission, to contribute not less than 10 percent of the cost of such alteration or reconstruction project. In no event shall an allocation for a project effecting the elimination of grade crossings by removal or relocation of streets or railroad tracks be in excess of the estimated allocation that would otherwise be made for the construction of grade separation facilities on the existing alignment of the street and railroad tracks.

An allocation shall be made only when the affected local agency or agencies furnish evidence to the department that all necessary orders of the Public Utilities Commission have been obtained, that all necessary agreements with affected railroad or railroads have been executed, that sufficient funds from the local agency or agencies are available and that all other matters prerequisite to awarding the construction contract within a period of six months have been or can be taken care of within that time.

Funds of a local agency shall be deemed available for purposes of this section to the extent of the amount of any general obligation bonds authorized but unsold if all proceedings prior to the issuance and sale of the bonds have been validly taken and if the bonds may be validly issued and sold by the local agency at any time, even though at the time of allocation under this section the bonds have not been issued or sold. Where such bond proceedings have been taken, if the bonds are not issued and sold within six months after the time of such allocation, the commission may order the allocation canceled, and shall thereupon revert the amount thereof to the fund set aside by this section, for reallocation to another eligible project.

In any event, regardless of the method proposed by the local agency for the financing of its share of the project cost, if after an allocation has been made, the construction contract has not been awarded within one year, the commission may order the allocation canceled and the funds allocated shall revert to the fund set aside by this section.

In financing its share of the project cost, the local agency may use

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any funds available to it. Notwithstanding any other provision of law, when the local agency uses funds derived from any federal program in financing its share of the project cost, the allocation to be made pursuant to this section shall be computed as though such local agency contribution was derived from nonfederal sources and shall be computed as though the railroad had made its contribution pursuant to state law rather than pursuant to federal law.

The department and the commission may make allocations from a succeeding fiscal year's sum set aside for purposes of this section on and after January 1st preceding the beginning of such fiscal year. Engineering, right-of-way acquired for the project and utility relocation costs expended by a local agency or agencies prior to an allocation of funds for a project shall be included in the total cost thereof, even though expended prior to an allocation of state funds.

The first five million dollars ($5,000,000) of the fund set aside by this section each fiscal year shall be available for allocation and expenditure without regard to fiscal year.

The department and the commission shall revert as of October 1st of each fiscal year any unallocated amount of the balance of the annual sum of ten million dollars ($10,000,000) set aside by this section for that fiscal year. Any other funds that may be set aside for the purposes of this section shall be allocated prior to the allocation of the above ten million dollars ($10,000,000) and shall be available for allocation and expenditure without regard to fiscal years.

A local agency that furnishes evidence to the department that it has complied with all requirements for an allocation pursuant to this section may, if it has sufficient funds available for that purpose, proceed with the advertising for bids and the construction without prejudice to its right to receive an allocation if an allocation becomes available for that local agency before the termination of the priority list established for the year during which the construction commenced.

Such project may be constructed by the local agency or agencies concerned, or, by agreement between the local agency or agencies and the department, the department may acquire the necessary rights-of-way in the name of the local agency or agencies, execute agreements with railroad corporations, present necessary applications to the Public Utilities Commission and perform all other acts to complete the project. Construction work by the department shall be subject to the State Contract Act. Agreements between the department and local agencies are authorized relative to the handling and accounting of funds, including the making of advancements thereof so as to permit prompt payment for the work accomplished, and relative to any other phase of the work.

In the event the actual cost is less than that estimated, the allocation shall be reduced accordingly. If, after completion of the project, the actual cost exceeds that estimated, the allocation may be increased proportionately by the department and the commission. If more projects comply with the requirements hereof than can be

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financed from the fund set aside by this section, allocations shall be made only to those highest on the priority list submitted by the Public Utilities Commission, except for those allocations made for projects which exceed the estimated costs. Allocations to specific projects by the department shall remain available until expended. As used in this section, "local agency" includes a separation of grade district, as well as a city, city and county, or county.

CHAPTER 289

An act to repeal Section 6822 of the Education Code, relating to preschool deaf children.

[Approved by Governor August 22, 1973 Filed with Secretary of State August 22, 1973.]

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

SECTION 1. Section 6822 of the Education Code is repealed.

CHAPTER 290

An act to amend Section 4709 of the Labor Code, relating to scholarships.

[Approved by Governor August 22, 1973 Filed with Secretary of State August 22, 1973]

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

SECTION 1. Section 4709 of the Labor Code is amended to read:

4709. Notwithstanding any other provisions of law to the contrary, each dependent of any chief of police, police officer, sheriff, deputy sheriff, marshal or deputy marshal of the municipal courts, or member of the California Highway Patrol who is killed in the performance of his duty or who dies or is totally disabled as a result of an accident or an injury caused by external violence or physical force, incurred in the performance of his duty, when such death, accident or injury is compensable under this division or Division 4.5 (commencing with Section 6100) shall be entitled to a scholarship at any one of the institutions of collegiate grade located in California if such institution offers a two-year junior college or four-year college course and is accredited by the Western Association of Schools and Colleges. Such scholarship is to include payment of tuition and fees, monthly allowance, books and supplies, to a maximum of six thousand dollars ($6,000) over a period not to exceed six years, with a maximum of one thousand five hundred dollars ($1,500) per year

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if he has demonstrated his financial need for such scholarship. This shall not preclude any other benefits provided by law.

Each dependent of an officer or employee of the Department of Corrections or the Department of Youth Authority described in Section 20017.77 of the Government Code who is killed in the performance of his duty, or who dies or is totally disabled as a result of an accident or an injury incurred in the performance of his duty, when such death, accident, or injury is caused by the direct action of an inmate, and is compensable under this division or Division 4.5 (commencing with Section 6100), shall also be entitled to a scholarship specified in this section.

Nothing in this section shall be interpreted to allow the admittance of such dependent into a college or university unless such dependent is otherwise qualified to gain admittance to such college or university.

As used in this section, "dependent" means the children (natural or adopted), at the time of his death, of the peace officer or law enforcement officer who is killed, or who receives injuries which result in his subsequent death.

CHAPTER 291

An act to amend Section 13260 of the Education Code, relating to school employment.

[Approved by Governor August 22, 1973. Filed with Secretary of State August 22, 1973.]

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

SECTION 1. Section 13260 of the Education Code is amended to read:

13260. If, without good cause, a permanent employee of a school district fails prior to July 1st of any school year to notify the governing board of the district of his intention to remain or not to remain in the service of the district, as the case may be, during the ensuing school year if a request to give such notice, including a copy of this section, shall have been personally served upon him, or mailed to him by United States certified mail with return receipt requested to his last known place of address, by the clerk or secretary of the governing board of the school district, not later than the preceding May 30th, he may be deemed to have declined employment and his services as an employee of the district may be terminated on June 30th of that year.

CHAPTER 292

An act to add Article 12 (commencing with Section 28080) to Chapter 5 of Division 12 of the Vehicle Code, relating to vehicles.

[Approved by Governor August 22, 1973 Filed with Secretary of State August 22, 1973.]

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

SECTION 1. Article 12 (commencing with Section 28080) is added to Chapter 5 of Division 12 of the Vehicle Code, to read:

Article 12. Camper Signaling Devices

28080. (a) Every motor vehicle upon which a camper is mounted shall be equipped with an audible or visual signaling device which can be activated from inside the camper and which is constructed so as to allow any person inside the camper to gain the attention of the driver of the motor vehicle. In no event shall a horn, as required by Section 27000, be used to comply with this subdivision.

(b) No person shall drive a motor vehicle upon which is mounted a camper containing any passenger unless the motor vehicle is equipped as required by subdivision (a).

28081. The provisions of Section 28080 shall not apply to either of the following:

(a) Any motor vehicle upon which a camper is mounted if a person is able to move between the cab portion of the motor vehicle and the camper.

(b) Any motor vehicle upon which a camper is mounted, which motor vehicle is equipped with a sliding or removable rear window which can be opened or removed by a person inside such camper.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

SEC. 3. This act shall become operative on January 1, 1975.

CHAPTER 293

An act to add Section 36627 to the Vehicle Code, relating to vehicles.

[Approved by Governor August 22, 1973 Filed with Secretary of State August 22, 1973.]

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

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SECTION 1. Section 36627 is added to the Vehicle Code, to read:

36627. Notwithstanding the provisions of Section 21715, a motortruck with an unladen weight of not less than 3,500 pounds and a gross weight of not less than 4,200 pounds may tow a combination of two almond trailers operated on the highways for the exclusive purpose of transporting almonds from a farm to an almond huller and returning the empty trailers to such farm. Extra weight or ballast may be added to meet the requirements of this section and shall be in the form of 100-pound bags of sand.

SEC. 2. The Department of Transportation, in cooperation with the Department of the California Highway Patrol, shall undertake a study to determine the safety characteristics and other problems related to the operation of motortrucks and towing combinations described in Section 36627 of the Vehicle Code, and the Department of Transportation shall report thereon to the Legislature no later than July 1, 1976.

CHAPTER 294

An act to add Section 10153.2 to, and to amend Sections 10153.4 and 10153.5 of, the Business and Professions Code, relating to real estate broker licensure.

[Approved by Governor August 22, 1973 Filed with Secretary of State August 22, 1973]

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

SECTION 1. Section 10153.2 is added to the Business and Professions Code, to read:

10153.2. On or after January 1, 1975, an applicant for a real estate broker license shall also submit evidence, satisfactory to the commissioner, of successful completion at an accredited institution of higher learning of (1) a three-semester unit course or the quarter equivalent thereof in real estate economics or accounting, and (2) a three-semester unit course or the quarter equivalent thereof in an advanced course in either legal aspects of real estate, real estate finance or real estate appraisal; or a three-semester unit course or the quarter equivalent thereof in business law, escrows, real estate principles, property management or real estate office administration. The commissioner shall waive the requirements of this section if the applicant presents evidence of admission to the California State Bar or completion of a course of study equivalent to that required herein.

SEC. 2. Section 10153.4 of the Business and Professions Code is amended to read:

10153.4. An applicant for a real estate broker license shall also submit evidence, satisfactory to the commissioner, of successful

completion at an accredited institution of higher learning of a three-semester unit course or the quarter equivalent thereof in the legal aspects of real estate and a three-semester unit course or the quarter equivalent thereof in real estate practice. The commissioner shall waive the requirements of this section if the applicant presents evidence of admission to the California State Bar or completion of a course of study equivalent to that required herein.

As used in this section and in Sections 10153.2 and 10153.5, an equivalent course of study includes courses at a private vocational school or a supervised course of study, either of which, after prior application and approval thereof by the commissioner, is equivalent in quality to the real estate courses offered by the colleges and universities accredited by the Western Association of Schools and Colleges.

As used in this section herein and in Sections 10153.2 and 10153.5, "accredited institution" shall mean a college or university which either:

(a) Is accredited by the Western Association of Schools and Colleges or by any other regional accrediting agency recognized by the United States Department of Health, Education and Welfare, Office of Education.

(b) In the judgment of the commissioner, has a real estate curriculum equivalent in quality to that of the institutions accredited pursuant to subdivision (a).

SEC. 3. Section 10153.5 of the Business and Professions Code is amended to read:

10153.5. An applicant for a real estate broker license shall also submit evidence, satisfactory to the commissioner, of successful completion at an accredited institution of higher learning of a three-semester unit course or the quarter equivalent thereof in real estate appraisal and a three-semester unit course or the quarter equivalent thereof in real estate financing. The commissioner shall waive the requirements of this section if the applicant presents evidence of admission to the California State Bar or completion of a course of study equivalent to that required herein.

CHAPTER 295

An act to add Section 2167.1 to the Revenue and Taxation Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 23, 1973. Filed with Secretary of State August 24, 1973.]

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

SECTION 1. Section 2167.1 is added to the Revenue and Taxation Code, to read:

2167.1. (a) Notwithstanding any other provision of law to the contrary, the legislative body of any city which is encompassed entirely within the territory of a special district may elect to pay such district an amount equal to the amount such district would derive from its tax on all property within the incorporated limits of such city.

(b) If a legislative body makes an election pursuant to subdivision (a), the legislative body may increase the city's property tax rate to produce an amount equal to the amount the district would have derived from imposition of its tax on property within the city. Such rate is in addition to any rate authorized by Section 2167.

(c) If a city legislative body makes an election pursuant to subdivision (a), the district shall no longer impose such tax on property within the city, and upon collection of city taxes, such amount shall be paid by the city or transferred by the county auditor to the district.

(d) If the legislative body of a city makes an election pursuant to subdivision (a), the legislative body shall notify the county auditor, county assessor, and county tax collector by no later than the first day of September of the fiscal year in which such election becomes effective, and the county auditor shall not extend the stated portion of the district's tax on property within the city. Upon the request of the city legislative body, the county tax collector shall list each involved district on the property tax bill or an accompanying statement, clearly indicating that the city has elected to include the cost of the special district service in the city tax rate.

(e) For purposes of this section, "special district" means any special district where the county board of supervisors act as, or has appointed, the governing body of such districts providing fire or library services to one or more cities or any county library service established under Chapter 2 (commencing with Section 27151) of Division 20 of the Education Code provided for one or more cities, if all property within the city is taxed to support such service.

(f) This section shall not apply in any case in which a city is making the payments described in this section to a district on the effective date of this section.

(g) If any additional costs are incurred by a county as a result of an election under this act by a city, such county may collect such costs from the city.

(h) This section shall apply only to cities which are in counties which have a population of 6,000,000 or more.

SEC. 2. The Legislature finds and declares that there are no state-mandated costs to local government contained in Section 1 of this act for the following reasons:

(a) Cities are given an option to make payments to special districts, which payments are not required of cities by this act.

(b) Counties are presently required to collect taxes on behalf of

cities within the county and a change in a city rate will not create any additional costs.

Therefore, no appropriation is made by this act nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code.

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

In order to enable cities to assume financial responsibility for services provided city residents by special districts at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 296

An act to amend Sections 6051, 6201, 17069, and 17069.5 of, to add Section 6052.5 to, and to repeal Section 6052.5 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor August 23, 1973. Filed with Secretary of State August 24, 1973.]

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

SECTION 1. Section 6051 of the Revenue and Taxation Code, as amended by Section 1 of Chapter 67 of the Statutes of the 1973–74 Regular Session of the Legislature, is amended to read:

6051. For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers at the rate of 2½ percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in this state on or after August 1, 1933, and to and including June 30, 1935, and at the rate of 3 percent thereafter, and at the rate of 2½ percent on and after July 1, 1943, and to and including June 30, 1949, and at the rate of 3 percent on and after July 1, 1949, and to and including July 31, 1967, and at the rate of 4 percent on and after August 1, 1967, and to and including June 30, 1972, and at the rate of 3¾ percent on and after July 1, 1972, and to and including June 30, 1973, and at the rate of 4¾ percent on and after July 1, 1973, and to and including September 30, 1973, and at the rate of 3¾ percent on and after October 1, 1973, and to and including March 31, 1974, and at the rate of 4¾ percent thereafter.

SEC. 2. Section 6051 of the Revenue and Taxation Code, as amended by Section 2 of Chapter 67 of the Statutes of the 1973–74 Regular Session of the Legislature, is amended to read:

6051. For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers at the rate of 2½ percent of the gross receipts of any retailer from the sale of all

tangible personal property sold at retail in this state on or after August 1, 1933, and to and including June 30, 1935, and at the rate of 3 percent thereafter, and at the rate of 2½ percent on and after July 1, 1943, and to and including June 30, 1949, and at the rate of 3 percent on and after July 1, 1949, and to and including July 31, 1967, and at the rate of 4 percent on and after August 1, 1967, and to and including June 30, 1972, and at the rate of 3¾ percent on and after July 1, 1972, and to and including June 30, 1973, and at the rate of 4¾ percent on and after July 1, 1973, and to and including September 30, 1973, and at the rate of 3¾ percent on and after October 1, 1973, and to and including March 31, 1974, and at the rate of 4¾ percent on and after April 1, 1974, 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. 3. Section 6052.5 of the Revenue and Taxation Code, as amended by Chapter 67 of the Statutes of 1973–74, is repealed.

SEC. 4. 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 3¾-percent rate, at the 4-percent rate, at the 4¾-percent rate, at the 5-percent rate, at the 5¼-percent rate, at the 5½-percent rate, and at any other combined rates of state, local and transit district taxes administered by the board. The schedules shall be identical with the following tables up to the amounts specified therein:

3¾ percent

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 4¾-percent rate, at the 5-percent rate, at the 5¼-percent rate, and at the 5½-percent rate shall show amounts of reimbursement computed by applying the applicable tax rate to the sales price, rounded off to the nearest cent by eliminating any fraction less than one-half cent and increasing any fraction of one-half cent or over to the next higher cent.

The "sales tax reimbursement schedule" shall be available for inspection and duplication or reproduction.

Each retailer who collects amounts from a consumer in reimbursement of the sales tax shall use the appropriate schedule prepared by the board in computing the amount of the reimbursement, based upon the sales price of the item sold where one item is sold, and where more than one item is sold in any one transaction, upon the sum of the aggregate sales prices of the items sold, or he shall include in the sales price of each item an amount of reimbursement computed to the nearest mill at the applicable tax rate and post a notice in his premises stating that each posted or advertised price includes reimbursement so computed. When both taxable and nontaxable items are included in the same transaction, the foregoing requirement regarding computation of tax reimbursement upon the sum of the aggregate sales prices shall apply only if the purchaser requests at the time of the sale that the computation be made in this way.

The board shall enforce the provisions of this section.

This section shall remain in effect only until April 1, 1974, and as of such date is repealed, unless a later enacted statute, which is chaptered before that date, deletes or extends such date.

SEC. 5. 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 5-percent rate, at the 5¼-percent rate, at the 6-percent rate, at the 6¼-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

5 percent

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

5¼ percent

Price	Tax
.01– .10	.00
.11– .26	.01
.27– .45	.02
.46– .65	.03
.66– .84	.04
.85–1.03	.05

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

6¼ percent

Price	Tax
.01– .10	.00
.11– .21	.01
.22– .37	.02
.38– .54	.03
.55– .70	.04
.71– .86	.05
.87–1.03	.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 5-percent rate, at the 5¼-percent rate, at the 6-percent rate, at the 6¼-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. 6. Section 6201 of the Revenue and Taxation Code, as amended by Section 3 of Chapter 67 of the Statutes of the 1973–74 Regular Session of the Legislature, is amended to read:

6201. An excise tax is hereby imposed on the storage, use, or other consumption in this state of tangible personal property purchased from any retailer on or after July 1, 1935, for storage, use, or other consumption in this state at the rate of 3 percent of the sales price of the property, and at the rate of 2½ percent on and after July 1, 1943, and to and including June 30, 1949, and at the rate of 3 percent on and after July 1, 1949, and to and including July 31, 1967, and at the rate of 4 percent on and after August 1, 1967, and to and including June 30, 1972, and at the rate of 3¾ percent on and after July 1, 1972, and to and including June 30, 1973, and at the rate of 4¾ percent on and after July 1, 1973, and to and including September 30, 1973, and at the rate of 3¾ percent on and after October 1, 1973, and to and including March 31, 1974, and at the rate of 4¾ percent thereafter.

SEC. 7. Section 6201 of the Revenue and Taxation Code, as amended by Section 4 of Chapter 67 of the Statutes of the 1973–74 Regular Session of the Legislature, is amended to read:

6201. An excise tax is hereby imposed on the storage, use, or other consumption in this state of tangible personal property purchased from any retailer on or after July 1, 1935, for storage, use, or other consumption in this state at the rate of 3 percent of the sales price of the property, and at the rate of 2½ percent on and after July 1, 1943, and to and including June 30, 1949, and at the rate of 3 percent on and after July 1, 1949, and to and including July 31, 1967, and at the rate of 4 percent on and after August 1, 1967, and to and including June 30, 1972, and at the rate of 3¾ percent on and after July 1, 1972, and to and including June 30, 1973, and at the rate of 4¾ percent on and after July 1, 1973, and to and including September 30, 1973, and at the rate of 3¾ percent on and after October 1, 1973, and to and including March 31, 1974, and at the rate of 4¾ percent on and after April 1, 1974, 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. 8. Section 17069 of the Revenue and Taxation Code is amended to read:

17069. (a) An abatement tax credit of the percentage provided in subdivision (b) or (c) shall be allowed against the amount of "net tax" (as defined in Section 17069.5), with respect to taxable years beginning after December 31, 1972, and before January 1, 1974. If the

taxpayer has more than one taxable year beginning after December 31, 1972, and before January 1, 1974, such taxpayer shall be allowed the credit provided by this section only with respect to the taxable year which covers the most number of months.

(b) In the case of a single person, or a married person filing a separate return, the special tax credit shall be as follows:

If the adjusted gross income is	The percentage of credit is:
Not over $4,001	100 percent
Over $4,000 but not over $7,501	35
Over $7,500 but not over $10,001	30
Over $10,000 but not over $12,501	25
Over $12,500	20

(c) In the case of a head of household, surviving spouse or married couple filing a joint return, the special tax credit shall be as follows:

If the adjusted gross income is·	The percentage of credit is·
Not over $8,001	100 percent
Over $8,000 but not over $15,001	35
Over $15,000 but not over $20,001	30
Over $20,000 but not over $25,001	25
Over $25,000	20

(d) For taxable years beginning after January 1, 1974, there shall be allowed against the amount of "net tax" (as defined in Section 17069.5) an abatement tax credit of 100 percent for a single person or married couple filing a separate return with adjusted gross income of four thousand dollars ($4,000) or less or for a head of household, surviving spouse or married couple filing a joint return with an adjusted gross income of eight thousand dollars ($8,000) or less.

(e) If, after the tax credit provided by this section is claimed, the Franchise Tax Board determines that the taxpayer's tax liability for taxable years beginning after December 31, 1972, and before January 1, 1974, is more or less than the amount shown on the return, a corresponding adjustment shall be made by the Franchise Tax Board for the abatement tax credit.

(f) The tax credit provided by this section shall not apply to trusts or estates subject to tax under this part or to nonresidents as of the close of the taxable year for which the credit is claimed.

(g) For purposes of subdivision (a) and (d), "net tax" does not include the tax on preferential income imposed in Chapter 2.1 (commencing with Section 17062).

SEC. 9. Section 17069.5 of the Revenue and Taxation Code is amended to read:

17069.5. (a) For purposes of this chapter only, the term "net tax" means the tax imposed under either Section 17041 or 17048, minus the credit for retirement income provided for in Section 17053, the credits for personal exemption provided for in Section 17054, the

credit for education costs to a nonpublic school provided for in Section 17066 and the credits for taxes paid other states provided for in Section 18001 or Section 18006. However, for the sole purpose of determining the credits provided by this chapter, taxable income shall be computed without regard to the amount of net gains taken into account pursuant to paragraph (2) or (3) of subdivision (a) of Section 18162.5 (relating to capital gains).

(b) For the purposes of Chapter 12 (commencing with Section 18001) of this part, credits for taxes paid to other states shall be allowed against the amount of tax imposed under either Section 17041 or 17048, minus the sum of the credits against the tax provided by this part except the credit provided by Section 17053 (relating to retirement income), the credit provided by Section 17053.5 (relating to renters' credit), the credit provided by Section 17061 (relating to unemployment insurance) and the credit provided by Section 18551.1 (relating to tax withheld).

(c) For the purposes of Section 18414 (relating to the filing of a declaration of estimated tax) and Section 18556 (relating to the payment of estimated tax), the requirement for filing a declaration of estimated tax and the amount of estimated tax to be paid shall be determined without regard to the tax credit provided in Section 17069.

SEC. 10. (a) Sections 6051 and 6201 of the Revenue and Taxation Code, as amended by Sections 2 and 7 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 amended by Sections 1 and 6 of this act, shall be repealed.

(b) Sections 6051 and 6201 of the Revenue and Taxation Code, as amended by Sections 1 and 6 of this act, shall become operative on October 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 3 and 4 of this act shall become operative on October 1, 1973.

(d) Section 5 of this act shall become operative on April 1, 1974.

(e) Sections 8 and 9 shall become operative immediately.

SEC. 11. The Legislature finds and declares that Sections 8 and 9 of this act provide for a one-time credit on personal income taxes for the 1973 taxable year which complies fully with the requirements of subdivision (b) of Section 2 of Article XXIX of the State Constitution as proposed in the Tax and Expenditure Limitations initiative (Proposition 1) on the ballot at the special statewide election to be held November 6, 1973.

SEC. 12. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 297

An act to amend Section 2165 of the Revenue and Taxation Code, relating to property tax limitations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 23, 1973. Filed with Secretary of State August 24, 1973.]

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

SECTION 1. Section 2165 of the Revenue and Taxation Code, as added by Chapter 1406 of the Statutes of 1972, is amended to read:

2165. (a) Except as provided in subdivisions (b), (c), (d), (e), and (f), the maximum property tax rate which may be levied by any county shall be the property tax rate levied by the county for 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

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necessary to meet the costs of federally or court-mandated programs, may request taxpayer relief by Attorney General action.

(f) If, on January 1, 1973, the charter of a county requires the board of supervisors to (1) establish a special fund which may only be used for the acquisition and development of park land and (2) transfer annually into such fund from the county general fund a specified minimum amount, the county may levy a rate in excess of the rate provided in subdivision (a) which is sufficient to provide such minimum amount required to be transferred; provided the optional rate selected by the county under subdivision (a) did not include such levy. This subdivision does not apply to any county whose charter contains a provision that the board of supervisors may by resolution suspend transfers to such special fund after making a finding that state-imposed property tax limitations conflict with its ability to comply with the transfer of funds requirement.

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

In order that certain counties may comply in the 1973–74 fiscal year with the expressed wishes of voters of the county to provide funds for park acquisition, without curtailing other essential county services, it is necessary that this act take immediate effect.

CHAPTER 298

An act to add Sections 31681.52 and 31739.32 to the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor August 23, 1973. Filed with Secretary of State August 24, 1973.]

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

SECTION 1. Section 31681.52 is added to the Government Code, to read:

31681.52. Every retirement allowance or optional death allowance, including an allowance payable to a survivor of a member, payable to or on account of any member of this system or of a superseded system who has been or was retired for service is hereby increased as follows:

Period during which retirement became effective	Percentage of increase in monthly retirement allowance
On or prior to June 30, 1967	10%
12 months ended June 30, 1968	8%
12 months ended June 30, 1969	6%

12 months ended June 30, 1970	4%
12 months ended June 30, 1971	2%

In no event shall any allowance be increased by an amount greater than seventy-five dollars ($75) a month. A member with credit for 10 or more years of service in the system shall receive not less than twenty-five dollars ($25) a month.

This section shall not be operative in any county until such time as the board of supervisors shall, by ordinance adopted by a majority vote, make the provisions of this section applicable in such county.

SEC. 2. Section 31739.32 is added to the Government Code, to read:

31739.32. Every retirement allowance, optional death allowance, or annual death allowance, including an allowance payable to a survivor of a member, payable to or on account of any member of this system or of a superseded system who has been or was retired for disability is increased as follows:

Period during which retirement became effective	Percentage of increase in monthly retirement allowance
On or prior to June 30, 1967	10%
12 months ended June 30, 1968	8%
12 months ended June 30, 1969	6%
12 months ended June 30, 1970	4%
12 months ended June 30, 1971	2%

In no event shall any allowance be increased by an amount greater than seventy-five dollars ($75) a month or less than twenty-five dollars ($25) a month. A member with credit for 10 or more years of service in the system shall receive not less than twenty-five dollars ($25) a month.

This section shall not be operative in any county until such time as the board of supervisors shall, by ordinance adopted by majority vote, make the provisions of this section applicable in such county.

CHAPTER 299

An act to amend Section 2169 of the Revenue and Taxation Code, relating to property tax limitations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 23, 1973. Filed with Secretary of State August 24, 1973]

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

SECTION 1. Section 2169 of the Revenue and Taxation Code is amended to read:

2169. (a) Notwithstanding any other provision of law, except as provided in subdivisions (b), (c), (d), (e), (f), (g), and (h) 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.

(h) In the event that a county, or a district located in more than one county, elects to follow the provisions of Part 3.5 (commencing with Section 2131) of this division, the maximum property tax rate for such district shall be determined in accordance with subdivision (1) or (2), and the actual property tax rate shall then be levied in each county in which the district is located as provided in Part 3.5 (commencing with Section 2131) without regard to the limitations in Chapter 1.5 (commencing with Section 2161) or in this chapter. For the purposes of this section, "taxable property" includes all property within the district on the secured assessment rolls as certified by the county auditors, including property which is subject to an exemption for which subventions are received from the state (such as the homeowners' or business inventory exemption).

(1) If a maximum tax rate is provided in the enabling statute under which the district is organized, the maximum property tax rate for the district shall be the rate provided by statute applied to the total assessed value of the taxable property.

(2) If no maximum property tax rate is provided by statute, the maximum property tax rate for such a district shall be the rate determined by dividing the tax revenues receivable from the taxable property by the total assessed value of the taxable property. For the purposes of this subdivision, "tax revenues receivable" means the amount of tax revenue which would have been received in the 1972–73 fiscal year if property tax had been collected in regard to all taxable property without regard for delinquencies, penalties, or other modifications or adjustments to tax revenues.

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:

Intercounty districts equalize their tax rates so that all taxpayers

of such districts bear equal tax burdens despite variations between the ratios of assessed value to full cash value in the several counties. Chapter 1406 of the Statutes of 1972, would prevent an intercounty district from equalizing completely if that would result in a tax rate in one county which exceeded the district's maximum permissible tax rate. In order to permit such districts to equalize their fiscal 1973–1974 tax rates and thereby achieve equity for all district taxpayers, it is essential that this act take effect immediately.

CHAPTER 300

An act to amend Section 17206 of the Education Code, relating to school audits.

[Approved by Governor August 23, 1973. Filed with Secretary of State August 24, 1973.]

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

SECTION 1. Section 17206 of the Education Code is amended to read:

17206. Not later than the first day of May of each fiscal year each county superintendent of schools shall provide for an audit of all funds under his jurisdiction and control and the governing board of each district shall either provide for an audit of the books and accounts of the district or make arrangements with the county superintendent of schools having jursdiction over the district to provide for such auditing. In the event the governing board of a school district has not provided for an audit of the books and accounts of the district by April 1st, the county superintendent of schools having jurisdiction over the district shall provide for the audit.

Each audit shall include all funds of the district including the student body and cafeteria funds and accounts and any other funds under the control or jurisdiction of the district.

The cost of the audits provided for by the county superintendent of schools shall be paid from the county school service fund and the county superintendent of schools shall transfer the pro rata share of the cost chargeable to each district from district funds.

The cost of the audit provided for by a governing board shall be paid from district funds. The audit of the funds under the jurisdiction and control of the county superintendent of schools shall be paid from the county school service fund.

The audits shall be made by a certified public accountant or a public accountant, licensed by the State Board of Accountancy. Not later than November 15th, a report of each audit for the preceding fiscal year shall be filed with the county clerk and the county superintendent of schools of the county in which the district is located, the Department of Education and the Department of

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Finance. The submission date may be extended to, but not later than, December 31 for justifiable cause upon written request by the auditor and approval by the county superintendent of schools. The Superintendent of Public Instruction shall make any adjustments necessary in future apportionments of state funds, to correct any discrepancies revealed by such audit reports under the provisions of Section 17414 of this code.

If a governing board or county superintendent of schools fails or is unable to make satisfactory arrangements for audit pursuant to this section, the Department of Finance may make arrangements for the audit and the cost of such audit shall be paid from school district funds or the county school service fund as the case may be.

The Department of Finance with the cooperation of the Department of Education shall prescribe the statements and other information to be included in the audit reports filed with the state. The Department of Finance may make such audits, surveys and reports, and may develop suggested procedures for carrying out the purposes of this section, as in the judgment of the department will serve the best interests of the state.

Nothing in this section shall be considered as authorizing examination into or report on the curriculum used or provided for in any school district.

CHAPTER 301

An act to add Section 16477 to the Public Utilities Code, relating to public utility districts.

[Approved by Governor August 23, 1973. Filed with Secretary of State August 24, 1973.]

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

SECTION 1. Section 16477 is added to the Public Utilities Code, to read:

16477. The Board of Directors of the Tahoe City Public Utility District and the Board of Directors of the North Tahoe Public Utility District shall each have the authority to fix and collect an annual standby charge for sewage service on all lands within the district under its jurisdiction, in such amount as the board shall specify, provided that such standby charge for sewage service shall not exceed ten dollars ($10) per acre for parcels in excess of one acre or twenty dollars ($20) per parcel for parcels less than one acre.

The Legislature hereby finds and declares that this section, applicable only to the Tahoe City Public Utility District and the North Tahoe Public Utility District is necessary because of the unique and special water management, pollution, and sewage disposal problems of the Lake Tahoe Basin.

CHAPTER 302

An act to amend Section 1013a of the Code of Civil Procedure, relating to civil actions.

[Approved by Governor August 27, 1973 Filed with Secretary of State August 27, 1973]

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

SECTION 1. Section 1013a of the Code of Civil Procedure, as amended by Chapter 1083 of the Statutes of 1972, is amended to read:

1013a. (a) Proof of service by mail may be made by one of the following methods:

(1) An affidavit affixed to the original, or to a true copy, of the document served and filed in the cause, showing the name and residence or business address of the person making the service, showing that he is a resident of or employed in the county where the mailing occurs, that he is over the age of 18 years and not a party to the cause, and showing the date and place of deposit in the mail, the name and address of the person served as shown on the envelope, and also showing that the envelope was sealed and deposited in the mail with the postage thereon fully prepaid.

(2) A certificate affixed to the original, or to a true copy, of the document served and filed in the cause, showing the name and business address of the person making the service, showing that he is an active member of the State Bar of California and is not a party to the cause, and showing the date and place of deposit in the mail, the name and address of the person served as shown on the envelope, and also showing that the envelope was sealed and deposited in the mail with the postage thereon fully prepaid.

(3) In case of service by the clerk of a court of record, a certificate by said clerk affixed to the original, or to a true copy of the document served and filed in the cause, showing the name of the clerk and the name of the court of which he is the clerk, and that he is not a party to the cause, and showing the date and place of deposit in the mail, the name and address of the person served as shown on the envelope, and also showing that the envelope was sealed and deposited in the mail with the postage thereon fully prepaid.

(b) Every copy served pursuant to this section shall bear a notation of the date and place of its mailing, or be accompanied by an unsigned copy of the affidavit or certificate of mailing.

SEC. 2. In enacting this act, the Legislature hereby determines and finds that any duties, obligations or responsibilities imposed on local government are minor in nature and do not result in a significant new program for local government or a significant increase in level of service of an existing mandated program, and no additional economic burden or cost is intended to be imposed hereby. Therefore, there are no state-mandated costs in this act which require reimbursement under Section 2164.3 of the Revenue

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and Taxation Code.

CHAPTER 303

An act to add Chapter 12 (commencing with Section 13200) to Division 5 of the Business and Professions Code, relating to animals, and making an appropriation therefor.

[Approved by Governor August 27, 1973 Filed with Secretary of State August 27, 1973]

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

SECTION 1. Chapter 12 (commencing with Section 13200) is added to Division 5 of the Business and Professions Code, to read·

CHAPTER 12 ANIMAL EUTHANASIC DEVICES

13200 For purposes of this chapter "animal euthanasic device" means any carbon monoxide gas chamber or high-altitude decompression chamber used by a person, peace officer, officer of a humane society, or officer of a pound or animal regulation department of a public agency, for the killing of any dog or cat.

13201. Except as provided in Section 13206, the State Sealer shall semiannually inspect all animal euthanasic devices to ascertain that each such device meets the standards set forth in subdivisions (a) to (d), inclusive, of Section 597u of the Penal Code, or subdivisions (a), (b), (c), and (f) of Section 597w of the Penal Code, as the case may be.

13202. Upon ascertaining that an animal euthanasic device meets the standards prescribed for such device, the State Sealer shall seal the device in a manner approved by the department.

13203. Upon ascertaining that an animal euthanasic device does not meet the standards prescribed for such device, the State Sealer shall tag such device in the manner prescribed in Section 12506.

13204. An animal euthanasic device tagged "out of order" shall be repaired or corrected, and such repair or correction shall be approved by the department, prior to subsequent use of the device for killing of dogs or cats.

13205. No animal euthanasic device, whether sealed or not, which does not meet the standards prescribed by either Section 597u or 597w of the Penal Code shall be used for the killing of dogs or cats.

13206. (a) Upon application to the State Sealer, a county sealer may be authorized by the State Sealer to inspect, seal, and tag animal euthanasic devices within his county, and thereafter the county sealer shall have the duties and authority vested by this chapter in the State Sealer.

(b) The State Sealer shall not authorize a county sealer to inspect,

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seal, and tag animal euthanasic devices which are under the direct control of such county sealer.

SEC. 2. There is hereby appropriated from the General Fund to the Department of Food and Agriculture the sum of twelve thousand nine hundred forty-eight dollars ($12,948), or so much thereof as may be necessary, for the costs of enforcement of the provisions of this act for the 1973–1974 fiscal year.

CHAPTER 304

An act to repeal Section 597x of the Penal Code, as added by Chapter 887 of the Statutes of 1972, relating to animals, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 27, 1973 Filed with Secretary of State August 27, 1973]

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

SECTION 1. Section 597x of the Penal Code, as added by Chapter 887 of the Statutes of 1972, is repealed.

SEC. 2. Section 1 of this act shall become operative only if Senate Bill No. 141 is chaptered and adds Chapter 12 (commencing with Section 13200) to Division 5 of the Business and Professions Code, and shall become operative at the time that Senate Bill No. 141 is chaptered by the Secretary of State.

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

Provisions of Chapter 887 of the Statutes of 1972 could be construed to require counties to expend money for equipment and training of personnel to enforce such provisions. However, in the event the state assumes responsibility for enforcement of such provisions, pursuant to legislation pending during the 1973–74 Regular Session, the counties should not be obliged to expend such funds, and it is necessary that the Legislature's intention in this regard be given immediate effect.

CHAPTER 305

An act to add Section 5010.5 to the Elections Code, relating to elections.

[Approved by Governor August 27, 1973 Filed with Secretary of State August 27, 1973]

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

SECTION. 1. Section 5010.5 is added to the Elections Code, to read:

5010.5. Whenever any city measure qualifies for a place on the ballot, the governing body may direct the city clerk to transmit a copy of the measure to the city attorney, unless the organization or salaries of the office of the city attorney are affected. The city attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. If the measure affects the organization or salaries of the office of the city attorney, the governing board may direct the city clerk to prepare the impartial analysis. The analysis shall be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length.

CHAPTER 306

An act to amend Section 11552 of the Business and Professions Code, relating to real estate.

[Approved by Governor August 27, 1973 Filed with Secretary of State August 27, 1973]

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

SECTION 1. Section 11552 of the Business and Professions Code is amended to read:

11552. (a) If there is no advisory agency, the clerk of the governing body shall submit the tentative map to the governing body at its next regular meeting, which shall act thereon within 40 days thereafter.

If there is an advisory agency, it shall report, in writing, on the map or maps of any subdivision submitted to it within 50 days after the tentative map has been filed and the report shall approve, conditionally approve or disapprove the map or maps of the subdivision.

The governing body may authorize the advisory agency to report its action direct to the subdivider. If the governing body does not so authorize the advisory agency, the advisory agency shall make its report to the governing body, which body shall act upon the report within 10 days or at its next succeeding regular meeting after receipt of the report.

The governing body, when there is no advisory agency or the advisory agency is required by Section 11550.1 of the Business and Professions Code to submit the tentative map to the Office of Intergovernmental Management, may extend the time permitted for action on such map if it is required to allow consideration of the

evaluation received from the Office of Intergovernmental Management, but such extension shall not exceed 15 days.

Any reports or recommendations on the map or maps of any subdivision submitted to the advisory agency or governing body shall be submitted in writing to the subdivider prior to final action on the map or maps by the advisory agency or governing body. Such required submission in writing shall be deemed complied with when such reports or recommendations are placed in the mail directed to the subdivider at his designated address and bearing the proper postage.

(b) If the subdivider is dissatisfied with any action of the advisory agency with respect to the tentative map, or the kinds, nature and extent of the improvements recommended by the advisory agency to be required, he may, within 15 days after such action, appeal to the governing body, unless an appeal board has been designated in which event such appeal must be to the appeal board, for a public hearing thereon. The governing body or appeal board as the case may be shall hear the appeal, upon notice to the subdivider and the advisory agency, unless the subdivider consents to a continuance, within 15 days or at its next succeeding regular meeting. At the time fixed for the hearing the governing body or appeal board shall proceed to hear the testimony of the subdivider or any witnesses in his behalf and the testimony of the representatives of the advisory agency or any witnesses in its behalf. It may also hear the testimony of other competent persons respecting the character of the neighborhood in which the subdivision is to be located, the kinds, nature and extent of improvements, the quality or kinds of development to which the area is best adapted and any other phase of the matter with respect to which it may desire to inquire into.

Upon conclusion of the hearing the governing body or appeal board shall within seven days declare its findings based upon the testimony and documents produced before it. It may sustain, modify, reject or overrule any recommendations or rulings of the advisory agency and may make such findings as are not inconsistent with the provisions of this chapter or local ordinance adopted pursuant to this chapter.

If the subdivider or advisory agency is dissatisfied with any action of the appeal board with respect to the tentative map, or the kinds, nature and extent of the improvements required by the appeal board, either may, within 15 days after such action, appeal to the governing body. The governing body shall hear the appeal within 15 days or at its next succeeding regular meeting, unless the subdivider consents to a continuance, and shall give notice of such hearing to the subdivider, the appeal board and the advisory agency. The governing body shall hear the argument of the subdivider, the appeal board and the advisory agency or of their representatives based upon the testimony and the documents before the appeal board, and may receive documents from or hear the testimony of any competent person respecting the character of the neighborhood in which the

subdivision is to be located, the kinds, nature and extent of improvements, the quality of kinds of development to which the area is best adapted and any other phase of the matter with respect to which it may desire to inquire into. Upon conclusion of the hearing the governing body shall, within seven days, declare its findings based upon the testimony and documents produced before it or before the appeal board. It may sustain, modify, reject or overrule any recommendations or rulings of the appeal board and may make such findings as are not inconsistent with the provisions of this chapter or local ordinance adopted pursuant to this chapter

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CHAPTER 307

An act to amend Section 70055 of the Government Code, relating to courts

[Approved by Governor August 27, 1973 Filed with Secretary of State August 27, 1973]

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

SECTION 1. Section 70055 of the Government Code is amended to read

70055. In a county with a population of 503,000 or more and under 600,000, as determined by the 1960 Federal Decennial Census, the fee required by Section 70053 shall be twelve dollars ($12).

CHAPTER 308

An act to amend Section 5135.5 of the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor August 27, 1973 Filed with Secretary of State August 27, 1973]

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

SECTION 1. Section 5135.5 of the Streets and Highways Code is amended to read:

5135.5. When the contractor, at the time of execution of the contract, exercises his option to assign the warrant, assessment, and diagram to the legislative body, payments of installments may be made in the manner provided under the provisions of Section 5374.1 for installment payment of contributions.

This section shall not apply where the assessable portion of the contract is for a sum in excess of fifty thousand dollars ($50,000).

CHAPTER 309

An act to amend Sections 9965.10, 9974.3, 9974.9, 9975, 9977, and 9984 of the Business and Professions Code, relating to employment agencies.

[Approved by Governor August 27, 1973 Filed with Secretary of State August 27, 1973]

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

SECTION 1. Section 9965.10 of the Business and Professions Code is amended to read:

9965.10. The bureau shall ascertain from the Department of Justice whether a registration applicant has a criminal record involving sex offenses or crimes of moral turpitude and inform the agency whether such record exists and of the contents thereof.

SEC. 2. Section 9974.3 of the Business and Professions Code is amended to read:

9974.3. (a) If an applicant leaves employment for just cause or is discharged for reasons other than misconduct connected with the applicant's work within 90 days from the starting date of employment, the agency shall reduce the fee payable by the applicant to that payable for temporary employment under the provisions of Section 9974.5 and shall refund any fee paid in excess of such amount.

(b) No charge may be made to any applicant by any agency beyond that authorized by Section 9974.5 for employment lasting 90 days or less, unless the agency's fee schedules, contracts and agreements specifically provide for a further charge if the applicant leaves employment without just cause or is discharged for misconduct in connection with his work. Otherwise, the agency shall retain or charge only the fee for temporary employment for any employment lasting 90 days or less from the starting date of employment.

(c) Notwithstanding the provisions of subdivisions (a) and (b), in no instance in which the employment accepted is subsequently terminated shall the fee charged an applicant by an employment agency be greater than the total gross earnings of the applicant in such employment. This provision shall be stated in all agency contracts issued pursuant to Section 9984.

SEC. 3. Section 9974.9 of the Business and Professions Code is amended to read:

9974.9. If an applicant accepts employment in which the applicant is to be paid on the basis of straight commissions, or a drawing account against commissions, or either a drawing account or salary plus commissions, the fee payable by the applicant may be predicated upon the projected total gross earnings during the first year of employment as estimated by the employer.

Upon the conclusion of such an applicant's first 12 months of

employment, a computation of his actual total gross earnings may be provided by the applicant to the agency, and, predicated upon appropriate proof of such earnings, an adjustment in the fee shall be made in which either the agency shall refund to the applicant any excess fee paid by him or the applicant shall pay to the agency any deficiency thereon.

If the applicant's employment is terminated prior to the conclusion of the first 12 months of employment, the actual total gross earnings of the applicant for the period of employment shall be projected to 12 months on a pro rata basis as though the applicant had been employed for the entire period of 12 months, and a computation shall be made thereon. The fee paid or payable by the applicant shall be predicated upon such computation as though the applicant had been so employed

SEC. 4. Section 9975 of the Business and Professions Code is amended to read:

9975. No employment agency shall accept a fee from any applicant for employment, or send any applicant for employment without having obtained orally or in writing, a bona fide order for employment, and in no case shall such employment agency accept, directly or indirectly, a registration fee of any kind Should an employment agency send an applicant for employment and should the applicant accept employment other than that position specified in the bona fide order for employment to which the applicant was sent, but with the same employer, then the agency shall be entitled to a fee for the employment of the applicant, payable by the applicant, computed under the terms of the fee schedule in effect in the agency at the time of referral, provided that the applicant accepts employment within 180 days of the date of referral. The expiration date of the referral shall be stated in the contract.

In interagency disputes concerning the earning of a fee for placement of an applicant, the fee shall be earned by the agency responsible for the applicant being placed. A reasonable effort shall be made by the billing agency to determine that it is entitled to the fee. The applicant shall be responsible for only one full fee for any single placement, and this fact shall be so stated in the contract.

SEC. 5. Section 9977 of the Business and Professions Code is amended to read:

9977. If the applicant making a deposit on a fee for placement fails to accept employment, the employment agency shall, upon demand therefor, repay the amount of the deposit to the applicant. Unless the deposit is returned within 48 hours after demand, the employment agency shall pay to the applicant an additional sum equal to the amount of the deposit. A notice to this effect shall be inserted in all contracts between the agency and the applicant, and in all receipts given to the applicant for cash payment in advance of employment, and in the schedule of fees posted in the office of the agency, except in the fee schedules of those agencies which are exclusively employer retained and which charge no fees to

applicants. The agency shall give a receipt as prescribed by Section 9984 to every applicant from whom a deposit is received. No other deposit or prepayment of any kind may be required by an agency. If the applicant accepts employment, the deposit shall be applied to the fee to be paid by the applicant.

SEC. 6. Section 9984 of the Business and Professions Code is amended to read.

9984. (a) Every employment agency shall give to every applicant for employment from whom a fee or deposit is to be received a contract or receipt, in which is stated all of the following:

(1) The name, address and telephone number of the employment agency.

(2) The name and address of the person giving the order for help, the date and consecutive number of the receipt of such order by the agency, and its manner of transmission.

(3) The date and consecutive number of issuing the contract.

(4) The name of the applicant, the name and address of the person to whom the applicant is sent for employment, and the address where the applicant is to report for employment.

(5) The amount of fee to be charged and to be collected from the applicant and the amount of fee paid or advanced by the prospective employer and by whom paid or advanced

(6) The kind of work or employment.

(7) The daily hours of work; the wages or salary including any consideration of privilege.

(8) If any labor trouble exists at the placement of employment, that fact shall be stated in the contract.

(9) Any other term, condition, or understanding agreed upon between the agency and the applicant.

(b) There shall be printed on the face of the contract in type no smaller than 10-point bold the following: "This agency is licensed by the Bureau of Employment Agencies of the State of California, 1021 O Street, Sacramento, California. Inquiries concerning your contract may be sent to this address." At the bottom of the contract there shall appear a notice to the effect that the contract is the property of the applicant and shall not be taken from him.

(c) The employment agency shall in such contract undertake to repay the applicant the fee in the event the applicant fails to accept employment

(d) Every such contract or receipt shall be made and numbered consecutively in original and duplicate, both to be signed by the applicant and the person acting for the employment agency. The original shall be given to the applicant and the duplicate shall be kept on file at the agency.

CHAPTER 310

An act to amend Section 9902 of the Business and Professions Code, relating to employment agencies.

[Approved by Governor August 27, 1973 Filed with Secretary of State August 27, 1973]

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

SECTION 1. Section 9902 of the Business and Professions Code is amended to read:

9902. As used in this chapter, "employment agency" or "agency" means any of the following:

(a) The business of conducting, in any capacity, an intelligence office, employment agency, registry other than a nurses' registry as defined in Section 9890.6, or any agency, business or office which procures, offers, promises or attempts to procure employment or engagements for others or employees for employers, or for the registration of persons seeking to procure or retain employment or engagement, or for giving information as to where and from whom such help, employment or engagement may be procured, or for providing employment or engagements where a fee or other valuable consideration is exacted, or attempted to be collected, directly or indirectly, for such services, regardless of where such business is conducted.

(b) Any person, service, bureau, organization, club, résumé service, or employment counseling service, which by advertisement or otherwise offers, as one of its main objects or purposes, to procure employment for any person who will pay for its services, or that collects dues, tuition, or membership or registration fees of any sort, where the main object of the person paying the same is to secure employment.

(c) Any person who acts as a labor contractor.

(1) A labor contractor is any person, who, for a fee or other compensation, employs an individual to render personal services to, for or under the direction of a third person.

(2) "Bona fide employees" or "employees," when used with reference to the employees of a labor contractor, refers to the employees rendering services to the labor contractor and not to the individuals employed by the labor contractor to render personal services to, for or under the direction of a third person.

(3) A central hiring establishment, intelligence office, registry other than a nurses' registry, agency or place maintained without cost to applicants for employment by groups of employers or groups of employers and employees, or a person licensed under Chapter 9 (commencing with Section 7000) of Division 3 of this code, does not constitute a labor contractor within the meaning of this chapter.

(4) A person employing individuals to render part-time or temporary personal services to, for or under the direction of a third

person is not a labor contractor within the meaning of this chapter if the person employing the individuals, in addition to wages or salaries, pays federal social security taxes, state and federal unemployment insurance, carries workmen's compensation insurance as required by state law, and sustains responsibility for the acts of his employees while rendering services to, for or under the direction of a third person, and has no applicant-paid liquidated damage clause. The person employing individuals to render part-time or temporary personal services shall not send the employees to any place where a strike, lockout or labor dispute exists.

CHAPTER 311

An act to amend Sections 6862 and 6865 of the Harbors and Navigation Code, relating to river port districts.

[Approved by Governor August 27, 1973 Filed with Secretary of State August 27, 1973]

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

SECTION 1. Section 6862 of the Harbors and Navigation Code is amended to read.

6862 Contracts for the doing of any work or the purchase of any supplies, the cost of which exceeds four thousand five hundred dollars ($4,500), shall be let by the board, to the lowest responsible bidder

Notice of the proposed letting of a contract shall be given by publication at least once in a paper published in the counties in which the district is located, at least five days before the time fixed for opening bids. Bidding shall be by sealed proposals filed with the district, under such rules and regulations as the board prescribes. All bids shall be publicly opened and declared and the award of the contracts shall be made in open session of the board to the lowest and best responsible bidder. The board may reject any and all bids and readvertise in its discretion.

SEC 2. Section 6865 of the Harbors and Navigation Code is amended to read:

6865. The board may delegate to its officers the execution of contracts, in which the amount involved is less than three thousand dollars ($3,000).

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CHAPTER 312

An act to amend Section 585 of the Code of Civil Procedure, relating to default judgments.

[Approved by Governor August 27, 1973 Filed with Secretary of State August 27, 1973.]

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

SECTION 1. Section 585 of the Code of Civil Procedure is amended to read:

585. Judgment may be had, if the defendant fails to answer the complaint, as follows:

1. In an action arising upon contract or judgment of a court of this state for the recovery of money or damages only, if the defendant has, or if more than one defendant, if any of the defendants have, been served, other than by publication, and no answer, demurrer, notice of motion to strike (of the character hereinafter specified), notice of motion to transfer pursuant to Section 396b, notice of motion to quash service of summons or to stay or dismiss the action pursuant to Section 418.10, or notice of the filing of a petition for writ of mandate as provided in Section 418.10 has been filed with the clerk or judge of the court within the time specified in the summons, or such further time as may be allowed, the clerk, or the judge if there be no clerk, upon written application of the plaintiff, and proof of such service of summons, shall enter the default of the defendant or defendants, so served, and immediately thereafter enter judgment for the principal amount demanded in the complaint or a lesser amount if credit has been acknowledged, together with interest allowed by law or in accordance with the terms of the contract, and the costs against the defendant, or defendants, or against one or more of the defendants. If, by rule of court, a schedule of attorney fees to be allowed has been adopted, the clerk may include in the judgment an attorney fee in accordance with such schedule (i) if the contract provides that an attorney fee be allowed in the event of an action thereon, or (ii) if the action is one in which the plaintiff is entitled by statute to recover an attorney fee in addition to money or damages; provided, that plaintiff shall have the right, upon filing a written request at the time of application for entry of the default of the defendant or defendants, to have the attorney fee fixed by the court, whereupon, after the entry of the default, the court shall, hear the application for determination of the attorney fee and render judgment for such fee and for the other relief demanded in the complaint, or a lesser amount if credit has been acknowledged, and the costs against the defendant, or defendants, or against one or more of the defendants.

2. In other actions, if the defendant has been served, other than by publication, and no answer, demurrer, notice of motion to strike (of the character hereinafter specified), notice of motion to transfer

pursuant to Section 396b, notice of motion to quash service of summons or to stay or dismiss the action pursuant to Section 418.10 or notice of the filing of a petition for writ of mandate as provided in Section 418.10 has been filed with the clerk or judge of the court within the time specified in the summons, or such further time as may be allowed, the clerk, or the judge if there be no clerk, upon written application of the plaintiff, shall enter the default of the defendant; and thereafter the plaintiff may apply to the court for the relief demanded in the complaint; the court shall hear the evidence offered by the plaintiff, and shall render judgment in his favor for such sum (not exceeding the amount stated in the complaint), as appears by such evidence to be just. If the taking of an account, or the proof of any fact, is necessary to enable the court to give judgment or to carry the judgment into effect, the court may take the account or hear the proof, or may, in its discretion, order a reference for that purpose. And where the action is for the recovery of damages, in whole or in part, the court may order the damages to be assessed by a jury; or if, to determine the amount of damages, the examination of a long account is involved by a reference as above provided.

3 In all actions where the service of the summons was by publication the plaintiff, upon the expiration of the time for answering, may, upon proof of the publication, and that no answer, demurrer, notice of motion to strike (of the character hereinafter specified), notice of motion to transfer pursuant to Section 396b, notice of motion to quash service of summons or to stay or dismiss the action pursuant to Section 418.10, or notice of the filing of a petition for writ of mandate as provided in Section 418.10 has been filed, apply in writing for judgment; and the court shall thereupon require proof to be made of the allegations of the complaint; and if the defendant is not a resident of the state, shall require the plaintiff, or his agent, to be examined, on oath, respecting any payments that have been made to the plaintiff, or to anyone for his use, on account of any demand mentioned in the complaint, and may render judgment for the amount which he is entitled to recover, provided that, in all cases affecting the title to or possession of real property, where the service of the summons was by publication and the defendant has failed to answer, no judgment shall be rendered upon proof of mere occupancy, unless such occupancy shall have continued for the time and shall have been of the character necessary to confer title by prescription, and in all cases where the plaintiff bases his claim upon a paper title, the court shall require evidence establishing plaintiff's equitable right to judgment before rendering such judgment; provided further, however, that in actions involving merely the possession of real property where the complaint is verified and shows by proper allegations that no party to the action claims title to the real property involved, either by prescription, accession, transfer, will, or succession, but only the possession thereof, the court may render judgment upon proof of

occupancy by plaintiff and ouster by defendant.

A notice of motion to strike within the meaning of this section is a notice of motion to strike the whole or any part of a pleading filed within the time within which the moving party is required otherwise to plead to such pleading. The notice of the motion to strike shall specify a hearing date not more than 15 days from the filing of such notice, plus any additional time that the moving party is otherwise required to give the adverse party The filing of such notice of motion does not extend the time within which to demur.

4. In the cases referred to in subdivisions 2 and 3 of this section, excepting those cases which involve the dissolution or annulment of marriage or separate maintenance or the custody of children, or upon application to have an attorney's fee fixed by the court pursuant to subdivision 1 of this section, the court in its discretion may permit the use of affidavits, in lieu of personal testimony, as to all or any part of the evidence or proof required or permitted to be offered, received, or heard in such cases. The facts stated in such affidavit or affidavits shall be within the personal knowledge of the affiant and shall be set forth with particularity, and each affidavit shall show affirmatively that the affiant, if sworn as a witness, can testify competently thereto

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CHAPTER 313

An act to amend Section 13012 of the Education Code, relating to school districts.

[Approved by Governor August 27, 1973 Filed with Secretary of State August 27, 1973]

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

SECTION 1. Section 13012 of the Education Code is amended to read:

13012. (a) The governing board of a small school district, which does not employ persons charged with school-community duties of counseling students and parents or guardians in their homes, may contract with any qualified social service agency or organization to secure the services, on a part-time or full-time basis, of qualified social workers as counselors in schools and in the homes of pupils. The State Board of Education shall adopt rules and regulations for the implementation of this section, but such social workers shall not be required to hold credentials or certification documents otherwise required under this code for service in the public schools.

(b) Social workers authorized to serve under this section, as well as credentialed school social workers in districts other than small school districts, may perform, but are not limited to, the performance of the following services to children, parents, school personnel, and

community agencies:

(1) Group and individual counseling and casework with parents and children relating to learning and adjustment problems of children, including parent education.

(2) Liaison with community resources offering services to schoolchildren and their families.

(3) Consultation with parents and others in crisis situations, such as truancy, drug abuse, suicide threats, assaults, and child abuse.

(4) Assessment of social and behavioral disabilities affecting learning, including but not limited to case study evaluation, recommendations for remediation or placement, and periodic reevaluation.

(5) Participation in and coordination of staff development programs for professional, paraprofessional, and classified school staff and supervision of pupil personnel services workers.

(6) Coordination of social service and mental health components of children's centers and other early childhood development programs in the public schools.

(7) Consultation and collaboration with school personnel to promote a school environment responsive to the needs of children and the planning of educational programs which will prepare children to function in a culturally diversified society.

(c) As used in this section "small school district" means any of the following school districts:

(1) A unified school district having an average daily attendance of less than 1,501.

(2) A high school district having an average daily attendance of less than 301.

(3) An elementary school district having an average daily attendance of less than 901.

CHAPTER 314

An act to amend Section 13593 of the Education Code, relating to school classified employees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 27, 1973 Filed with Secretary of State August 27, 1973]

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

SECTION 1. Section 13593 of the Education Code is amended to read:

13593. All probationary and permanent part-time classified employees shall be entitled to sick leave, and all other benefits conferred by law on classified employees. Part-time employees shall be entitled to all leaves and benefits granted by the governing board

to a majority of the regular full-time employees in the classified service of the district or to regular full-time employees in the same classified positions or general class of positions; but such leaves and benefits may be prorated in the same ratio as the regular work hours per day, days per week, weeks per month, or months per year of such part-time employees bear to 8 hours per day, 40 hours per calendar week, calendar weeks per month, or 12 calendar months during the school year.

Except for prorating benefits for part-time employees as herein authorized, the governing board shall provide at least the same benefits for all regular employees in the classified service as it provides for the majority of such employees.

Nothing in this section shall be construed to prohibit the granting of additional benefits for some employees in recognition of nature of work, level of classification, or length of service.

This section shall not apply to employees properly designated as substitute, short-term, or limited-term employees, as defined in Sections 13581 and 13726 of this code, unless such employees are specifically included by a governing board, or by a personnel commission for those districts included under the provisions of Article 5 (commencing with Section 13701) of this chapter.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

This section shall not apply to those benefits authorized under the provisions of Article 1 (commencing with Section 53200) of Chapter 2 of Part 1, of Division 2 of Title 5 of the Government Code

SEC. 2. The amendments to Section 13593 of the Education Code by Section 1 of this act are declaratory of existing law. It is the intent of the Legislature that Section 13593 shall be construed to mandate part-time classified employees sick leave, vacation, and all other benefits, as conferred by existing law, on classified employees.

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

Recent judicial construction of Education Code Section 13593 has resulted in sick leave and all other benefits for part-time classified school employees being permissively prorated by the governing board on either an hourly, daily, weekly, or monthly basis. However, existing statutes in the Education Code confer certain benefits on part-time classified employees, including 12 days sick leave and mandates that, in the case of part-time classified employees, such benefits shall be prorated in the ratio of the number of months employed bears to 12. This act would alleviate the deleterious effect such judicial construction will have upon those benefits legislatively conferred in law. It is, therefore, necessary that this act take effect immediately.

CHAPTER 315

An act to amend Section 7888 of the Fish and Game Code, relating to commercial fishing.

[Approved by Governor August 27, 1973 Filed with Secretary of State August 27, 1973]

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

SECTION 1. Section 7888 of the Fish and Game Code is amended to read:

7888. The statement shall include the following:

(a) The owner's name and address.
(b) The operator's name and address.
(c) The name, if any, of the vessel.
(d) The Department of Fish and Game registration number.
(e) The State of California or United States document number.
(f) The length and breadth overall.
(g) The home port.
(h) The year built.
(i) The horsepower, if propelled by motive power.
(j) The type of gear.
(k) The amount of time spent in commercial fishing.

CHAPTER 316

An act to amend Section 5750.9 of the Education Code, relating to special schools and classes

[Approved by Governor August 27, 1973 Filed with Secretary of State August 27, 1973]

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

SECTION 1. Section 5750.9 of the Education Code is amended to read:

5750.9. The provisions of this article shall be applicable only to Santa Clara County, Monterey County, and Marin County.

CHAPTER 317

An act to add Section 25211.185 to the Government Code, and to add Section 4792.1 to the Health and Safety Code, relating to bond anticipation notes.

[Approved by Governor August 27, 1973 Filed with Secretary of State August 27, 1973]

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

SECTION 1. Section 25211.185 is added to the Government Code, to read:

25211.185. When the board of supervisors deems it in the best interests of the county service area, it may authorize the county treasurer, upon such terms and conditions as may be fixed by the board of supervisors, to issue notes, on a competitive-bid basis, maturing within a period not to exceed one year, in anticipation of the sale of county service area bonds duly authorized at the time such notes are issued. The proceeds from the sale of such notes shall be used only for the purposes for which may be used the proceeds of the sale of bonds in anticipation whereof the notes were issued.

All notes issued and any renewal thereof shall be payable at a fixed time, solely from the proceeds of the sale of the bonds and not otherwise, except that in the event that the sale of the bonds shall not have occurred prior to the maturity of the notes issued in anticipation of the sale, the county treasurer shall, in order to meet the notes then maturing, issue renewal notes for such purpose. No renewal of a note shall be issued after the sale of bonds in anticipation of which the original note was issued. There shall be only one renewal of such note or notes.

Every note and any renewal thereof shall be payable from the proceeds of the sale of bonds and not otherwise. The total amount of such notes or renewals thereof issued and outstanding shall at no time exceed 25 percent of the total amount of the unsold bonds.

Interest on the notes shall be payable from proceeds of the sale of bonds.

SEC. 2. Section 4792.1 is added to the Health and Safety Code, to read:

4792.1. When the board of supervisors is the district board of a district and such board deems it in the best interests of the district, it may authorize the county treasurer, upon such terms and conditions as may be fixed by such board, to issue notes, on a competitive-bid basis, maturing within a period not to exceed one year, in anticipation of the sale of district bonds duly authorized at the time such notes are issued. The proceeds from the sale of such notes shall be used only for the purposes for which may be used the proceeds of the sale of bonds in anticipation whereof the notes were issued.

All notes issued and any renewal thereof shall be payable at a fixed time, solely from the proceeds of the sale of the bonds and not otherwise, except that in the event that the sale of the bonds shall not have occurred prior to the maturity of the notes issued in anticipation of the sale, the county treasurer shall, in order to meet the notes then maturing, issue renewal notes for such purpose No renewal of a note shall be issued after the sale of bonds in anticipation of which the original note was issued. There shall be only one renewal of such note or notes.

Every note and any renewal thereof shall be payable from the proceeds of the sale of bonds and not otherwise. The total amount of such notes or renewals thereof issued and outstanding shall at no time exceed the total amount of the unsold bonds.

Interest on the notes shall be payable from proceeds of the sale of bonds.

CHAPTER 318

An act relating to the Ventura Port District.

[Approved by Governor August 27, 1973 Filed with Secretary of State August 27, 1973]

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

SECTION 1. Notwithstanding any provisions of Section 6304.1 of the Harbors and Navigation Code or any other provision of law, the Ventura Port District may enter into a lease of a portion of its land and water area for the development of apartments and townhouses and boatslips. Such facilities shall be offered for lease, without discrimination based on race, creed, religion, or national origin, to all persons on equal and reasonable terms. Such leases may authorize the lessee to sublet individual dwelling units, but such leases shall not exceed a term of 50 years, after which time any improvements constructed pursuant to the lease shall revert to the Ventura Port District. 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.

SEC. 2. Nothing in this act shall be construed to allow the use of tidelands or submerged lands in any manner inconsistent with the California Constitution or with the public trust for commerce, navigation, or fisheries.

SEC. 3. The Ventura Port District purchased certain lands some years ago and has since dredged such lands to create a marina. It is uncertain whether any portion of these lands constitute tidelands. The Ventura Port District proposes to develop the marina under agreement with the Department of Navigation and Ocean Development pursuant to the provisions of Division 1 (commencing with Section 30) of the Harbors and Navigation Code for small craft harbor facilities and improvements. The Legislature hereby finds that such marina development is in the public interest and that, because of the unique situation which exists with respect to the general development of the Ventura Marina, a general law cannot be made applicable and the enactment of this act as a special law is necessary

CHAPTER 319

An act to amend Sections 1634, 1744, 4010.5, 4035, 4036.3, 4037, 4047, 4052.1, 4239, 4240, 5526, 7002, 7003, 7044, 7071 6, 7071 9, 8001.5, 8003, 8020, 8024, 8024.2, and 8031 of, and to repeal Sections 2733.5, 2750.5, 3044.10, 3056, 3057.6, 4171, 4514, 4549, 5517, 5517.1, 5517.2, and 5558 of, Article 4.5 (commencing with Section 6551) of Chapter 6 of Division 3 of, Sections 6594, 6600.5, 7362.1, 7393.4, 7421, 8565.5, 9046, 9815, and 9818 of, the Business and Professions Code, to repeal Section 38933.5 of the Food and Agricultural Code, and to repeal Chapter 1002 of the Statutes of 1968, Chapters 262, 283, 455, 720, and 1785 of, and Section 3 of Chapter 669 of, the Statutes of 1971, relating to businesses and professions.

[Approved by Governor August 27, 1973 Filed with Secretary of State August 27, 1973]

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

SECTION 1. Section 1634 of the Business and Professions Code is amended to read:

1634. A person successfully passing the examination shall be registered as a licensed dentist on the board register, as provided in Section 1612, and shall be granted by the board a license to practice dentistry in the State of California.

SEC. 2. Section 1744 of the Business and Professions Code is amended to read:

1744. After satisfactorily passing the examination, the applicant shall obtain a license as a dental hygienist from the Board of Dental Examiners and shall be registered as one by it.

SEC. 3. Section 2733.5 of the Business and Professions Code is repealed.

SEC. 4. Section 2750.5 of the Business and Professions Code is repealed.

SEC. 5. Section 3044.10 of the Business and Professions Code is repealed.

SEC. 6. Section 3056 of the Business and Professions Code is repealed.

SEC. 8. Section 3057.6 of the Business and Professions Code is repealed.

SEC. 9. Section 4010.5 of the Business and Professions Code is amended to read:

4010.5. (a) The supervising pharmacy inspector and any pharmacy inspector employed by the board or the department's Division of Investigation shall have the authority, as a public officer, to arrest, without a warrant, any person whenever such officer has reasonable cause to believe that the person to be arrested has, in his presence, violated any provision of this chapter or of the former Division 10.5 (commencing with Section 11900) or Division 10.9 (commencing with Section 11990) of the Health and Safety Code,

repealed and incorporated in Division 10 (commencing with Section 11000) of the Health and Safety Code by Chapter 1407 of the Statutes of 1972, the violation of which is declared to be a public offense. If such violation is a felony, or if the arresting officer has reasonable cause to believe that the person to be arrested has violated any such provision which is declared to be a felony, although no felony has in fact been committed, he may make an arrest although the violation or suspected violation did not occur in his presence.

In any case in which an arrest authorized by this subdivision is made for an offense declared to be a misdemeanor, and the person arrested does not demand to be taken before a magistrate, the arresting inspector may, instead of taking such person before a magistrate, follow the procedure prescribed by Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code. The provisions of such chapter shall thereafter apply with reference to any proceeding based upon the issuance of a citation pursuant to this authority.

(b) There shall be no civil liability on the part of, and no cause of action shall arise against, any person, acting pursuant to subdivision (a) and within the scope of his authority, for false arrest or false imprisonment arising out of any arrest which is lawful, or which the arresting officer, at the time of such arrest, had reasonable cause to believe was lawful. No such inspector shall be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

(c) Any such inspector may serve all processes and notices throughout the state.

SEC. 10. Section 4035 of the Business and Professions Code is amended to read:

4035. Pharmacy is an area, place or premises in which the profession of pharmacy is practiced and where prescriptions are compounded. "Pharmacy" means and includes but is not limited to any area, place or premises described in a permit issued by the board by reference to plans filed with and approved by the board wherein narcotics or dangerous drugs or dangerous devices, as they are herein defined, are stored, possessed, prepared, manufactured, derived, compounded or repackaged, and from which said narcotics or dangerous drugs or dangerous devices are furnished, sold, or dispensed at retail.

"Pharmacy" shall not include any area in a facility licensed by the State Department of Health where floor supplies, ward supplies, operating room supplies, or emergency room supplies of drugs or dangerous devices are stored or possessed solely for treatment of patients registered for treatment in the facility or for treatment of patients receiving emergency care in the facility.

"Narcotics or dangerous drugs or dangerous devices" as used herein shall include but is not limited to all narcotics, drugs or devices which are included within one or more of the following classifications:

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(a) Drugs or devices bearing the legend, "Caution, federal law prohibits dispensing without prescription," or words of similar import.

(b) Controlled substances as defined in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

(c) Drugs or devices enumerated in Section 4211 of this code.

(d) Drugs or devices heretofore or hereafter classified as dangerous by the board pursuant to Sections 4061 and 4240 of this code.

(e) Poisons, hypodermic syringes and needles, or other drugs or devices, the sale of which is restricted by law to a registered pharmacist.

All pharmacies in existence on the effective date of this section shall comply with the provisions of this section within five years following the effective date thereof.

SEC. 11. Section 4036.3 of the Business and Professions Code is amended to read:

4036.3. No prescription for a controlled substance transmitted by means of an oral order shall be furnished to any person unknown and unable to properly establish his identity. The board may by regulation establish procedure to prevent unauthorized persons from receiving prescription drugs furnished to a patient or a representative of the patient.

SEC. 12. Section 4037 of the Business and Professions Code is amended to read:

4037. "Registered pharmacist" means a person to whom a certificate has been issued by the board, under the provisions of Section 4085.

SEC. 13. Section 4047 of the Business and Professions Code is amended to read:

4047. As used in this chapter, "licensed or county hospital" means an institution, place, building, or agency which maintains and operates organized facilities for one or more persons for the diagnosis, care, and treatment of human illnesses to which persons may be admitted for overnight stay, and includes any institution classified under regulations issued by the State Department of Health as a general or specialized hospital, as a maternity hospital, or as a tuberculosis hospital, but does not include a sanatorium, rest home, a nursing or convalescent home, a maternity home, or an institution for treating alcoholics.

SEC. 14. Section 4052.1 of the Business and Professions Code is amended to read:

4052 1. Notwithstanding anything contained in this chapter, a licensed or county hospital as defined in Section 4047 which contains 100 beds or less and which does not employ full time a registered pharmacist may purchase drugs at wholesale for administration, under the direction of a physician, to patients registered in the hospital or to emergency cases under treatment in the hospital. The hospital shall keep records of the kind and amounts of drugs so

purchased and administered, and such records shall be available for inspection by all properly authorized personnel of the Board of Pharmacy. A separate record shall be kept of the administration of hypnotic drugs including the amount given, the type, the date given, and the name and address of the person to whom administered.

SEC. 15. Section 4171 of the Business and Professions Code is repealed.

SEC. 16. Section 4239 of the Business and Professions Code is amended to read:

4239. The board shall administer and enforce this article and the former Division 10.5 (commencing with Section 11900) and Division 10.9 (commencing with Section 11990) of the Health and Safety Code, repealed and incorporated in Division 10 (commencing with Section 11000) of the Health and Safety Code by Chapter 1407 of the Statutes of 1972.

SEC. 17. Section 4240 of the Business and Professions Code is amended to read:

4240. The board, if after open hearing following due notice to persons who have filed written requests for such notice to the board it shall find any drug to be dangerous to the public health or safety, may make other rules, not inconsistent with this chapter, limiting or restricting the furnishing of such drug. Any violation of any such rule shall be punished in the same manner as is respectively provided in Sections 4234 and 4235.

SEC. 19. Section 4514 of the Business and Professions Code is repealed.

SEC. 20. Section 4549 of the Business and Professions Code is repealed.

SEC. 22. Section 5517 of the Business and Professions Code is repealed.

SEC. 23. Section 5517.1 of the Business and Professions Code is repealed.

SEC. 24. Section 5517.2 of the Business and Professions Code is repealed.

SEC. 25. Section 5526 of the Business and Professions Code is amended to read:

5526. The board shall formulate and adopt a code of rules and regulations for its government in the examination of applicants for certificates to practice architecture in this state. The board may formulate and adopt such other rules and regulations as may be necessary and proper. No rule or regulation shall be inconsistent with this chapter. The board may, from time to time, repeal, amend, or modify its rules and regulations.

The adoption, repeal, amendment, or modification of such rules and regulations shall be made in accordance with the provisions of the Administrative Procedure Act.

SEC. 26. Section 5558 of the Business and Professions Code is repealed.

SEC. 27. Article 4.5 (commencing with Section 6551) of Chapter

6 of Division 3 of the Business and Professions Code is repealed.

SEC. 28. Section 6594 of the Business and Professions Code is repealed.

SEC. 29. Section 6600.5 of the Business and Professions Code is repealed.

SEC 32 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, the terms "general engineering contractor," "general building contractor," and "specialty contractor" shall have the meanings given in Article 4 (commencing with Section 7055) of this chapter.

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

7003. The terms of the members of the board in office on the effective date of amendments to this section made at the 1973–74 Regular Session of the Legislature expire as follows: one general engineering contractor and two public members, June 1, 1974; one general building contractor, one specialty contractor, and one public member, June 1, 1975; one general building contractor and one specialty contractor, June 1, 1976; one general building contractor and two specialty contractors June 1, 1977.

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 two consecutive terms except as provided in Section 131.

SEC. 34. Section 7044 of the Business and Professions Code is amended to read:

7044. This chapter does not apply to an owner of property,

building or improving structures thereon, or appurtenances thereto, who does such work himself or through his own employees with wages as their sole compensation; provided that such structure, or structures, with or without the appurtenances thereto is not intended or offered for sale.

In all actions brought under this chapter, proof of the sale or offering for sale of any such structure by the owner-builder within one year after completion of same is presumptive evidence that such structure was undertaken for purposes of sale.

This chapter does not apply to an owner of property building or improving structures thereon, or appurtenances thereto, who contracts for such a project with a contractor or contractors licensed pursuant to this chapter.

The registrar pursuant to Section 7090 may take disciplinary action as provided in this chapter against any person whenever the grounds or cause for disciplinary action arose upon any project undertaken by him as a licensee licensed pursuant to this chapter.

SEC. 35. Section 7071.6 of the Business and Professions Code is amended to read:

7071.6. Except as provided in Section 7071.8, the board shall require, as a condition precedent to the issuance, reinstatement, reactivation, or renewal of a license, that the applicant file or have on file a contractor's bond in the sum of two thousand five hundred dollars ($2,500), or in lieu thereof, a cash deposit in the sum of two thousand five hundred dollars ($2,500). No bond or cash deposit shall be required of a holder of an inactive license during the period his license is inactive.

SEC. 36. Section 7071.9 of the Business and Professions Code is amended to read:

7071.9. In addition to the contractor's bond or cash deposit required pursuant to Sections 7071.5 to 7071.8, inclusive, the board shall require, as a condition precedent to the issuance, reinstatement, reactivation or reissuance of a license and, as a condition precedent to the renewal of a license, that the qualifying individual as referred to in Sections 7068 and 7068.1, when he is not himself either the proprietor, a general partner, joint licensee, or the responsible managing officer, shall file or have on file a qualifying individual's bond as provided in Section 7071.10 in the sum of two thousand five hundred dollars ($2,500), or in lieu thereof, a cash deposit in the sum of two thousand five hundred dollars ($2,500). No bond or cash deposit shall be required of the holder of an inactive license during the period his license is inactive.

SEC. 37. Section 7362.1 of the Business and Professions Code is repealed.

SEC. 38. Section 7393.4 of the Business and Professions Code is repealed.

SEC. 39. Section 7421 of the Business and Professions Code is repealed.

SEC. 41. Section 8001.5 of the Business and Professions Code is

amended to read:

8001.5. Members of the board shall hold office until the appointment and qualification of their successors or until one year shall have elapsed since the expiration of the term for which they were appointed, whichever first occurs. No person shall serve as a member of the board for more than two consecutive terms except as provided in Section 131. Vacancies occurring shall be filled by appointment for the unexpired term.

SEC. 42. Section 8003 of the Business and Professions Code is amended to read:

8003. At each yearly meeting a chairman and vice chairman shall be elected from the membership of the board. Three members shall constitute a quorum for the transaction of business. The board shall keep a complete record of all its proceedings and all certificates issued, renewed, or revoked, together with a detailed statement of receipts and disbursements.

SEC. 43. Section 8020 of the Business and Professions Code is amended to read:

8020. Any person over the age of 18 years, of good moral character, having a high school education or its equivalent as determined by the board, who has satisfactorily passed an examination under such regulations as the board may prescribe shall be entitled to a certificate and shall be styled and known as a certified shorthand reporter. No person shall be admitted to the examination unless he first presents satisfactory evidence to the board that within the five years immediately preceding the date his application for a certificate is filed with the board he has obtained one of the following:

(a) One year of experience in making verbatim records of meetings, conferences, hearings, or judicial or related proceedings by means of written symbols or abbreviations in shorthand or machine writing and transcribing such records.

(b) A passing grade on the National Shorthand Reporters Association School graduation test.

(c) A verified certificate of satisfactory completion of a prescribed course of study in a recognized court reporting school or certificate from any such school evidencing equivalent proficiency and of the ability to make a verbatim record of material dictated in accordance with regulations adopted by the board contained in Title 16 of the Administrative Code.

(d) National Shorthand Reporters Association certificate of proficiency or certificate of merit.

(e) A passing grade on the California state hearing reporters examination.

(f) A valid certified shorthand reporters certificate or license to practice shorthand reporting issued by a state other than California.

SEC. 44. Section 8024 of the Business and Professions Code is amended to read:

8024. All certificates issued under this chapter shall expire at 12

p.m. on April 30 of each odd-numbered year if not, in each instance, renewed.

To renew an unexpired certificate, the certificate holder shall, on or before each of the dates on which it would otherwise expire, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.

SEC. 45. Section 8024.2 of the Business and Professions Code is amended to read:

8024.2. Except as otherwise provided in this article, a certificate which has expired may be renewed at any time within five years after its expiration on filing of application for renewal on a form prescribed by the board, and payment of the renewal fee in effect on the last preceding regular renewal date. If the certificate is not renewed within 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 8024 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

SEC. 46. Section 8031 of the Business and Professions Code is amended to read:

8031. The amount of the fees required by this chapter is that fixed by the following schedule:

(a) The fee for filing an application for each examination is twenty-five dollars ($25).

(b) The initial certificate fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, if the certificate will expire less than one year after its issuance, then the fee is fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial certificate fee where the certificate is issued less than 45 days before the date on which it will expire.

(c) The renewal fee shall be fixed by the board for renewal for each of the biennial renewal periods, at not more than forty dollars ($40), nor less than ten dollars ($10).

(d) The delinquency fee is ten dollars ($10).

(e) The duplicate certificate fee is five dollars ($5).

SEC. 47. Section 8565.5 of the Business and Professions Code is repealed.

SEC. 47.3. Section 9046 of the Business and Professions Code is repealed.

SEC. 47.5. Section 9815 of the Business and Professions Code is repealed.

SEC. 47.6. Section 9818 of the Business and Professions Code is repealed.

SEC. 48. Section 38933.5 of the Food and Agricultural Code is repealed.

SEC. 49. Chapter 1002 of the Statutes of 1968 is repealed.

SEC. 50. Chapter 262 of the Statutes of 1971 is repealed.

SEC. 51. Chapter 283 of the Statutes of 1971 is repealed.

SEC. 52. Chapter 455 of the Statutes of 1971 is repealed.

SEC. 53. Section 3 of Chapter 669 of the Statutes of 1971 is repealed.

SEC. 54. Chapter 720 of the Statutes of 1971 is repealed.

SEC. 55. Chapter 1785 of the Statutes of 1971 is repealed.

CHAPTER 320

An act to add Section 1428.4 to the Penal Code, relating to docket of actions.

[Approved by Governor August 27, 1973. Filed with Secretary of State August 27, 1973.]

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

SECTION 1. Section 1428.4 is added to the Penal Code, to read:

1428.4. In lieu of maintaining the docket required by Section 1428, the judge or clerk of each justice court and the clerk of each municipal court may maintain a docket of actions by means of photographing, microphotographing, or mechanically or electronically storing the whole content of all papers and records, or any portion thereof as will constitute a memorandum, necessary to the keeping of a docket of actions so long as the completeness and chronological sequence of the docket are not disturbed.

All such reproductions shall be placed in convenient, accessible files, and provision shall be made for preserving, examining and using them.

Any photograph, microphotograph or photocopy which is made pursuant to this section shall be made in such manner and on such paper as will comply with the minimum standards of quality approved therefor by the National Bureau of Standards and the American National Standards Institute.

CHAPTER 321

An act to amend Section 15951 of, and to repeal Section 15953 of, the Education Code, relating to school district contracts.

[Approved by Governor August 27, 1973. Filed with Secretary of State August 27, 1973.]

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

SECTION 1. Section 15951 of the Education Code is amended to read:

15951. The governing board of any school district shall let any contracts involving an expenditure of more than five thousand dollars ($5,000) for work to be done or more than eight thousand dollars ($8,000) for materials or supplies to be furnished, sold, or leased to the district, to the lowest responsible bidder who shall give such security as the board requires, or else reject all bids. This section applies to all materials and supplies whether patented or otherwise.

SEC. 2. Section 15953 of the Education Code is repealed.

CHAPTER 322

An act to amend Section 986.7 of the Military and Veterans Code, relating to farm and home purchases.

[Approved by Governor August 27, 1973 Filed with Secretary of State August 27, 1973.]

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

SECTION 1. Section 986.7 of the Military and Veterans Code is amended to read:

986.7. Before the purchase of any property by the department there shall be filed with the department (1) an appraisement of the market value of the property by an employee or an authorized agent of the department or (2) in lieu of the appraisal by the department, the department may accept an appraisement of the market value of the property by either the Federal Housing Administration or the Veteran's Administration, and in addition there may be filed with the department an appraisement of the market value of the property by an authorized appraiser of a banking corporation formed under the laws of this state or of a national banking association having a place of business in this state. Each appraisement shall be certified by the maker thereof. The certification shall state that it is made in good faith, and that the valuation is honestly determined and represents the bona fide opinion of the maker.

CHAPTER 323

An act to add Sections 19602.1 and 19604.1 to the Education Code, relating to school buildings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 28, 1973 Filed with Secretary of State August 28, 1973]

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

SECTION 1. Section 19602.1 is added to the Education Code, to read:

19602.1. Whenever (a) a school district which has not sold bonds within two fiscal years immediately preceding the fiscal year in which a repayment computation is made pursuant to this article; and (b) such district is not eligible for deferment under Section 19615 or 19615.5 and has been required during the fiscal year in which repayment computations are made to issue bonds in order to qualify for an apportionment; and (c) no funds for the required bond issue have been provided during that year in the district's bond interest and redemption fund budget, the Director of General Services shall determine the eligible portion of the amount required from taxes for such required issue during the next succeeding fiscal year and shall certify the amount to the State Controller as additional eligible debt service prior to the levy of taxes during such fiscal year The provisions of this section shall apply to the qualifying bond requirements commencing with the 1972–73 fiscal year.

SEC. 2. Section 19604.1 is added to the Education Code, to read:

19604.1. Whenever the Director of General Services has certified an additional amount of eligible debt service under the provisions of Section 19602.1, the State Controller shall make a recomputation of the annual repayment and notify, in writing, the board of supervisors of the county, the governing board of the district, the county auditor, and the county superintendent of schools having jurisdiction over the district of the revised repayment. The recomputation and notification shall be completed prior to the date on which the board of supervisors makes the levy of taxes for county purposes.

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

In order to permit the modified state loan repayment amounts to offset nonserviced newly incurred school district bonded indebtedness to be availed of by the affected districts in the 1973–74 fiscal year, and so effectuate the intent of the Legislature at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 324

An act to amend Section 421 of the Government Code, relating to State Flower.

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[Approved by Governor August 28, 1973. Filed with Secretary of State August 28, 1973.]

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

SECTION 1. Section 421 of the Government Code is amended to read:

421. The golden poppy (Eschscholtzia) is the official State Flower. April 6 of each year is hereby designated California Poppy Day.

CHAPTER 325

An act to amend Sections 901, 953, and 954 of, and to amend the heading of Part 2 (commencing with Section 901) of Division 1 of, the Food and Agricultural Code, relating to the State Board of Agriculture.

[Approved by Governor August 29, 1973 Filed with Secretary of State August 29, 1973]

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

SECTION 1. The heading of Part 2 (commencing with Section 901) of Division 1 of the Food and Agricultural Code is amended to read:

PART 2. THE STATE BOARD OF FOOD AND AGRICULTURE

SEC. 2. Section 901 of the Food and Agricultural Code is amended to read:

901. There is in the state government the State Board of Food and Agriculture which consists of 13 members.

SEC. 3. Section 953 of the Food and Agricultural Code is amended to read:

953. The board shall hold meetings at least once a month in the office of the director at Sacramento or at any other location determined by the president of the board to be appropriate.

SEC. 4. Section 954 of the Food and Agricultural Code is amended to read:

954. Special or adjourned meetings may be held at the office of the director in Sacramento, or at any other place in the state which the president may deem necessary. Special meetings of the board shall also be called by the president at any time upon the written request of four members of the board.

CHAPTER 326

An act to add Section 25207.1 to the Government Code, relating to enforcement of county ordinances.

[Approved by Governor August 29, 1973 Filed with Secretary of State August 29, 1973]

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

SECTION 1. Section 25207.1 is added to the Government Code, to read:

25207.1. Any ordinance adopted by a board of supervisors requiring any person who represents a corporation, firm, association, organization, or person other than himself in attempting to influence any action to be taken on a county decision by a board of supervisors or any county board, commission, committee or officer, to register or to disclose any information concerning such representation including, but not limited to, compensation received or expenditures made in the course of, or incidental to, such representation, shall be enforceable within the incorporated as well as the unincorporated area of the county. The term "county decision" shall include any decision, or any recommendation as to a decision, concerning any matter, whether legislative, administrative, or quasi-judicial, which is pending before, or may be submitted to, the board of supervisors or any county board, commission, committee, or officer. Nothing in this section shall be construed to authorize a board of supervisors to require the registration of, or disclosure by, members of the State Bar of California in the performance of a service which lawfully can be performed only by an attorney licensed to practice law in the State of California.

CHAPTER 327

An act to add Section 13277.1 to the Education Code, relating to school certificated employees.

[Approved by Governor August 29, 1973 Filed with Secretary of State August 29, 1973]

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

SECTION 1. Section 13277.1 is added to the Education Code, to read:

13277.1. No school district may adopt or maintain any rule or regulation which requires a candidate for a position requiring certification qualifications to be a resident of the district or to become a resident of the district, or which requires that an employee maintain residency within the district; nor may a district grant any

preferential treatment to candidates or employees because they are residents of the district.

The Legislature in enacting this section recognizes that the public school system of this state is the property of all its citizens, and that all qualified candidates for positions of employment with school districts, regardless of residence, should be granted the opportunity to compete for and obtain such positions based solely on merit and fitness.

CHAPTER 328

An act to repeal Section 2 of Chapter 1497 of the Statutes of 1970, and to add Section 16088 to the Education Code, relating to joint occupancy of buildings on school property.

[Approved by Governor August 29, 1973 Filed with Secretary of State August 29, 1973]

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

SECTION 1. Section 2 of Chapter 1497 of the Statutes of 1970 is repealed:

SEC 2. Section 16088 is added to the Education Code, to read:

16088. This article shall remain in effect until June 1, 1980, and shall have no force or effect after that date.

CHAPTER 329

An act to amend Section 9965 of the Business and Professions Code, relating to employment agencies.

[Approved by Governor August 29, 1973 Filed with Secretary of State August 29, 1973]

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

SECTION 1. Section 9965 of the Business and Professions Code is amended to read:

9965. "Counselor" includes all natural persons employed by an employment agency except (a) licensed owners, licensed partners, corporate officers, or shareholders holding 10 percent or more of the corporation's outstanding stock, and (b) clerical, stenographic, and receptionist personnel who do not interview or refer applicants to prospective employers or solicit job orders from employers.

CHAPTER 330

An act to amend Section 7542 of the Business and Professions Code, relating to private detectives.

[Approved by Governor August 29, 1973 Filed with Secretary of State August 29, 1973]

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

SECTION 1. Section 7542 of the Business and Professions Code is amended to read:

7542. Every advertisement by a licensee soliciting or advertising business shall contain his name, address and license number as they appear in the records of the bureau. The director may adopt regulations defining the term "advertisement" as used in this section.

CHAPTER 331

An act to amend Section 11709 of the Vehicle Code, relating to dealers.

[Approved by Governor August 29, 1973 Filed with Secretary of State August 29, 1973]

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

SECTION 1. Section 11709 of the Vehicle Code is amended to read:

11709. (a) A dealer's established place of business and such other sites or locations as may be operated and maintained by such dealers in conjunction with their established place of business shall have posted in a place conspicuous to the public in each and every location the license issued by the department to the dealer and to each salesman employed by the dealer and shall have erected or posted thereon such signs or devices providing information relating to the dealer's name, the location and address of such dealer's established place of business to enable any person doing business with such dealer to identify him properly. Every such sign erected or posted on an established place of business, shall have an area of not less than two square feet per side displayed, and shall contain lettering of sufficient size to enable the sign to be read from a distance of at least 50 feet

(b) Notwithstanding the provisions of Section 11704 and this section, a dealer may display vehicles at a fair, exposition or similar exhibit without securing a branch license providing no actual sales are made at such events, and that such display does not exceed 30 days.

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(c) Overwidth trailer coaches, subject to the provisions of Sections 35780 and 35790, may also be displayed as a model home within a mobilehome park, mobilehome subdivision, mobilehome planned unit development, or mobilehome cooperative for a period of not to exceed six months, except that if the mobilehome park, mobilehome subdivision, mobilehome planned unit development, or mobilehome cooperative has not reached or exceeded 70 percent occupancy by the end of such six-month period, such coaches may be so displayed for an additional six-month period.

(d) All vehicles displayed pursuant to subdivision (b) or (c) shall be identified by a sign or device providing information relating to the dealer's name and the location and address of such dealer's established place of business.

(e) This section shall not be applicable to a dealer in snowmobiles.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may be enacted that serve to cause both increased and decreased costs to local governmental entities which, in the aggregate, do not result in significant identifiable cost changes, and, that if local entities receive fines and forfeitures with respect to new crimes, such fines and forfeitures may have the effect of lessening any such costs.

CHAPTER 332

An act to amend the heading of Article 16 (commencing with Section 1758.1) of Chapter 5 of Part 2 of Division 1 of, and to amend Sections 1758.1, 1758.3 and 1758.4 of, the Insurance Code, relating to insurance.

[Approved by Governor August 29, 1973 Filed with Secretary of State August 29, 1973]

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

SECTION 1. The heading of Article 16 (commencing with Section 1758.1) of Chapter 5 of Part 2 of Division 1 of the Insurance Code is amended to read:

Article 16. Variable Contract Agents

SEC. 2. Section 1758.1 of the Insurance Code is amended to read:

1758.1. For the purpose of making provision for the issuance of policies or contracts authorized by Article 5 (commencing with

Section 10506) of Chapter 5 of Division 2, the commissioner may license as a variable contract agent a natural person or a natural person named on a license of an organization licensed as a life and disability agent or as a life only agent and which is appointed by an admitted insurer which is required to register itself or to register a separate account or fund with the United States Securities and Exchange Commission under the Federal Investment Company Act of 1940 and has complied with such requirement.

No person shall act as an agent of such insurer in the transaction of such policies or contracts unless he holds a valid license under this article.

SEC. 3. Section 1758.3 of the Insurance Code is amended to read:

1758.3. The commissioner shall not issue a variable contract agent's license to an applicant therefor unless such applicant furnishes proof that he is registered to sell securities in accordance with the rules of the United States Securities and Exchange Commission or the National Association of Securities Dealers, and has, within the 12 months' period next preceding the date of issue of the license, taken and passed a written qualifying examination for such variable annuity agent's license prescribed by the commissioner. In lieu of requiring an applicant to pass such examination, the commissioner may accept proof that the applicant has been licensed to transact variable annuity contracts in another state or commonwealth during any part of the license year in which the application is filed or the immediately preceding license year.

SEC. 4. Section 1758.4 of the Insurance Code is amended to read:

1758.4. Except as may otherwise be provided in this article, a license as a variable contract agent shall be applied for, issued, and renewed in the same manner and for the same terms as a life and disability agent's or life only agent's license.

CHAPTER 333

An act to amend Section 21265 of the Water Code, relating to irrigation districts.

[Approved by Governor August 29, 1973. Filed with Secretary of State August 29, 1973]

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

SECTION 1. Section 21265 of the Water Code is amended to read:

21265. The board of supervisors of the office county shall fill by appointment vacancies in the offices of directors. If within 60 days after a vacancy on the board of directors occurs the board of supervisors has failed to fill such vacancy, a special election may be called by the board of directors and held in the division affected, for the purpose of filling such vacancy. In the event there are more than

two candidates at such special election, only a plurality will be required for election The candidate elected at such special election shall fill the unexpired term of the vacating director.

SEC. 2. Section 21265 of the Water Code is amended to read:

21265. The board of supervisors of the office county shall fill by appointment vacancies in the offices of directors, provided that any such appointed directors shall be required to run for election in the next succeeding general district election. If within 60 days after a vacancy on the board of directors occurs the board of supervisors has failed to fill such vacancy, a special election may be called by the board of directors and held in the division affected, for the purpose of filling such vacancy. In the event there are more than two candidates at such special election, only a plurality will be required for election. The candidate elected at such special election shall fill the unexpired term of the vacating director.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 2012 are both chaptered and amend Section 21265 of the Water Code, and this bill is chaptered after Assembly Bill No. 2012, that the amendments to Section 21265 proposed by both bills be given effect and incorporated in Section 21265 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. 2012 are both chaptered, both amend Section 21265, and Assembly Bill No. 2012 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 334

An act to amend Section 9510 of, and to add Section 9510.5 to, the Government Code, relating to the chaptering of bills and resolutions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 29, 1973 Filed with Secretary of State August 29, 1973]

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

SECTION 1. Section 9510 of the Government Code is amended to read:

9510. When the Governor approves a bill, he shall affix his name thereto, with the date of signing, and deposit it in the Office of the Secretary of State, where it becomes the official record. Upon the receipt of any such bill, the Secretary of State shall give it a number, to be known as the chapter number He shall number each bill in the order in which it is received by him, and the order of numbering shall be presumed to be the order in which the bills were approved by the Governor.

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SEC. 2. Section 9510.5 is added to the Government Code, to read:

9510.5. There shall be two series of bill chapter numbers for each two-year regular session of the Legislature. Bills deposited with the Secretary of State from the beginning of the two-year session through December 31 of the odd-numbered year shall be designated "Statutes of [odd-numbered year], Chapter ____." Bills deposited with the Secretary of State after December 31 of the odd-numbered year shall be designated "Statutes of [even-numbered year], Chapter ____." Concurrent resolutions, joint resolutions, and proposed constitutional amendments adopted by the Legislature shall be chaptered as resolution chapters with a different series of numbers than those assigned to bills but shall otherwise be numbered and designated in the same manner as bills enacted into law.

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

In order for the new bill and resolution chaptering system established by this act to be in use this year, it is essential that this act take immediate effect.

CHAPTER 335

An act to amend Section 7054 of the Health and Safety Code, relating to dead bodies.

[Approved by Governor August 30, 1973 Filed with Secretary of State August 30, 1973]

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

SECTION 1. Section 7054 of the Health and Safety Code is amended to read:

7054. (a) Except as authorized pursuant to the sections referred to in subdivision (b) every person who deposits or disposes of any human remains, in any place within the corporate limits of any city, or city and county, except in a cemetery, is guilty of a misdemeanor.

(b) Cremated remains may be disposed of pursuant to Sections 7117 and 10376.5 or Sections 7054 6 and 10376.5.

CHAPTER 336

An act relating to the maintenance of the Health and Safety Code, as follows:

Health and Safety Code

By amending Sections 100, 1601, 13821, 17924, 24340, 28299, 28311, 35541, 38122, 39283, and 39286

By amending and renumbering Sections 310 and 311, as added by Chapter 1745 of the Statutes of 1971, and Section 35541.7, as added by Chapter 1291 of the Statutes of 1971

By amending and renumbering the heading of Chapter 10 (commencing with Section 3500) of Division 4

By amending the heading of Article 3.5 (commencing with Section 38120) of Division 25

By repealing Sections 250.7, 305, 4794.5, 10000.1, 10038, 10584, 10678.1, 13823, 38108, and 39052.1

By repealing Article 15 (commencing with Section 429.40) of Chapter 2 of Part 1 of Division 1, Article 4 (commencing with Section 10620) of Chapter 12 of Division 9, Chapter 15 (commencing with Section 25995) of Division 20, and Part 9 (commencing with Section 37500) of Division 24, as added by Chapter 1562 of the Statutes of 1969

Welfare and Institutions Code

By adding Part 2 (commencing with Section 1500) to Division 2

[Approved by Governor August 30, 1973. Filed with Secretary of State August 30, 1973]

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

SECTION 1. Section 100 of the Health and Safety Code, as amended by Chapter 1593 of the Statutes of 1971, is amended to read:

100. There is in the state government in the Health and Welfare Agency, a State Department of Health.

SEC. 2. Section 250.7 of the Health and Safety Code is repealed.

SEC. 3. Section 305 of the Health and Safety Code, as amended by Chapter 1593 of the Statutes of 1971, is repealed.

SEC. 4. Section 310 of the Health and Safety Code, as added by Chapter 1745 of the Statutes of 1971, is amended and renumbered to read:

330. It is the policy of the State of California to make every effort to detect, as early as possible, sickle cell anemia, a heritable disorder which leads to physical defects.

The state department shall have the responsibility of designating tests and regulations to be used in executing this policy. Such tests shall be in accordance with accepted medical practices.

Testing for sickle cell anemia may be conducted at the following times:

(a) Upon first enrollment of a child at an elementary school in this state, such child may be tested.

(b) For any child not tested pursuant to subdivision (a), upon first enrollment at a junior high school or senior high school in this state, as the case may be, such child may be tested.

(c) Upon application of any person for a license to marry, the parties seeking to be married may be tested.

The provisions of this section shall not apply if a parent or guardian of a minor child sought to be tested or any adult sought to be tested objects to the test on the ground that the test conflicts with his religious beliefs or practices.

SEC. 5. Section 311 of the Health and Safety Code, as added by Chapter 1745 of the Statutes of 1971, is amended and renumbered to read:

331. The state department may require that a test be given for sickle cell anemia pursuant to Section 310 to any identifiable segment of the population which the department determines is susceptible to sickle cell anemia at a disproportionately higher ratio than is the balance of the population.

SEC. 6. Article 15 (commencing with Section 429.40) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code is repealed.

SEC. 7. Section 1601 of the Health and Safety Code is amended to read:

1601. No person shall engage in the production of human whole blood unless duly licensed under the provisions of this chapter.

SEC. 8. The heading of Chapter 10 (commencing with Section 3500) of Division 4 of the Health and Safety Code is amended and renumbered to read:

CHAPTER 11. TOPICAL APPLICATION OF FLUORIDE OR OTHER DECAY-INHIBITING AGENT TO TEETH

SEC. 9. Section 4794.5 of the Health and Safety Code is repealed.

SEC. 10. Section 10000.1 of the Health and Safety Code is repealed

SEC. 11. Section 10038 of the Health and Safety Code is repealed.

SEC. 12. Section 10584 of the Health and Safety Code is repealed.

SEC. 13. Section 10678.1 of the Health and Safety Code is repealed.

SEC. 14. Article 4 (commencing with Section 10620) of Chapter 12 of Division 9 of the Health and Safety Code is repealed.

SEC. 15. Section 13821 of the Health and Safety Code is amended to read:

13821. Any incorporated or unincorporated territory, or any combination thereof, which does not include any timbered, brush, or grass-covered lands declared to be the responsibility of the state for fire protection by Article 3 (commencing with Section 4125), Chapter 1, Part 2, Division 4 of the Public Resources Code, except as provided in this section, may be organized as a district pursuant to this part.

Upon the adoption of a resolution or upon receipt of a petition for the formation of or the annexation to a district, if the proposed formation or annexation contains an area declared by Article 3 (commencing with Section 4125), Chapter 1, Part 2, Division 4 of the Public Resources Code to be the fire protection responsibility of the state, the board of supervisors, in the case of formation, or the district

board, in the case of annexation, shall file with the State Forester a notice of such proposal including a map and legal land subdivision description of the proposed district or annexation. Upon formation of or annexation to a district, including such lands, the fire protection responsibility for timbered, brush and grass lands shall remain that of the state. The district shall have the fire protection responsibility for structures in the area. Commercial forest lands which are timbered lands declared to be the responsibility of the state for fire protection by Article 3 (commencing with Section 4125), Chapter 1, Part 2, Division 4 of the Public Resources Code shall not, however, be included within a district, except in counties of the 18th class, as specified by Section 28039 of the Government Code.

This section shall apply to districts formed after September 14, 1961, and to annexations to districts in existence on such date.

SEC. 16. Section 13823 of the Health and Safety Code is repealed.

SEC. 17. Section 17924 of the Health and Safety Code is amended to read:

17924. Rules and regulations shall be promulgated pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, and subject to the provisions of Part 2.5 (commencing with Section 18900) of Division 13 of this code.

SEC. 18. Section 24340 of the Health and Safety Code is amended to read:

24340. By the agreement ratified pursuant to Section 24331 or by resolution, a county treasurer of a member county shall be designated and shall act as the unified air pollution control district treasurer.

SEC. 19. Chapter 15 (commencing with Section 25995) of Division 20 of the Health and Safety Code is repealed.

SEC. 20. Section 28299 of the Health and Safety Code is amended to read:

28299. The sections contained in this article are to be known as the California Food Sanitation Act.

SEC. 21. Section 28311 of the Health and Safety Code is amended to read:

28311. This article is not applicable to containers subject to the provisions of Division 15 (commencing with Section 32501) of the Food and Agricultural Code.

SEC. 22. Section 35541 of the Health and Safety Code is amended to read.

35541. Except as otherwise provided in Sections 35541.5, 35541.6, 35541.7, and 35541.8, dwelling structures in any such temporary housing project shall not be disposed of for use as housing, but such dwelling structures shall be demolished and shall be demolished not later than one year after the 61st day after final adjournment of the 1971 Regular Session of the Legislature.

SEC. 23. Section 35541.7 of the Health and Safety Code, as added by Chapter 1291 of the Statutes of 1971, is amended and renumbered to read:

35541.8. Dwelling structures in any such temporary housing project may be operated by any city, county, or housing authority where the Department of Housing and Community Development, after investigation and report, finds that a workable plan to provide replacement housing pursuant to existing state and federal laws has been adopted by the local agency prior to July 1, 1972, and where by resolution, the city, county, or housing authority finds that demolition pursuant to Section 35541 would create a hardship for tenants of such structures.

In any event, such structures shall be demolished not later than January 1, 1975.

SEC. 24. Part 9 (commencing with Section 37500) of Division 24 of the Health and Safety Code, as added by Chapter 1562 of the Statutes of 1969, is repealed.

SEC. 25. Section 38108 of the Health and Safety Code is repealed.

SEC. 26. The heading of Article 3.5 (commencing with Section 38120) of Division 25 of the Health and Safety Code is amended to read:

CHAPTER 3.5. JUDICIAL REVIEW

SEC. 27. Section 38122 of the Health and Safety Code is amended to read:

38122. This chapter shall not be construed to impair the right of a parent, guardian, or conservator of an adult mentally retarded patient to remove the patient from the state hospital at any time pursuant to Section 38150.

SEC. 28. Section 39052.1 of the Health and Safety Code is repealed.

SEC. 29. Section 39283 of the Health and Safety Code is amended to read:

39283. In air basins where funds are not subvened pursuant to Section 39282, the board may subvene up to two dollars ($2) for every three dollars ($3) budgeted by an air pollution control district. Subventions under this section shall not exceed eighteen and four-tenths cents ($0.184) per capita.

SEC. 30. Section 39286 of the Health and Safety Code is amended to read:

39286. No moneys shall be subvened pursuant to this chapter unless the air pollution control district or districts affected are actively and effectively engaged in the reduction of air contaminants pursuant to the coordinated basinwide air pollution control plan and related county programs established pursuant to Chapter 7 (commencing with Section 39270). When the board finds, pursuant to a resolution from the board of directors of an air pollution control district, or upon completion of proceedings conducted by the board pursuant to Section 39054, 39274, or 39275, that an air pollution control district is not so engaged in the reduction of air contaminants,

the subvention which would have been allocated to such district pursuant to Section 39282 or 39283, plus such additional sum as may be necessary, if moneys are available from appropriations for the purposes of this chapter, shall be allocated to the board itself to carry out the approved plan or program. If the board acts under this section pursuant to a resolution of the board of directors of an air pollution control district, it may do so without proceeding under Section 39054, 39274, or 39275.

SEC. 31. Part 2 (commencing with Section 1500) is added to Division 2 of the Welfare and Institutions Code, to read:

PART 2. MINORS CROSSING THE MEXICAN BORDER

1500. A peace officer of any city or county shall prevent the entry from California into the Republic of Mexico at the border by any resident of this state under the age of 18 years who is unaccompanied by a parent or guardian or who does not have written consent for such entry from a parent or guardian or who does not have a passport. The authority of the peace officer under this part shall be only to prevent entry and not otherwise to detain Nothing in this part shall be construed to limit the authority of a peace officer under any other law of this state.

SEC. 32. Any section of any act enacted by the Legislature at its 1973–74 Regular Session, which takes effect on or before January 1, 1974, and which amends, amends and renumbers, or repeals a section amended, amended and renumbered, or repealed by this act, shall prevail over this act, whether such act is enacted prior or subsequent to this act.

CHAPTER 337

An act to amend Sections 11909, 11929, 12055, 12752, and 12753 of, and to add Article 2 5 (commencing with Section 11850) to Chapter 3, Division 6 of, the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Article 2.5 (commencing with Section 11850) is added to Chapter 3 of Division 6 of the Public Utilities Code, to read:

Article 2.5. Additional Directors

11850. Notwithstanding any other provision of this chapter, in any district formed prior to January 1, 1974, and containing a population of 1,000,000 or more on such date, the number of directors on the district board shall be increased from five to seven as provided in this article.

11851. In any district in which the number of directors is required to be increased from five to seven as provided in Section 11850, the board of directors in office on January 1, 1974, shall, by resolution or ordinance adopted within 90 days after such date, divide the territory of the district into seven wards, and fix the boundaries thereof. The boundaries shall be fixed such that the wards are as equal in number of registered voters as may be.

11852. The two additional directors provided for by this article shall be nominated and elected in the manner and at the election called and conducted within the district for the election of district directors pursuant to Article 2 (commencing with Section 11821) of this chapter and held at the same time as the 1974 statewide general election.

11853. The two additional directors elected pursuant to this article shall take office immediately upon the issuance of the certificates of election by the secretary of the district. Thereafter, directors elected pursuant to the additional seats created by this article shall take office on the first Monday after the first day of January next following their election.

11854. The term of office of the additional directors elected pursuant to this article shall be four years and until their successors are elected and qualified.

11855. Nothing in this article shall effect the term of office of district directors in office on the effective date of this section.

SEC. 2. Section 11909 of the Public Utilities Code is amended to read:

11909. The acts of the board shall be expressed by motion, resolution, or ordinance. No ordinance shall be passed by the board on the day of its introduction, nor within three days thereafter, nor at any time other than a regular or adjourned regular meeting. No ordinance, resolution, or motion shall have any validity or effect unless passed by the affirmative votes of at least three directors, of a five-ward district, or at least four directors of a seven-ward district.

SEC. 3. Section 11929 of the Public Utilities Code is amended to read:

11929. The general manager shall hold office for an indefinite term and may be removed by the board only upon the adoption of a resolution by the affirmative vote of not less than three members of the board of a five-ward district, or four members of the board of a seven-ward district. Before the general manager may be removed, he shall, if he demands it, be given a written statement of the reasons alleged for his removal and he shall have the right to be publicly

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heard thereon at a meeting of the board prior to the final vote on the resolution providing for his removal, but pending and during such hearing the board may suspend him from office. The board may not reduce the salary of the general manager below the amount fixed at the time of his original appointment except upon the adoption of a resolution by a like vote and after a like opportunity to be heard. The action of the board in suspending or removing the general manager or reducing his salary, if approved by a majority of the membership of the board, is final.

SEC 4. Section 12055 of the Public Utilities Code is amended to read:

12055. The "district civil service" shall include every employee of the district except:

(a) Officers elected by the people.

(b) Officers, assistant officers, and other persons and employees appointed by the board of directors.

(c) Temporary construction employees.

(d) Part time employees.

(e) Such unfilled positions (not to exceed 15) requiring peculiar and exceptional qualifications, including those of a scientific, professional, or expert character or of special confidence, as may be excepted from "district civil service" upon the recommendation of the general manager approved by the board.

SEC. 5. Section 12752 of the Public Utilities Code is amended to read:

12752. If after rejecting bids the board determines and declares by a four-fifths vote of all the members of a five-ward district, or by a five-sevenths vote of all the members of a seven-ward district, that in its opinion the materials and supplies may be purchased at a lower price in the open market, the board may proceed to purchase the supplies and materials in the open market without further observance of the provisions requiring contracts, bids, or notice.

SEC. 6. Section 12753 of the Public Utilities Code is amended to read:

12753. In case of any great emergency, the board may, by resolution passed by a four-fifths vote of all the members of a five-ward district, or by a five-sevenths vote of all the members of a seven-ward district, declare and determine that such emergency exists, and thereupon proceed to expend sums or enter into contracts involving the expenditure of any sums needed in such emergency without observance of the provisions requiring contracts, bids, or notice.

SEC. 7. There are no state-mandated local costs that require reimbursement under Section 2164.3 of the Revenue and Taxation Code because this act is in accordance with the request of a local government entity or entities desiring legislative authority to act to carry out the program specified in this act.

CHAPTER 338

An act to add Section 13010.1 to the Education Code, relating to school employees.

[Approved by Governor August 30, 1973 Filed with Secretary of State August 30, 1973]

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

SECTION 1. Section 13010.1 is added to the Education Code, to read:

13010.1. Notwithstanding the provisions of Sections 13010, 13469.1 and 13651.2, a school district may waive the requirement that temporary disability checks be endorsed payable to the district, and may in lieu thereof, permit the employee to retain his temporary disability check, providing that notice be given to the district that such check has been delivered to the employee. In such cases, the district shall then cause the employee to receive his normal wage or salary less appropriate deductions, including, but not limited to, employee retirement contributions, and an amount equivalent to the face amount of the temporary disability check, which the employee has been permitted to retain. In all cases, employee benefits are to be computed on the basis of the employee's regular wage or salary prior to the deduction of any amounts for temporary disability payments

Nothing contained herein shall be deemed to in any way diminish those rights and benefits which are granted to a school employee pursuant to the provisions of Sections 13010, 13469.1 and 13651.2 of this code.

CHAPTER 339

An act to amend Section 7117 of the Health and Safety Code, relating to burials.

[Approved by Governor August 30, 1973 Filed with Secretary of State August 30, 1973]

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

SECTION 1. Section 7117 of the Health and Safety Code is amended to read·

7117. Cremated remains may be taken by boat from any harbor in this state, or by air, for burial at sea. Cremated remains shall be removed from their container before such remains are buried at sea.

Any person who buries at sea, either from a boat, or from the air, any human cremated remains shall file with the local registrar of births and deaths in the county nearest the point where the remains

were buried, a verified statement containing the name of the deceased person, the time and place of death, the place at which the cremated remains were buried, and any other information that the local registrar of births and deaths may require.

Notwithstanding any other provisions of this code, the cremated remains of a deceased person may be buried at sea as provided in this section and Section 10376.5.

CHAPTER 340

An act to amend Section 25803 of the Government Code, relating to counties.

[Approved by Governor August 30, 1973 Filed with Secretary of State August 30, 1973]

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

SECTION 1. Section 25803 of the Government Code is amended to read:

25803. The board may provide for the prevention of injuries to sheep by dogs, and for the destruction and control of predatory animals, and may tax the possessors of dogs and direct the application of the tax. The board may, by ordinance, require veterinarians licensed pursuant to Chapter 11 (commencing with Section 4800) of Division 2 of the Business and Professions Code to report to the county the shooting or poisoning of any dog. Such veterinarian may be required to report the name of the owner of such dog, if known, or the person or persons requesting treatment of such dog.

CHAPTER 341

An act to amend Sections 38903, 39352, 39353, 39381, 39382, 39383, 39431, 39432, and 39461 of, to amend the heading of Chapter 8 (commencing with Section 39351) of Part 3 of Division 15 of, to add Section 38903.5 to, and to repeal Article 8 (commencing with Section 39521) of Chapter 8 of Part 3 of Division 15 of, the Food and Agricultural Code, relating to cheese.

[Approved by Governor August 30, 1973. Filed with Secretary of State August 30, 1973.]

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

SECTION 1. Section 38903 of the Food and Agricultural Code is amended to read:

38903. The provisions of this chapter do not apply to:

(a) Oleomargarine subject to Chapter 8 (commencing with Section 39351).

(b) A distinctive proprietary food compound which complies with all of the following requirements:

(1) Not readily mistaken in taste for milk, or for evaporated, skim, condensed, or dried milk.

(2) Prepared and designed for feeding infants and young children.

(3) Sold exclusively by druggists, orphanages, child welfare associations, hospitals, and similar institutions or for shipment outside of this state.

(c) Imitation ice cream and ice milk subject to Chapter 7 (commencing with Section 39151).

(d) Any product resembling a milk product which resembling product is subjected to a temperature high enough to sterilize the product and is packaged in an hermetically sealed container.

SEC. 2. Section 38903.5 is added to the Food and Agricultural Code, to read:

38903.5. Imitation cheese or substitute for cheese are subject to the provisions of this chapter.

SEC. 3. The heading of Chapter 8 (commencing with Section 39351) of Part 3 of Division 15 of the Food and Agricultural Code is amended to read:

CHAPTER 8. OLEOMARGARINE

SEC. 4. Section 39352 of the Food and Agricultural Code is amended to read:

39352. It is unlawful for any person knowingly to ship, or for any carrier for hire knowingly to receive for shipment, any oleomargarine or margarine, or substitute for butter, unless it is labeled in conformity with this chapter and shipped and receipted for in its true name, or unless it is in transit between foreign states.

SEC. 5. Section 39353 of the Food and Agricultural Code is amended to read:

39353. It is unlawful for any person knowingly to possess or have under his control any oleomargarine or margarine, or substitute for butter, except for actual consumption by himself or his family, unless it is labeled in conformity with this chapter.

SEC. 6. Section 39381 of the Food and Agricultural Code is amended to read:

39381. Each person that manufactures any oleomargarine or margarine, or any substitute for butter, shall comply with the requirements prescribed by this article.

SEC. 7. Section 39382 of the Food and Agricultural Code is amended to read:

39382. There shall be printed, stamped, or stenciled in a clear and durable manner upon one side of each tub, firkin, box, or other outer package in which oleomargarine, margarine, or substitute for butter,

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is removed from the place where it is produced or put up, as distinguished from the package in which it is to be put up for sale or sold at retail, all of the following:

(a) The words "oleomargarine", "margarine", or "substitute for butter", as the case may be, in plain roman letters of not less than 36-point type.

(b) A statement, which is printed in plain roman type, of a size not smaller than pica, which states the name and address of the manufacturer or of the distributor.

SEC. 8. Section 39383 of the Food and Agricultural Code is amended to read:

39383. The absence of the markings and the labelings which are specified in this article is a representation that the package does not contain oleomargarine or margarine, or a substitute for butter.

SEC. 9. Section 39431 of the Food and Agricultural Code is amended to read:

39431. A person shall not sell or take orders for the future delivery of any oleomargarine or margarine, or any substance which is designed to be used as a substitute for butter, under the name of butter, or under the pretense that the substance is butter.

SEC 10. Section 39432 of the Food and Agricultural Code is amended to read:

39432. A person shall not, in connection or association with the sale or advertisement of any oleomargarine or margarine or any substance which is designed to be used as a substitute for butter, represent or suggest by any means whatsoever that such substance is a dairy product. Nothing contained in this section shall, however, prevent an accurate and full statement of all of the ingredients which are contained in such substance.

SEC. 11. Section 39461 of the Food and Agricultural Code is amended to read:

39461. The following persons shall not place before any patron or employee, for use as food, any oleomargarine or margarine or any substitute for butter, unless there is displayed in a prominent place in each room where the meals are served, a sign which bears the words: "oleomargarine served here", "margarine served here", or "substitute for butter served here", as the case may be, in blackfaced letters of not less than four inches in height upon a white background, or unless such words are printed on a menu which is furnished to such patrons or employees, in legible type, no smaller than that which is used to describe other food items on the menu, and upon the same portion of the menu where other food items are described:

(a) The keeper or proprietor, person in charge, or employee of any bakery, hotel, boardinghouse, restaurant, lunch counter, or any other place where food or drink is served to the public.

(b) A person who furnishes board for others than members of his own family, or any employee where such board is furnished as compensation or as a part of the compensation of any employee.

SEC. 12. Article 8 (commencing with Section 39521) of Chapter 8 of Part 3 of Division 15 of the Food and Agricultural Code is repealed.

CHAPTER 342

An act to add Section 5506.6 to the Public Resources Code, relating to regional park districts.

[Approved by Governor August 30, 1973 Filed with Secretary of State August 30, 1973.]

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

SECTION 1. Section 5506.6 is added to the Public Resources Code, to read:

5506.6. The governing body of a district formed pursuant to Section 5506.5 may, by resolution, change the legal name of the district to the "Marin County Open Space District."

CHAPTER 343

An act to amend Section 7180 of the Fish and Game Code, relating to fishing.

[Approved by Governor August 30, 1973 Filed with Secretary of State August 30, 1973]

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

SECTION 1. Section 7180 of the Fish and Game Code is amended to read:

7180. Any person taking fish or amphibia for purposes other than profit from or on a boat or other floating device on the waters of the Colorado River and on adjacent waters, except canals, drains, or ditches used to transport water used for irrigation or domestic purposes, shall have in his possession a valid sport fishing license issued by either the State of Arizona or State of California.

In addition to either of the licenses, a person taking fish or amphibia as indicated shall have in his possession a Colorado River special use stamp. If he is a person having in his possession a valid California sport fishing license he shall have an Arizona special use stamp to fish legally the waters described above. If he is a person having in his possession a valid Arizona sport fishing license, he shall have a California special use stamp to fish legally the waters described above.

A special use stamp, when accompanied by the proper license, will

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allow fishing in any portion of such waters, and permit fishermen to enter the waters from any point.

The fee for a Colorado River special use stamp is three dollars ($3).

CHAPTER 344

An act to repeal Sections 9167, 9168, and 9169 of the Public Resources Code, relating to resource conservation districts.

[Approved by Governor August 30, 1973 Filed with Secretary of State August 30, 1973]

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

SECTION 1. Section 9167 of the Public Resources Code is repealed.

SEC. 2. Section 9168 of the Public Resources Code is repealed.

SEC. 3. Section 9169 of the Public Resources Code is repealed.

CHAPTER 345

An act to amend Sections 268 and 658 of the Harbors and Navigation Code, relating to navigation.

[Approved by Governor August 30, 1973 Filed with Secretary of State August 30, 1973]

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

SECTION 1. Section 268 of the Harbors and Navigation Code is amended to read:

268. (a) Counties or cities may adopt restrictions concerning the navigation and operation of vessels and water skis, aquaplanes, or similar devices subject to the provisions of subdivision (a) of Section 660, and may grant permits to bona fide yacht clubs, water ski clubs, or civic organizations to conduct vessel or water ski races or other marine events over courses established, marked, and patrolled by authority of the United States Coast Guard, city harbormaster, or other officer having authority over the waters on which such race or other marine event is proposed to be conducted and on such days and between such hours as may be approved thereby. These provisions shall not apply to marine events authorized by United States Coast Guard permit.

(b) The provisions of this section shall apply to all waters which are in fact navigable regardless of whether they are declared navigable by this code.

SEC. 2. Section 658 of the Harbors and Navigation Code is

amended to read:

658. (a) No person shall operate a vessel on any waters for towing a person or persons on water skis or an aquaplane or similar device unless there is in such vessel a person at least 12 years of age, in addition to the operator, in a position to observe the progress of the persons being towed.

This subdivision shall not apply to class A motorboats actually operated by the person or persons being towed and so constructed as to be incapable of carrying the operator in or on the motorboat. The department may establish rules and regulations governing the operation of any such watercraft, which rules and regulations shall provide the greatest degree possible for the safety of persons and vessels.

(b) No person shall operate a vessel on any waters of this state towing a person or persons on water skis or aquaplane or similar device nor shall any person engage in water skiing, aquaplaning, or other similar activity at any time between the hours from sunset to sunrise; provided, that such hours shall not apply to such waters of this state as to which prohibited hours for such activities are fixed by local ordinances, laws, or regulations enacted pursuant to this chapter.

(c) The provisions of subdivisions (a) and (b) of this section do not apply to a performer engaged in a professional exhibition or a person or persons engaged in any one of the following authorized activities on any waters of this state: a regatta, vessel or water ski race, or other marine event authorized pursuant to the provisions of Section 268.

(d) No person shall operate or manipulate any vessel, towrope, or other device by which the direction or location of water skis, an aquaplane, or similar device may be affected or controlled in such a way as to cause the water skis, aquaplane, or similar device, or any person thereon, to collide with, or strike against, any object or person. The provisions of this subdivision do not apply to collisions of two or more persons on water skis, aquaplanes, or similar devices being towed by the same vessel.

(e) No person shall operate water skis, an aquaplane, or similar device in such a manner as to endanger the life, limb, or property of any person.

CHAPTER 346

An act to add Section 6325.5 to the Welfare and Institutions Code, relating to mentally disordered sex offenders.

[Approved by Governor August 30, 1973 Filed with Secretary of State August 30, 1973]

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

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SECTION 1. Section 6325.5 is added to the Welfare and Institutions Code, to read:

6325.5 If the opinion so certified is under subdivision (b) of Section 6325, the person may not be released until such time as probation is granted or such other disposition as the court may deem necessary and proper is made of the case.

CHAPTER 347

An act to add Article 19 (commencing with Section 38541) to, and to repeal Article 19 (commencing with Section 38541) and Article 20 (commencing with Section 38571) of, Chapter 5 of Part 3 of Division 15 of the Food and Agricultural Code, relating to milk.

[Approved by Governor August 30, 1973 Filed with Secretary of State August 30, 1973]

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

SECTION 1. Article 19 (commencing with Section 38541) of Chapter 5 of Part 3 of Division 15 of the Food and Agricultural Code is repealed.

SEC. 2. Article 19 (commencing with Section 38541) is added to Chapter 5 of Part 3 of Division 15 of the Food and Agricultural Code, to read:

Article 19. Buttermilk

38541. Buttermilk is pasteurized milk, pasteurized skim milk, nonfat dry milk solids, condensed skim milk, or any combination of them, with or without an admixture of butter, which has been treated with special cultures of lactic acid bacteria. Buttermilk may contain an admixture of that portion of milk or cream which remains after the separation and complete or partial removal from such milk or cream of milk fat in the process of butter manufacture It shall contain not less than 8 percent milk solids.

Nothing in this section shall prevent the sale of raw buttermilk made from certified raw milk.

38542 Every container in which buttermilk is sold shall be labeled with a label containing all of the following information:

(a) The name and address of the distributor.

(b) The factory license number of the manufacturer, if the manufacturer is not the distributor.

(c) A statement that the product is pasteurized, if pasteurized.

(d) A statement that the product is cultured.

(e) A list of ingredients added, such as salt, stabilizers, and flavoring.

(f) If the principal label uses descriptive modifying terms, such

terms shall not be false or misleading.

SEC. 3. Article 20 (commencing with Section 38571) of Chapter 5 of Part 3 of Division 15 of the Food and Agricultural Code is repealed.

SEC. 4. There are no state-mandated local costs that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 348

An act to amend Section 26596 of the Health and Safety Code, relating to food.

[Approved by Governor August 30, 1973. Filed with Secretary of State August 30, 1973.]

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

SECTION 1. Section 26596 of the Health and Safety Code is amended to read:

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 other binders or extenders.

(b) No restaurant shall use the terms "hamburger," "burger," or any other cognate thereof in any advertisement, or menu to refer to any imitation 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.

SEC. 2. This act shall become operative July 8, 1974.

CHAPTER 349

An act to amend Sections 61375 and 61387 of, and to repeal Section 61376 of, the Food and Agricultural Code, relating to milk.

[Approved by Governor August 30, 1973. Filed with Secretary of State August 30, 1973]

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

SECTION 1. Section 61375 of the Food and Agricultural Code is amended to read:

61375. The giving of any milk, cream, dairy product, service, money, or article of any kind, except to a bona fide charity, for the purpose of securing or retaining the milk, cream, or dairy product business of any wholesale customer or consumer is an unfair practice.

SEC. 2. Section 61376 of the Food and Agricultural Code is repealed.

SEC. 3. Section 61387 of the Food and Agricultural Code is amended to read:

61387. Refrigeration facilities necessary for the preservation of frozen dairy products which are distributed by the distributor, and milk-dispensing devices, as defined in Section 34594, may be furnished by a distributor to a retail store or other wholesale customer on a rental basis for reasonable compensation as determined by the director after conducting a survey. Such compensation shall provide for interest on investment, reasonable depreciation and cost of repairs and maintenance during the normal life of such facilities.

SEC. 4. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 350

An act to amend Section 61388 of the Food and Agricultural Code, relating to milk.

[Approved by Governor August 30, 1973. Filed with Secretary of State August 30, 1973]

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

SECTION 1. Section 61388 of the Food and Agricultural Code is amended to read:

61388. All equipment, including refrigeration facilities, may be sold to retail stores or other wholesale customers. Such sales may be made for cash or on a conditional sales contract. Any contract shall provide for a payment of at least one-fifth cash and the balance to be paid on monthly installments for a term not to exceed 36 months. The prices prescribed in such conditional sales contract shall include interest at current rates, and shall include installation or maintenance for the life of the contract if the distributor agrees to perform or cause to be performed such service.

CHAPTER 351

An act to amend Section 789.5 of the Civil Code, relating to mobilehomes.

[Approved by Governor August 30, 1973 Filed with Secretary of State August 30, 1973]

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

SECTION 1. Section 789.5 of the Civil Code is amended to read:

789.5. (a) No tenancy or other estate at will or lease, however created on or after the effective date of this section, in a mobilehome park may be terminated except upon the landlord's giving notice in writing to the tenant, in the manner prescribed by Section 1162 of the Code of Civil Procedure, to remove from the premises within a period of not less than 60 days, to be specified in the notice. No lease shall contain any provision by which the tenant waives his rights under this section, and any such waiver shall be deemed contrary to public policy and shall be unenforceable and void. However, any lease may provide that the tenancy may be terminated upon the landlord's giving notice in writing to the tenant, in such prescribed manner, to remove from the premises within a period of more than 60 days, to be specified in the notice.

(b) This section shall only apply to mobilehomes or trailer coaches which are required to be moved under permit.

(c) This section shall not affect any rights or proceedings set forth in Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the Code of Civil Procedure.

(d) After the effective date of this subdivision, a tenancy shall be terminated pursuant to this section only for one or more of the following reasons:

(1) Failure of the tenant to comply with local ordinances and state laws and regulations relating to mobilehomes.

(2) Conduct of the tenant, upon the mobilehome park premises, which constitutes an annoyance to other tenants or interference with park management.

(3) Failure of the tenant to comply with rules and regulations of the mobilehome park as established by the management in the rental agreement at the inception of the tenancy or as amended subsequently with the consent of the tenant, or without his consent upon six months written notice. However, regulations applicable to recreational facilities may be amended at the discretion of the management.

(4) Nonpayment of rent, utility charges, or reasonable incidental service charges

(5) Condemnation or change of use of the mobilehome park.

(e) Meetings by tenants, or residents in the mobilehome park, or by occupants of a mobilehome in the mobilehome park, or any or all of them, relating to mobilehome living and affairs in the park

community or recreation hall shall not be subject to prohibition by the park management if such meetings are held at reasonable hours and when the facility is not otherwise in use.

(f) The management of a mobilehome park shall specify, in the notice required by this section, the reason for the termination of any tenancy in such mobilehome park. The reason relied upon for the termination shall be set forth with specific facts so that the date, place and circumstances concerning the reason for termination can be determined. Neither reference to subdivision and paragraph numbers of this section, nor recital of the language of this section, nor both, shall be compliance with this subdivision.

CHAPTER 352

An act to add Section 1618.5 to the Elections Code, relating to elections.

[Approved by Governor August 30, 1973 Filed with Secretary of State August 30, 1973]

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

SECTION 1. Section 1618.5 is added to the Elections Code, to read:

1618.5. The election board of any county, in appointing members of the several precinct boards to serve in the direct primary and general elections under the provisions of Section 1618, shall permit the county central committee of each qualified political party with at least 10 percent of the registered voters in any such precinct in the county to nominate a member of that party who is registered and resident in that precinct for appointment to the precinct election board of that precinct, such nomination to be made in writing to the election board of the county not less than 90 days before the direct primary election, commencing in the year 1974.

CHAPTER 353

An act to add Section 25846 to the Government Code, relating to counties.

[Approved by Governor August 30, 1973 Filed with Secretary of State August 30, 1973]

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

SECTION 1. Section 25846 is added to the Government Code, to read:

25846. Subject to the provisions contained in Article 6.5 (commencing with Section 38780) of Chapter 10 of Part 2 of Division 3 of Title 4, a county may provide that prior to the sale or exchange of any residential building situated outside the boundaries of any incorporated city, the owner or his authorized agent shall obtain from the county a report of the residential building record showing the regularly authorized use, occupancy, and zoning classifications of such property.

CHAPTER 354

An act to add Section 8969.6 to the Health and Safety Code, relating to cemetery districts.

[Approved by Governor August 30, 1973. Filed with Secretary of State August 30, 1973]

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

SECTION 1. Section 8969.6 is added to the Health and Safety Code, to read:

8969.6. A cemetery district may change its name, in the manner and pursuant to the procedures set forth in Chapter 7 (commencing with Section 9600) of Division 9 of the Public Resources Code.

CHAPTER 355

An act to amend Section 25363 of the Government Code, relating to counties.

[Approved by Governor August 30, 1973 Filed with Secretary of State August 30, 1973]

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

SECTION 1. Section 25363 of the Government Code is amended to read:

25363. The board of supervisors may sell or lease at public auction, and convey to the highest bidder, for cash, any property belonging to the county not required for public use. The sale or lease may be made at the courthouse door or at such other place within the county as the board orders by a four-fifths vote. Notice of the sale or lease shall be given for five days prior thereto either by publication in a newspaper published in the county or by posting in three public places in the county. The proceeds shall be paid into the county

treasury for the use of the county. If in the unanimous judgment of the board, the property does not exceed in value the sum of five hundred dollars ($500), or the monthly rental value thereof is less than seventy-five dollars ($75), or if it is the product of the county farm, it may be sold or leased at private sale without advertising by any member of the board authorized by a majority vote of the board. The sale or lease shall be reported to and confirmed by the board. This section does not apply to the furnishing of goods to special districts.

CHAPTER 356

An act to amend Sections 10067, 10082, 10405, and 10422 of the Food and Agricultural Code, relating to animal disease, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 30, 1973 Filed with Secretary of State August 30, 1973]

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

SECTION 1. Section 10067 of the Food and Agricultural Code is amended to read:

10067. When an animal is slaughtered pursuant to this article, the owner shall receive all of the following:

(a) The proceeds of the sale of the salvage of the animal.

(b) From the state, one-third of the difference between the appraised value and the proceeds of the sale of the salvage, but in no instance to exceed three hundred dollars ($300) for any animal.

(c) From the United States, any sum which is authorized to be paid to him from any appropriation that is made by the United States to assist in the eradication of tuberculosis in cattle in this state.

SEC. 2. Section 10082 of the Food and Agricultural Code is amended to read:

10082. The indemnity which is paid to the owner of any nonreacting animal which is slaughtered pursuant to this article shall be the difference between the appraised value of the animal as determined by appraisement by a representative of the department, or a representative of the United States Department of Agriculture, and by the owner or his agent, and the proceeds of the sale of the salvage. The indemnity shall not, however, exceed four hundred dollars ($400) for any grade animal, or five hundred dollars ($500) for any purebred animal, less any sum which is authorized to be paid to the owner for indemnity purposes from any appropriation made by the United States to assist in the eradication of tuberculosis in cattle in this state. In case of failure to agree on the valuation, the animal shall be appraised by the chief appraiser of the department

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or his representative. In either event, the value determined shall be final.

SEC. 3. Section 10405 of the Food and Agricultural Code is amended to read:

10405. Except as otherwise provided in this article, if an animal in a brucellosis control area is slaughtered pursuant to this article, or under regulations of the director which are made pursuant to this article, the owner shall receive all of the following:

(a) The proceeds of the sale of the salvage of the animal.

(b) From the state, one-third of the difference between the appraised value and the proceeds of the sale of the salvage, but in no instance to exceed three hundred dollars ($300) for any animal.

(c) From the United States, any sum which is authorized to be paid to him from any appropriation made by the United States to assist in the eradication of brucellosis.

SEC. 4. Section 10422 of the Food and Agricultural Code is amended to read:

10422. The indemnity which is paid to the owner of any nonreacting animal which is slaughtered pursuant to this article shall be the difference between the appraised value of the animal as determined by appraisement by a representative of the department, or a representative of the United States Department of Agriculture, and by the owner or his agent, and the proceeds of the sale of the salvage. The indemnity shall not, however, exceed four hundred dollars ($400) for any grade animal, or five hundred dollars ($500) for any purebred animal less any sum which is authorized to be paid to the owner for indemnity purposes from any appropriation made by the United States to assist in the eradication of brucellosis in cattle in this state. In case of failure to agree on the valuation, the animal shall be appraised by the chief appraiser of the department or his representative. In either event, the value determined shall be final.

SEC. 5. There is hereby appropriated from the General Fund in the State Treasury the sum of ninety thousand dollars ($90,000) to the Department of Food and Agriculture, in augmentation of Item 111 of the Budget Act of 1973, to carry out the provisions of this act.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The present reimbursement to the owner for the slaughter of reacting and nonreacting tuberculosis or brucellosis bovine is inadequate to compensate the owner for his loss and is causing disruption in the cattle industry which may adversely affect the supply of meat available to the public. In order to remedy this condition as soon as possible, it is necessary that the provisions of this act become effective immediately.

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CHAPTER 357

An act to add Section 27491.46 to the Government Code, and to amend Section 7153.5 of the Health and Safety Code, relating to coroners.

[Approved by Governor August 30, 1973 Filed with Secretary of State August 30, 1973.]

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

SECTION 1. Section 27491.46 is added to the Government Code, to read:

27491.46. The coroner shall have the right to retain pituitary glands solely for transmission to a university, for use in research or the advancement of medical science, in those cases in which he has performed an autopsy pursuant to this chapter, and during a 48-hour period following such autopsy the body has not been claimed and the coroner has not been informed of any relatives of the decedent.

SEC. 2. Section 7153.5 of the Health and Safety Code is amended to read:

7153.5. The following persons may become donees of gifts of bodies or parts thereof for the purposes stated:

(a) Any hospital, surgeon, physician, or coroner, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation.

(b) Any accredited medical or dental school, college or university for education, research, advancement of medical or dental science, therapy, or transplantation.

(c) Any bank or storage facility, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation.

(d) Any specified individual for therapy or transplantation needed by him.

CHAPTER 358

An act to add Section 43073 to the Government Code, to amend Section 11005.6 of, to add Chapter 3 (commencing with Section 2201) to Part 4 of Division 1 of, and to repeal Chapter 1.5 (commencing with Section 2161) of Part 4 of Division 1 of, the Revenue and Taxation Code, and to amend Section 2107.2 of the Streets and Highways Code, relating to taxation for the financing of government, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 31, 1973. Filed with Secretary of State August 31, 1973]

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

SECTION 1. Section 43073 is added to the Government Code, to read:

43073. The legislative body of any city which is encompassed entirely within the territory of a special district may elect to pay such district an amount equal to the amount such district would derive from its tax on all property within the incorporated limits of such city.

(b) If a legislative body makes an election pursuant to subdivision (a), the legislative body may increase the city's property tax rate to produce an amount equal to the amount the district would have derived from imposition of its tax on property within the city.

(c) If a city legislative body makes an election pursuant to subdivision (a), the district shall no longer impose such tax on property within the city, and upon collection of city taxes, such amount shall be paid by the city or transferred by the county auditor to the district.

(d) If the legislative body of a city makes an election pursuant to subdivision (a), the legislative body shall notify the county auditor, county assessor, and county tax collector by no later than the first day of September of the fiscal year in which such election becomes effective, and the county auditor shall not extend the stated portion of the district's tax on property within the city. Upon the request of the city legislative body, the county tax collector shall list each involved district on the property tax bill or an accompanying statement, clearly indicating that the city has elected to include the cost of the special district service in the city tax rate.

(e) For purposes of this section, "special district" means any special district where the county board of supervisors act as, or has appointed, the governing body of such districts providing fire or library services to one or more cities or any county library service established under Chapter 2 (commencing with Section 27151) of Division 20 of the Education Code provided for one or more cities, if all property within the city is taxed to support such service.

(f) This section shall not apply in any case in which a city is making the payments described in this section to a district on the effective date of this section.

(g) If any additional costs are incurred by a county as a result of an election under this act by a city, such county may collect such costs from the city.

(h) This section shall apply only to cities which are in counties which have a population of 6,000,000 or more.

SEC. 2. Chapter 1.5 (commencing with Section 2161) of Part 4 of Division 1 of the Revenue and Taxation Code is repealed.

SEC. 3. Chapter 3 (commencing with Section 2201) is added to Part 4 of Division 1 of the Revenue and Taxation Code, to read.

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CHAPTER 3. MAXIMUM PROPERTY TAX RATES FOR LOCAL AGENCIES

Article 1. Definitions

2201. Unless the context otherwise requires, the definitions contained in this article govern the construction of this chapter. The definition of a word applies to any variants thereof; the singular tense of a word includes the plural.

2202. "Ad valorem property taxation" means any source of revenue derived from applying a property tax rate to the assessed value of property.

2203. "City" means any city whether general law or charter, except a city and county.

2204. "Classification of property" means any enumeration or grouping of property by a statute which results in it being treated differently from other property for purposes of taxation.

2205. "Costs mandated by the courts" means any increased costs incurred by a local agency in order to comply with a final court order issued after January 1, 1973. "Costs mandated by the courts" do not include (i) costs incurred as a result of a judgment in an eminent domain or condemnation proceeding, or (ii) costs incurred in order to comply with a final court order mandating the specific performance, or awarding damages as a result of nonperformance, of any contract or agreement entered into after January 1, 1973.

2206. "Costs mandated by the federal government" means any increased costs mandated upon a local agency after January 1, 1973, in order to comply with requirements of federal statute or regulation. "Costs mandated by the federal government" does not include costs which are specifically reimbursed or funded by the federal or state government.

2208. "County" means any chartered or general law county. "County" includes a city and county.

2211. "Local agency" means any city, county or special district.

2212. "Percentage change in the cost of living" means the percentage change from April 1 of the prior year to April 1 of the current year in the California Consumer Price Index for all items, as determined by the California Department of Industrial Relations.

2213. "Property tax rate" means any rate of tax or assessment which is levied per unit of assessed value of property. "Property tax rate" includes any rate or assessment which is levied on the value of land only, as well as any rate or assessment which is levied on the value of land and improvements.

2214. "Sales tax exemption" means any provision which causes a reduction in revenue to a city or county under Part 1.5 (commencing with Section 7200) of Division 2.

2215. "Special district" means any agency of the state for the local performance of governmental or proprietary functions within limited boundaries. "Special district" includes a county service area,

a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefiting that area. "Special district" does not include a city, a county, a school district or a community college district.

2216. County free libraries established pursuant to Chapter 2 (commencing with Section 27151) of Division 20 of the Education Code; areas receiving county fire protection services pursuant to Section 25643 of the Government Code; and county road districts established pursuant to Chapter 7 (commencing with Section 1550) of Division 2 of the Streets and Highways Code, shall be considered "special districts" for all purposes of this chapter.

Article 2. General Provisions

2225. The property tax rate limits established in this chapter are established pursuant to authorization granted to the Legislature in Section 1d of Article XIII of the State Constitution and shall apply to all local agencies notwithstanding any other provision of law.

2226. It is the intent in establishing the property tax rate limits in this chapter to establish limits that will be flexible enough to allow local agencies 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 agency a more active role in the fiscal affairs of each such agency.

2227. Annually, the Department of Finance shall transmit to each city and each county an estimate of the percentage change in the population of the city or the county. Such estimates shall indicate the percentage change in the resident population, excluding the population in state mental and correctional facilities and in federal correctional and federal military installations, of each city and each county between January 1 of the prior year and January 1 of the current year. Such statements shall be transmitted by May 1.

The Department of Finance may request data from any local agency to be used to prepare the population estimate required by this section. If any local agency fails to supply the requested data, the department is not required to provide an estimate for that agency, but may do so using the method deemed most appropriate by the department.

2228. (a) The annual percentage change in population for special districts shall be the percentage established for the county pursuant to Section 2227. If a special district is located in more than one county, it may select the percentage change of any of such counties. If a special district is located entirely within a city, the annual percentage change in population for such district shall be that established for such city pursuant to Section 2227.

(b) If the governing body of a special district determines that the

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county percentage change in population will not be accurate for such district, it may, within 30 days after May 1, request the department to prepare a special population estimate for the district. The department shall comply with such request prior to August 1, and the estimate prepared by the department shall be used to determine population change for purposes of this chapter. The district shall reimburse the department for the actual cost of preparing such estimate.

2229. No classification or exemption of property for purposes of ad valorem property taxation enacted by the Legislature after January 1, 1973, shall extend for more than five years or shall exempt more than 75 percent of the value thereof from such taxation.

Any such classification or exemption enacted by the Legislature after January 1, 1973, shall be reimbursed by the state for the 1973–1974 fiscal year and for each fiscal year thereafter.

For purposes of this section the actual loss of revenue does not include potential revenue from property of a type which was not being assessed and taxed on January 1, 1973.

Claims for reimbursement shall be filed according to the procedure provided in subdivision (b) of Section 16113 of the Government Code. Upon appropriation of reimbursement funds by the Legislature, the Controller shall pay such claims at the times provided in subdivision (b) of Section 16115 of the Government Code. Such claims shall be audited as provided in Section 16114 of the Government Code.

The Legislative Analyst shall review any classification or exemption of property to which this section is applicable and shall report to the Legislature on the general economic effects thereof. Such report shall be submitted at least one year prior to the date on which the classification or exemption is scheduled to terminate.

2230. The state shall annually reimburse cities and counties for the net loss of revenue from each statute enacted after January 1, 1973, which provides for a sales or use tax exemption. The reimbursement shall be made, when funds have been appropriated by the Legislature, as follows:

(a) 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 deposited by the board of supervisors in the local transportation fund established pursuant to Section 29530 of the Government Code. These moneys shall become part of the local transportation fund and shall be appropriated in the same manner and for the same purposes specified in Section 29531 of the Government Code.

(b) Eighty percent of the local net loss shall be distributed to cities and counties in the same ratio as provided in Section 30462 for the distribution of moneys from the Cigarette Tax Fund.

The distribution of reimbursement moneys pursuant to this section shall be made at the same time and in the same manner as provided in Section 30462 for the distribution of moneys from the Cigarette Tax Fund

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For purposes of this section the Director of Finance shall estimate the annual net loss of revenue to local agencies. In the case of legislative bills which provide for a sales or use tax exemption, the Director of Finance shall prepare an estimate of the annual net loss of revenue to local agencies during the initial fiscal year in which the bill becomes effective. An appropriation consistent with such estimate shall be included in the bill. In subsequent fiscal years an appropriation to reimburse local agencies as required by this section shall be included in the State Budget. The amount included each year in the State Budget shall be changed by the estimated percentage change from the prior year, in the amount of revenue distributed to cities and counties pursuant to Part 1.5 (commencing with Section 7200) of Division 2.

For purposes of this section the net loss of revenue does not include (i) potential revenue from the sale or use of property of a type which was not being taxed on January 1, 1973, or (ii) the amount which would have been deducted by the Board of Equalization pursuant to Section 7204.3 for the cost of administering local sales and use tax ordinances.

In lieu of distributing reimbursement revenue as provided in this section, any statute exempting property from sales or use tax may provide an alternative procedure for such distribution.

2231. (a) The state shall pay to each local agency and each school district an amount to reimburse the local agency or the school 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 existing 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 local agencies and school 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 local agencies and school districts for each mandated program based upon claims submitted within 45 days after the operative date of the mandate by the appropriate local agency or school district. Such claims shall be based on the appropriate local agency's, or school district'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 agencies or school districts 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 agency or school district to

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reimburse for such costs.

Claims shall be submitted by affected local agencies and school districts 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 agency or school district 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 agency or school district to verify the actual costs of state-mandated programs.

(d) The state shall pay to each local agency 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. Local agencies shall be reimbursed in the same manner as provided in subdivisions (b) and (c). School districts shall be excluded from the provisions of this subdivision.

(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 local agency or a school district.

(f) If a local agency or a school district has been providing a service or program at its option which is subsequently mandated by the state, the state shall pay such local agency or school district for such mandated service or program, and the local agency or school district 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.

2232. Any funds received by a local agency pursuant to the provisions of this chapter may be used for any public purpose.

Article 4. Maximum Property Tax Rates

2260. The maximum property tax rates for local agencies shall be those established pursuant to the provisions of this article or of Article 6, 7 or 8 of this chapter (commencing with Section 2201) and shall exclude the following from the determination thereof: (1) any property tax rate levied to pay the cost of interest and redemption charges on bonded or other indebtedness which was authorized prior to the effective date of this section, together with any reserve or sinking funds required in connection therewith; (2) any property tax rate levied to pay the cost of interest and redemption charges on bonded or other indebtedness which was authorized after the effective date of this section by the voters of such agency, together with any reserve or sinking funds required in connection therewith;

(3) any property tax rate levied to pay the cost of interest charges on notes of a local agency issued in anticipation of bonds, if such bonds were authorized prior to the effective date of this section or were authorized by the voters of such agency after the effective date of this section, and if the principal amount of any such notes is payable only from proceeds of the sale of such bonds; (4) any property tax rate levied to pay the cost of interest and redemption charges on refunding bonds or on bonds issued pursuant to Section 53541 of the Government Code or Section 71960 of the Water Code, together with any reserve or sinking funds required in connection therewith; (5) any property tax rate levied to pay the cost of retirement and pension benefits provided pursuant to laws which have been approved by the voters of a local agency; (6) any property tax rate levied to pay the cost of payments or contributions which are required to be made to a special fund by specific provision of a city or county charter; (7) any property tax rate levied pursuant to a city charter procedure ordinance for the purpose of paying principal and interest on assessment bonds or for the purpose of paying annual costs of maintenance and operation of improvements financed pursuant to city charter procedure, when the levy is made in relation to benefits derived and not in accordance with the last equalized city or county assessment roll; and (8) any property tax rate levied on behalf of a county superintendent of schools.

2261. The maximum property tax rate which may be levied by any county for general purposes shall be the combination of all countywide property tax rates which were levied for general county purposes in either the 1971–1972 or the 1972–1973 fiscal year, at the option of the board of supervisors

2262. The maximum property tax rate which may be levied by any city shall be:

(1) For general law cities, the aggregate of all citywide property tax rates which were levied for general city purposes in either the 1971–1972 or the 1972–1973 fiscal year, at the option of the city council, provided that if the aggregate of such property tax rates was less than one dollar ($1) in both the 1971–1972 and the 1972–1973 fiscal years, the maximum property tax rate for such cities shall be one dollar ($1). In addition, any property tax rate authorized by the voters of a city as provided in Section 43068 of the Government Code which was not levied as part of the aggregate of citywide taxes in the fiscal year selected by the city council pursuant to this subdivision may also be levied.

(2) For charter cities, the maximum rate, or rates, specified in the charter; provided that any rate in excess of such maximum rate which is authorized by Section 43072 of the Government Code or by Section 35 of Chapter 1 of the Statutes of 1968 (First Extraordinary Session) and which was levied during either the 1971–1972 or the 1972–1973 fiscal year may continue to be levied. If no maximum rate is specified in the charter, the maximum rate shall be the rate levied by the city for either the 1971–1972 or the 1972–1973 fiscal year, at the

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option of the city council. In addition, if the voters of a charter city, pursuant to provisions of the charter or of general law, have authorized an additional rate, such augmented rate shall be the maximum property tax rate.

2262.1. A city may adjust, or cause to be adjusted, its maximum property tax rate as determined pursuant to the provisions of this chapter in order to comply with the provisions of Section 43073 of the Government Code.

2263. The maximum property tax rate which may be levied by, or on behalf of, a special district shall be:

(1) The maximum property tax rate authorized by the enabling statute under which the district is organized; provided that any rate in excess of such maximum rate which is authorized by Section 35 of Chapter 1 of the Statutes of 1968 (First Extraordinary Session) and which was levied during either the 1971–1972 or the 1972–1973 fiscal year may continue to be levied.

(2) If no such maximum property tax rate is provided by statute, or if a maximum property tax rate is provided but such rate is applicable only to a portion of the purposes for which such district is levying an ad valorem property tax, the maximum rate shall be the rate levied by, or on behalf of, the district for either the 1971–1972 or the 1972–1973 fiscal year, at the option of the governing body of the district. If a district operates on a calendar year, the maximum rate which may be levied pursuant to this subdivision shall be that levied in either calendar 1972 or calendar 1973, at the option of the governing body of the district.

(3) In addition, if the voters of a district, pursuant to provisions of the enabling statute under which the district is organized, have authorized an additional rate, such augmented rate shall be the maximum property tax rate.

2263.1. This section shall apply only to special districts formed between January 1, 1972, and the effective date of this section

(a) For special districts the governing body of which is separately and directly elected by the qualified voters of the district, in the event that a maximum property tax rate cannot be established for such district pursuant to the provisions of Section 2263, the governing body may, by resolution, apply to the board of supervisors of the county in which the district, or the major portion of the assessed value thereof, is located to determine the maximum tax rate. Upon receipt of such a resolution the board of supervisors shall, by resolution, determine the maximum tax rate for the district. Such rate shall be sufficient to permit the district to provide the programs and services for which it was formed.

(b) For special districts the governing body of which is a city council, a board of supervisors or is appointed to office, in the event that a maximum tax rate cannot be established for such district pursuant to the provisions of Section 2263, the governing body may, by resolution, apply to the local agency formation commission in the county in which the district is located to determine the maximum tax

rate. Upon receipt of such a resolution the local agency formation commission shall hold a hearing and shall determine the maximum tax rate for the district. Such rate shall be sufficient to permit the district to provide the programs and services for which it was formed Procedures for holding such a hearing and making such a determination shall follow, as nearly as is practicable, the procedures provided in the District Reorganization Act (Division 1 (commencing with Section 56000) of Title 6 of the Government Code) for hearing and determination by a local agency formation commission.

2263.2. After the effective date of this section the formation of a special district shall not be effective for property tax purposes unless a maximum property tax rate has been established by the voters of the district pursuant to the provisions of Article 6 (commencing with Section 2285) provided, however, that the maximum property tax rate for a maintenance district formed pursuant to the Improvement Act of 1911 or the Municipal Improvement Act of 1913 may be established prior to or concurrently with the formation of such district by any petition or by supplemental written consent executed by property owners holding at least 60 percent in area of the land to be benefited. The procedures for such petition or supplemental written consent shall follow the procedures provided in the Majority Protest Act of 1931.

2263.3. A special district may adjust, or cause to be adjusted, its maximum property tax rate as determined pursuant to the provisions of this chapter in order to comply with the provisions of Section 43073 of the Government Code.

2264. In the event that a local agency elects to follow the provisions of Part 3.5 (commencing with Section 2131) of this division, for levying a property tax rate in certain special districts, the maximum property tax rate for such districts shall be determined as provided in this section. For all purposes of this chapter, such maximum property tax rate shall be applied to the total assessed value within such district. In such situations the actual property tax rate for such a district shall be levied in each county in which the district is situated as provided in Part 3.5 without regard to the limitations provided elsewhere in this article.

(a) If a maximum property tax rate is provided in the enabling statute under which the district is organized, the maximum property tax rate for the district shall be the rate provided by statute.

(b) If no maximum property tax rate is provided by statute, the maximum property tax rate for such a district shall be the rate determined by dividing the receivable property tax revenue of the district by the total assessed value within the district. The governing body of a district may elect, at its option, to use either the 1971–1972 or the 1972–1973 fiscal year as the basis for determining the maximum property tax rate pursuant to this subdivision.

(c) As used in this section:

(1) "Receivable property tax revenue" means the amount of

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revenue from ad valorem property taxation which a district would have received in any fiscal year if the district's ad valorem property taxes for such year had been collected for all taxable property within the district, without regard to delinquencies, penalties or other modifications or adjustments.

(2) "Total assessed value within the district" means all assessed value in each county in which the district is located which is subject to ad valorem property taxation by, or on behalf of, such district; plus the assessed value in each such county which is attributable to the homeowners' property tax exemption and to the business inventory property tax exemption and which otherwise would have been subject to ad valorem property taxation by, or on behalf of, such district.

2265. In lieu of the maximum property tax rates established by other provisions of this article, the voters of a local agency may establish a maximum property tax rate for such agency pursuant to the provisions of Article 6 (commencing with Section 2285).

2266. This section shall provide an alternate procedure to the other provisions of this article for establishing maximum property tax rates.

The maximum property tax rate which may be levied by, or on behalf of, a local agency shall be a rate equivalent to the following:

(1) The maximum property tax rate which could have been levied for such agency pursuant to any provision of this article for the prior fiscal year, plus

(2) A property tax rate on the secured roll which would produce an amount of property tax revenue equal to the following:

(a) The amount of property tax revenue which would be received by such agency in the current fiscal year by levying the rate identified in subparagraph (1) of this paragraph against the agency's total assessed value for the current fiscal year, subtracted from

(b) The amount of property tax revenue which would be received by such agency in the current fiscal year if its property tax revenue from the prior year were to change by a percentage equal to the following: the percentage change in the population of the agency (as determined pursuant to Sections 2227 or 2228) plus the percentage change in the cost of living (as determined pursuant to Section 2212) which is applicable to the agency.

As used in this section "property tax revenue from the prior year" means the revenue which would have been received by a local agency in the prior fiscal year by levying the maximum property tax rate authorized by this article against the total assessed value for such year.

As used in this section "total assessed value" means all assessed value subject to ad valorem property taxation by a local agency plus assessed value attributable to the homeowners' property tax exemption and to the business inventory property tax exemption.

2266.1. In the event that a special district employs a system of ad valorem property taxation in which the district assessment roll is not

based upon the full cash value of the assessed property, the provisions of Section 2266 shall not apply to such district, and this section shall provide an alternate procedure to the other provisions of this article for establishing the maximum property tax rate of such district.

The maximum property tax rate which may be levied by, or on behalf of, a special district subject to the provisions of this section shall be a rate equivalent to the following:

(1) The rate established for such special district pursuant to the provisions of Section 2263, plus

(2) A rate obtained by multiplying the rate determined pursuant to subdivision (1) by the percentage change in the total assessed value of property within the district as shown on the current equalized secured assessment roll of the county, and the total assessed value of property within the district as shown on the equalized secured assessment roll of the county for the 1972–1973 fiscal year.

As used in this section, "total assessed value" shall have the same meaning as in Section 2266.

2267. In the event that an error or omission occurred in determining the property tax rate which was levied by, or on behalf of, a local agency in either the 1971–1972 fiscal year or the 1972–1973 fiscal year, the maximum property tax rate for such agency for purposes of this chapter shall be the property tax rate which would have been levied, in either such fiscal year, if such error or omission had not occurred.

Article 5. Additional Property Tax Rates

2270. A local agency may levy, or have levied on its behalf, a rate in addition to the maximum property tax rate established pursuant to this chapter (commencing with Section 2201) to pay the cost of: (1) interest and redemption charges on bonded or other indebtedness authorized prior to the effective date of this section, together with any reserve or sinking funds required in connection therewith; (2) interest and redemption charges on bonded or other indebtedness authorized after the effective date of this section by the voters of such agency, together with any reserve or sinking funds required in connection therewith; (3) interest charges on notes of a local agency issued in anticipation of bonds, if such bonds were authorized prior to the effective date of this section or were authorized by the voters of such agency after the effective date of this section, and if the principal amount of any such notes is payable only from proceeds of the sale of such bonds; (4) interest and redemption charges on refunding bonds or on bonds issued pursuant to Section 53541 of the Government Code or Section 71960 of the Water Code, together with any reserve or sinking funds required in connection therewith; (5) retirement and pension benefits provided pursuant to laws which have been approved by the voters of such agency; and (6) payments or contributions which are required to be

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made to a special fund by specific provision of a city or county charter; provided, however, that this subdivision shall not apply to any city or county whose charter contains a provision permitting the governing body to suspend or defer such payments or contributions upon making a finding that statutory limitations on ad valorem property taxation limit the ability of the city or county to make such payments or contributions.

2271. A local agency may levy, or have levied on its behalf, a rate in addition to the maximum property tax rate established pursuant to this chapter (commencing with Section 2201) to pay costs mandated by the federal government or costs mandated by the courts which are not funded by federal or state government.

The Controller may audit any rate imposed under this section and any data related to the establishment thereof. If the Controller determines that such rate exceeds a rate which would be necessary to meet the federally mandated or court mandated costs, or if the Controller determines that such rate has been levied to pay any cost mandated by a court which has resulted from litigation entered into in order to avoid the property tax rate limits established by this chapter, he shall request the Attorney General to bring an action under Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure to force a reduction in the rate.

2272. A local agency may levy, or have levied on its behalf, a rate in addition to the maximum property tax rate established pursuant to this chapter (commencing with Section 2201) for the purpose of complying with Sections 5302.5, 6467, 6468, 8809, and 10206 of the Streets and Highways Code or with Section 43240 of the Government Code or with Article 1 (commencing with Section 13371) of Chapter 7.5 of Division 6 of the Public Utilities Code.

2273. (a) A local agency may levy, or have levied on its behalf, a rate in addition to the maximum property tax rate established pursuant to this chapter (commencing with Section 2201) for the purpose of meeting the costs of written contractual obligations, leases and agreements, including determinations made pursuant to the Meyers-Milias-Brown Act (Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of the Government Code), which were entered into, or authorized by the governing body or by the voters of such agency, prior to January 1, 1973, if:

(1) The local agency incurred no costs or budgeted no expenditures under the contractual obligation or agreement during the 1972–1973 fiscal year but will incur such costs in subsequent fiscal years, or

(2) The local agency did incur costs pursuant to the contractual obligation or agreement in the 1972–1973 fiscal year, but in subsequent fiscal years such costs increase in an amount which exceeds either the growth rate in the local agency's assessed value or its growth rate in population and cost of living as determined pursuant to Section 2212 and Sections 2227 or 2228.

(b) The additional rate which may be levied to meet costs

described in paragraph (1) of subdivision (a) shall be that rate in each fiscal year which produces the amount of revenue needed to meet the actual annual costs of the contract or obligation.

(c) The additional rate which may be levied in each fiscal year to meet costs described in paragraph (2) of subdivision (a) shall be that rate which produces an amount of revenue equal to the difference between (i) the cost of the contract for the current year and (ii) the adjusted base year cost of the contract. Such adjusted base year cost shall be determined as follows: (i) for the 1973–1974 fiscal year, the actual cost of the contract in the 1972–1973 fiscal year shall be multiplied by either the percentage increase in population and the cost of living or the percentage increase in assessed value which is applicable to the local agency, whichever is greater. The product of such multiplication plus the actual cost of the contract during the 1972–1973 fiscal year shall be the adjusted base cost of the contract; (ii) for each subsequent fiscal year, the adjusted base year cost of the contract of the prior year shall be multiplied by either the percentage increase in the cost of living and population or the percentage increase in assessed value which is applicable to the local agency, whichever is greater. The product of such multiplication plus the adjusted base year cost of the contract in the prior fiscal year shall be the adjusted base cost of the contract in the current year.

(d) No local agency may levy an additional rate as provided in this section after the termination of the contractual obligation or agreement described in subdivision (a); provided that a local agency may continue to levy an additional rate equal to the rate levied for the entire last year of such a contract or agreement if (i) the local agency enters a new contractual obligation which provides for substantially similar kinds of services or goods as the terminated contract, and (ii) the new contractual obligation concerns personal services, consumable goods or personal property and does not in any manner involve real property as defined in Section 104.

The additional property tax rate authorized by this section shall apply (i) to contractual obligations arising from the exercise of options and (ii) to contractual obligations arising from contingent promises. Except as specifically provided by this section, the additional property tax rate authorized by this section does not apply to contractual obligations incurred by mutual agreement of the contracting parties after January 1, 1973.

2273.1. The provisions of Section 2273 shall apply to a contract or lease signed after January 1, 1973, if a local agency, in anticipation of such contract, shall have taken formal action prior to January 1, 1973, to implement one or more projects to be acquired or constructed pursuant to such contract.

"Formal action to implement any one or more projects" means:

(a) The incurring of a liability for a substantial portion of an architectural or engineering contract relating to the project; or

(b) The acquisition of land or improvements for the project.

2273.2. If, prior to January 1, 1973, a local agency was a party to

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any contract or lease, the terms of which provide (1) that the local agency shall make payments to the federal government, the State of California or any other local agency and (2) that the governing body of such local agency shall, whenever necessary, levy an ad valorem property tax sufficient to provide for all payments under the contract or lease in a timely manner, such local agency may levy, or have levied on its behalf, a rate in addition to the maximum property tax rate established pursuant to this chapter (commencing with Section 2201) for the purpose of making such payments as are required by such contract or lease

2274. (a) In the event of an emergency which constitutes a danger to the public health, safety or welfare, or of a general disaster, which requires a local agency to incur additional costs which cannot be met under the maximum property tax rates provided by this chapter (commencing with Section 2201), a local agency may levy, or have levied on its behalf, an additional rate which will produce 1 percent of the amount produced by its maximum property tax rate. Such a rate shall be authorized by a two-thirds vote of the governing body and shall be levied for one year only.

In the event that the property tax rate has been set when an additional rate is authorized pursuant to this subdivision, such additional rate may be levied in the next following fiscal year

(b) If the additional rate authorized by subdivision (a) is not sufficient to meet the costs incurred as a result of the emergency or general disaster, a local agency may, by resolution, request the Controller to authorize an additional amount of ad valorem property taxation in excess of that authorized pursuant to subdivision (a).

The local agency shall, upon request of the Controller, provide the Controller with such facts and evidence as will enable him to authorize an additional amount pursuant to the provisions of this subdivision.

Upon receipt of the resolution requesting the authorization of an additional amount, the Controller shall hold a public hearing within the jurisdiction of the local agency or as near thereto as is practicable At the conclusion of the hearing he shall authorize an additional amount if he makes the following findings: (1) An emergency or general disaster does exist the costs of which cannot be met under the agency's maximum property tax rate and under the additional tax rate provided in subdivision (a). (2) Such costs are the responsibility of the local agency and cannot be met from revenue sources other than the property tax. (3) Such costs are not within the immediate control of the local agency but are due rather to general economic or social conditions, or both, or acts of God. (4) The emergency or general disaster endangers public health, safety or welfare.

The additional amount authorized pursuant to this subdivision may be raised during a single fiscal year or, at the discretion of the local agency, a portion of such amount may be raised in each of several fiscal years.

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In any fiscal year a local agency may levy, or have levied on its behalf, a rate in addition to the maximum property tax rate established pursuant to this chapter which will be sufficient to produce the amount authorized pursuant to this subdivision, or the portion thereof which the local agency has determined will be raised in such fiscal year.

2275. A local agency may levy, or have levied on its behalf, a rate in addition to the maximum property tax rate established pursuant to this chapter (commencing with Section 2201) to pay the cost of interest and redemption charges, together with any reserve or sinking funds required in connection therewith, on any note or other evidence of indebtedness which such agency is authorized by statute to issue in the event of emergencies involving major damage to, and destruction of, such agency's works or facilities. Such rate shall be levied without regard to the provisions of Section 2274.

2276. A local agency to which Section 2267 is applicable, may levy, or have levied on its behalf, a rate in addition to the maximum property tax rate established pursuant to Section 2267 for the purpose of repaying any indebtedness which was incurred in order to pay the operating costs of such agency during the fiscal years in which an error or omission occurred in determining the property tax rate for such agency.

2277. A local agency may levy, or have levied on its behalf, a rate in addition to the maximum property tax rate established pursuant to this chapter (commencing with Section 2201) for the purpose of paying the actual cost of holding an election pursuant to the provisions of Article 6 (commencing with Section 2285).

2278. In the event that a local agency is required to pay or is authorized to collect any fees, assessments, charges or obligations as a term or condition of a "governmental reorganization," as such term is defined in Section 2295, the local agency may levy, or have levied on its behalf, a rate, in addition to the maximum property tax rate established pursuant to this chapter, for the purpose of paying or collecting the actual amount of such fees, assessments, charges, or obligations.

Article 6. Tax Rate Limit Elections

2285. For the purposes of this article, the term "qualified voter of the local agency" means a voter who meets the specific qualifications, if any, set forth for voters of that local agency for other purposes. If no such specific qualifications exist, the term means a registered voter, as defined in the Elections Code, residing within the area within which the election will be held; if there are no registered voters within that area, the term means a landowner, in which case each landowner shall have one vote. If such landowner is a partnership, joint tenancy or tenancy in common, the vote to which such landowner is entitled may be cast by any of the partners, joint tenants or tenants in common; provided that only one such vote

shall be cast on behalf of the landowner.

As used in this section "landowner" means any person shown on the last equalized assessment roll as the owner of land; provided that where such person is no longer the owner, the term shall mean any person entitled to be shown as the owner on the next assessment roll.

2286 (a) No local agency formed after the effective date of this chapter shall levy, or have levied on its behalf, any property tax rate unless a maximum property tax rate has been approved for such agency. If an election is held on the formation of a local agency, the maximum property tax rate for such agency shall be included in describing the local agency on the ballot in the formation question.

(b) In the event that a local agency which was in existence on the effective date of this chapter desires to change its maximum property tax rate, the governing body of such agency shall call a special election, pursuant to the provisions of this article, to approve a new maximum property tax rate for the agency.

(c) No maximum property tax rate described in subdivision (a) or (b) shall be approved except by a majority vote of the qualified voters of that local agency voting on the issue.

2287. A maximum property tax rate election shall be held according to the law otherwise applicable to elections held by such a local agency; provided that the governing body of the local agency may authorize the use of mailed ballots whenever there are 250 or fewer qualified voters eligible to vote in such election.

2288. A maximum property tax rate election held by a local agency formed under a law which does not provide a procedure for elections shall be conducted by the county clerk, as follows:

(a) The election shall be held not less than 74 days nor more than 120 days following the call of the election by the governing body of the local agency. The call of the election shall specify whether the election shall be by mailed ballots or not.

(b) Not less than 15 days nor more than 30 days before the election, the county clerk shall compile the index of voters eligible to vote in the election as of the 30th day preceding the election, establish the election board, precinct boards, and precincts, as needed, and mail out the ballots or sample ballots.

(c) Except as provided herein, such elections shall be called, conducted, and canvassed as provided in the Elections Code for the calling, conducting, and canvassing of general elections.

(d) The local agency shall reimburse the county in full for the services performed by the county clerk upon presentation of a bill to the local agency

(e) In the event that the governing body of a local agency authorizes the use of mailed ballots pursuant to Section 2287, the procedure to be used in mailing and canvassing the ballots shall be the procedure prescribed in Chapter 4 (commencing with Section 14600) of Division 9 and in Chapter 7 (commencing with Section 18200) of Division 10 of the Elections Code for the mailing and canvassing of absentee ballots; provided, however, that a ballot shall

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be mailed to each qualified voter and an application for a ballot shall not be required.

2289. Whenever possible, elections to approve maximum property tax rates shall be consolidated with other elections. In the event that an election to approve a maximum property tax rate is not consolidated with another election, the governing body calling the election shall state, in the resolution calling the election, the reasons why such consolidation is impracticable

Article 7. Governmental Reorganization: Effect on Maximum Property Tax Rates

2295. As used in this article "governmental reorganization" means any formation of, annexation to, detachment from, consolidation of, dissolution of, or other territorial adjustment in the boundaries of, a local agency "Governmental reorganization" includes those boundary adjustments of local agencies which are not subject to the provisions of Chapter 6 6 (commencing with Section 54773) of Part 1, Division 2, Title 5 or of Division 1 (commencing with Section 56000) of Title 6 of the Government Code, as well as those boundary adjustments of local agencies which are subject to such provisions of the Government Code.

2296. Except as provided in Section 2263.2, whenever a governmental reorganization occurs, the maximum property tax rate for any local agency whose boundaries are changed by such reorganization shall be determined as provided in this article.

2297. In the event that the boundaries of a local agency are altered by a governmental reorganization, the maximum property tax rate for such an agency, after the reorganization has occurred, shall continue to be the maximum property tax rate which had been established, pursuant to the provisions of this article or of Article 4, for such agency prior to the reorganization.

2298. In the event that a governmental reorganization makes it necessary or desirable for a local agency to exceed the maximum property tax rate provided in Section 2297, the governing body of such agency shall call an election pursuant to the provisions of Article 6 to establish a new maximum property tax rate for such agency. Such an election may be consolidated with any election which may be called on the proposed governmental reorganization.

2299. In the event that an election is required in order to approve and effectuate a governmental reorganization, the impartial analysis of the governmental reorganization prepared for the ballot pamphlet shall indicate the maximum property tax rate which will be applicable in the event the governmental reorganization is approved

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Article 8. Functional Consolidation: Effect on Maximum Property Tax Rates

2305. As used in this article "functional consolidation" means the transfer, from one local agency to another, of both of the following. (1) the responsibility for providing a program or a service to an area within the jurisdiction of the transferring agency and (2) the responsibility for levying a property tax rate within such area to pay the cost of such service or program.

2306. Whenever a functional consolidation occurs, the maximum property tax rate for any local agency affected by such functional consolidation shall be determined as provided in this article.

2307. The local agency which transfers a program or service shall reduce its maximum property tax rate as provided in this section. Such reduction shall be effective beginning with the fiscal year after the transfer has occurred.

(a) The local agency shall determine the actual cost of providing the transferred program or service during the last full fiscal year in which such function or service was provided.

(b) The local agency shall determine the amount of the costs determined pursuant to subdivision (a) which are attributable to expenses for general administration and capital outlay and which cannot be transferred to the agency assuming the responsibility for providing the program or service; provided that such amount shall not exceed 10 percent of the amount determined pursuant to subdivision (a).

(c) The local agency shall subtract the amount determined pursuant to subdivision (b) from the amount determined pursuant to subdivision (a).

(d) The local agency shall determine the property tax rate which would have been required to produce the amount determined pursuant to subdivision (c) during the last full fiscal year in which the transferred program or service was provided and shall reduce its maximum property tax rate thereby.

2308. The maximum property tax rate for a local agency assuming the responsibility for providing a program or service and for levying a tax to pay the cost thereof, as a result of a functional consolidation, shall be the maximum property tax rate for such agency established prior to the functional consolidation plus such additional rate as may be necessary to pay the actual costs of providing such program or service.

The Controller may audit any rate imposed under this section and if he determines that the rate exceeds a rate which would be necessary to pay the actual costs incurred as a result of functional consolidation, he shall request the Attorney General to bring an action under Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure to force a reduction in the rate.

2309. Any adjustment in the maximum property tax rate of a local

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agency made pursuant to Section 2308 shall only be made in the first full fiscal year after the functional consolidation has occurred.

Article 9. Reporting Tax Levies

2325. Annually, no later than 15 days after the property tax rate for a local agency has been fixed, each local agency shall report to the Controller, on a form to be specified by the Controller, the property tax rate levied by, or on behalf of, the agency for the current fiscal year. Such information shall show the amount of the rate, if any, levied pursuant to Sections 2260, 2261, 2262, 2262.1, 2263, 2263.1, 2263.2, 2263.3, 2264, 2265, 2266, 2266 1, 2267, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, and 2278. Information with respect to any rate levied pursuant to Section 2270 shall also indicate the rate levied to pay interest and redemption charges on bonded indebtedness, the rate levied to pay the cost of retirement and pension benefits and the rate levied to make payments to special funds as required by charter.

2326. If a local agency fails to file the report required by Section 2325 by October 15, the Controller, in the succeeding fiscal year, shall reduce by 10 percent or five thousand dollars ($5,000), whichever is less, the payment he is required to make to such agency based on claims filed pursuant to Section 16113 of the Government Code.

SEC. 4. Section 11005.6 of the Revenue and Taxation Code is amended to read:

11005.6. Once each calendar year, any county or city and county whose population has been increased substantially since the last federal census and which has held an enumeration within the five-year period preceding application under the supervision of either the Federal Bureau of the Census or the Department of Finance may apply to the Department of Finance to estimate the increase in population. The department may make the estimate if in the opinion of the department there is available adequate information upon which to base the estimate. Upon completion of the estimate, the Department of Finance shall file a certified copy thereof with the department and the Controller.

All payments under Section 11005 of the Revenue and Taxation Code for any allocation subsequent to the filing of the estimate shall be based upon the population so estimated. The respective departments, in making the computations required by these sections, shall add to the total population of all counties and cities and counties all increases of population shown by the estimate.

If, in any year during which any county or city and county may apply to the Department of Finance to estimate the increase in population under this section, the total population of the cities within a county, as determined by actual census, exceeds the Department of Finance estimate of the population of the county, the total population of the cities shall be deemed the population of the county for purposes of this section, and upon receipt of satisfactory evidence of the population figures of said cities as determined by said census,

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the Department of Finance shall file a certified copy thereof with the department and the Controller.

The Department of Finance may assess a reasonable charge, not to exceed the actual cost thereof, for the preparation of population estimates pursuant to this section, which is a proper charge against the county or city and county applying therefor. The amount received shall be deposited in the State Treasury as a reimbursement to be credited to the appropriation from which the expenditure is made.

Any population estimate prepared by the Department of Finance pursuant to the provisions of Section 2227 of this code may be used for all purposes of this section.

SEC. 5. Section 2107.2 of the Streets and Highways Code is amended to read:

2107.2. Any city or city and county may apply to the Department of Finance to estimate its population or the population of any inhabited territory annexed to the city subsequent to the last federal census. The department may make the estimate if in the opinion of the department there is available adequate information upon which to base the estimate; provided, however, the department may develop or contract for the development of additional information if, in the opinion of the department, such additional information may make an estimate feasible. Upon completion of the estimate and if requested to do so by the city or city and county, the Department of Finance shall file a certified copy thereof with the Controller.

All apportionments under Section 2107 and all payments under Section 11005 of the Revenue and Taxation Code for any apportionment subsequent to the filing of the estimate shall be based upon the population so estimated The respective departments, in making the computations required by these sections, shall add to the total population of all cities and cities and counties all increases of population shown by the estimate.

The Department of Finance may assess a reasonable charge, not to exceed the actual cost thereof, for the preparation of population estimates pursuant to this section, which is a proper charge against the city or city and county applying therefor. The amount received shall be deposited in the State Treasury as a reimbursement to be credited to the appropriation from which the expenditure is made.

Population estimates conducted pursuant to this section shall not be applied for more frequently than once in every fiscal year.

This section does not apply to counties.

Any population estimate prepared by the Department of Finance pursuant to the provisions of Section 2227 of the Revenue and Taxation Code may be used for all purposes of this section.

SEC. 6. Notwithstanding the provisions of Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of the Revenue and Taxation Code, any garbage disposal district organized pursuant to Chapter 1 (commencing with Section 4100) of Part 2 of Division 5 of the Health and Safety Code and formed prior to January

1, 1973, which depends upon multiyear contracts to carry out the entire purpose of the district may adjust its maximum rate to provide for the cost of any new contract which continues the level of service provided in the prior contract.

In addition the rate may cover an amount for proper overhead charges, a reserve for contingencies not to exceed 10 percent of the annual contract costs and an amount to offset normal tax delinquencies.

Districts covered under this section may also levy a rate to provide sufficient revenues to cover the cost of borrowing required to meet cash needs for the period prior to receipt of revenues.

Such districts may borrow from the treasury of the county in which it is located, and such county may loan amounts required to meet cash needs when no other source of revenue is available to the district.

Any district which adjusts its maximum tax rate under the provisions of this section is requested to report to the State Director of Finance as to the amount of such increase, the additional revenue to be raised by the increased rate, and the type of contract used to carry out the purpose of the district. The report requested under this section shall be made each October 1 for the 1973–74, 1974–75 and 1975–76 fiscal years only, as applicable.

SEC. 7. Notwithstanding the provisions of Sections 29100 and 29100.1 of the Government Code or any other provision of law, property tax rates for all local agencies, as defined in Section 2211 of the Revenue and Taxation Code, shall be fixed for the 1973–1974 fiscal year on or before September 14, 1973. Notwithstanding any other provision of law a local agency may reopen hearings on its budget for the 1973–1974 fiscal year and may change or alter such budget prior to September 11, 1973; provided however, that any such local agency shall comply with the provisions of Section 54956 of the Government Code prior to reopening budget hearings.

SEC. 8. If, pursuant to law, general obligation bonds may be authorized by the unanimous consent of all freeholders or property owners of a special district concurrently with the formation of the district, and the formation of such district is approved by the 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, Section 2263.1 and paragraph (1) of Section 2270 of the Revenue and Taxation Code shall be applicable to such district.

This section shall remain in effect only until 31 days after the effective date of this act and shall have no force or effect on or after such date.

SEC. 9. The Legislature finds and declares that there are no state-mandated costs to local government contained in Section 1 of this act for the following reasons:

(a) Cities are given an option to make payments to special districts, which payments are not required of cities by this act.

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(b) Counties are presently required to collect taxes on behalf of cities within the county and a change in a city rate will not create any additional costs.

Therefore, no appropriation is made by this act nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that this act may be operative for the 1973–74 fiscal year, thereby providing equitable maximum property tax rates for local agencies, it is necessary that this act take effect immediately.

CHAPTER 359

An act to add Section 22032 to the Elections Code, relating to elections.

[Approved by Governor September 4, 1973 Filed with Secretary of State September 4, 1973]

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

SECTION 1. Section 22032 is added to the Elections Code, to read:

22032. With the exception of elections conducted statewide and special elections to fill legislative and congressional vacancies, any local, special or consolidated election may be conducted wholly by the use of absent voter ballots as provided in Section 14620.5, irrespective of the number of voters eligible to vote at such election.

The purpose of this provision is to provide for a method of voting which tends to achieve optimum participation by qualified voters at local, special and consolidated elections.

This section shall be applicable only to elections conducted by local entities which have no more than 300 registered voters residing therein.

CHAPTER 360

An act to amend Section 8211.5 of the Government Code, relating to fees.

[Approved by Governor September 4, 1973 Filed with Secretary of State September 4, 1973]

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

SECTION 1. Section 8211.5 of the Government Code, as added by Chapter 1027 of the Statutes of the 1972 Regular Session of the Legislature, is amended to read:

8211.5. The fee of a notary public for all services rendered in connection with the taking of any deposition is the sum of five dollars ($5), and in addition thereto, the sum of one dollar ($1) for administering the oath to the witness and the sum of one dollar ($1) for the certificate to such deposition.

The fees herein provided for are exclusive of any fees for services rendered either by a notary public or another in connection with the reporting or transcription of depositions.

For his services transcribing a deposition the reporter shall receive from the party purchasing the original seventy-five cents ($0.75) per 100 words, and for each copy made at the same time ten cents ($0.10) per 100 words; from all other parties purchasing the same the reporter shall receive for each copy made at the same time as the original twenty-five cents ($0.25) per 100 words for the first copy, and ten cents ($0.10) per 100 words for additional copies.

In any county having a population of 5,000,000 or over, for services in reporting a deposition, a reporter shall receive not less than thirty-five dollars ($35) for one-half day nor more than the fees of a reporter pro tempore in the superior court of the county. For services in transcribing a deposition, the reporter shall receive from the party purchasing the original and one copy not less than two dollars ($2) per 28-line 8½- x 11-inch page, and, for each additional copy made at the same time or from all other parties purchasing a copy, the reporter shall receive not less than fifty cents ($0.50) per page.

If a deposition is transcribed, the reporter shall not receive the compensation provided in this section for reporting the deposition.

SEC. 2. Section 8211.5 of the Government Code is amended to read:

8211.5. The fee of a public witness for all services rendered in connection with the taking of any deposition is the sum of five dollars ($5), and in addition thereto, the sum of one dollar ($1) for administering the oath to the witness and the sum of one dollar ($1) for the certificate to such deposition.

The fees herein provided for are exclusive of any fees for services rendered either by a public witness or another in connection with the reporting or transcription of depositions.

For his services transcribing a deposition the reporter shall receive from the party purchasing the original seventy-five cents ($0.75) per 100 words, and for each copy made at the same time ten cents ($0.10) per 100 words; from all other parties purchasing the same the reporter shall receive for each copy made at the same time as the original twenty-five cents ($0.25) per 100 words for the first copy, and ten cents ($0.10) per 100 words for additional copies.

In any county having a population of 5,000,000 or over, for services in reporting a deposition, a reporter shall receive not less than

thirty-five dollars ($35) for one-half day nor more than the fees of a reporter pro tempore in the superior court of the county. For services in transcribing a deposition, the reporter shall receive from the party purchasing the original and one copy not less than two dollars ($2) per 28-line 8½- x 11-inch page, and, for each additional copy made at the same time or from all other parties purchasing a copy, the reporter shall receive not less than fifty cents ($0.50) per page.

If a deposition is transcribed, the reporter shall not receive the compensation provided in this section for reporting the deposition.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 504 are both chaptered and amend Section 8211.5 of the Government Code, and this bill is chaptered after Assembly Bill No. 504, that the amendments to Section 8211.5 proposed by both bills be given effect and incorporated in Section 8211.5 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. 504 are both chaptered, both amend Section 8211.5, and Assembly Bill No. 504 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

SEC. 4. There are no state-mandated local costs in this act which require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 361

An act to add Sections 30804.5, 30807, 31751.5, and 31751.6 to the Food and Agricultural Code, relating to dogs and cats.

[Approved by Governor September 4, 1973. Filed with Secretary of State September 4, 1973.]

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

SECTION 1. Section 30804.5 is added to the Food and Agricultural Code, to read

30804.5. Whenever dog license tags are issued pursuant to this division, any such tag shall be issued for one-half or less of the fee required for a dog, if a certificate is presented from a licensed veterinarian that the dog has been spayed or neutered.

SEC. 2. Section 30807 is added to the Food and Agricultural Code, to read:

30807. Any licensed kennel may be exempted pursuant to regulation or ordinance from any requirement to obtain a license tag for each dog within the kennel.

SEC. 3. Section 31751.5 is added to the Food and Agricultural Code, to read:

31751.5 Whenever a city or county requires cat license tags, any

such tag shall be issued for one-half or less of the fee required for a cat, if a certificate is presented from a licensed veterinarian that the cat has been spayed or neutered.

SEC. 4. Section 31751.6 is added to the Food and Agricultural Code, to read:

31751.6. Any licensed cattery may be exempted pursuant to regulation or ordinance from any requirement to obtain a license tag for each cat within the cattery.

CHAPTER 362

An act to amend Section 32103 of the Health and Safety Code, relating to board of hospital directors.

[Approved by Governor September 4, 1973 Filed with Secretary of State September 4, 1973.]

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

SECTION 1. Section 32103 of the Health and Safety Code is amended to read:

32103. The board of directors shall serve without compensation except that the board of directors, by a resolution adopted by a majority vote of the members of the board, may authorize the payment of not to exceed fifty dollars ($50) per meeting for not to exceed two meetings a month as compensation to each member of the board of directors.

Each member of the board of directors shall be allowed his actual necessary traveling and incidental expenses incurred in the performance of official business of the district as approved by the board.

CHAPTER 363

An act to amend Section 8570 of the Elections Code, relating to the Democratic state convention.

[Approved by Governor September 4, 1973 Filed with Secretary of State September 4, 1973]

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

SECTION 1. Section 8570 of the Elections Code is amended to read:

8570. The state convention shall meet biennially at 10 o'clock of the morning of a Saturday, in August next following the direct primary election, designated by the chairman of the state central

committee. The chairman shall notify the Secretary of State of the Saturday and meeting place selected by him no later than the first day of July immediately preceding the holding of the convention.

CHAPTER 364

An act to amend Sections 1162, 1163, 1164, and 1165 of, and to add Section 1162.5 to, the Education Code, relating to governing boards of school districts.

[Approved by Governor September 4, 1973. Filed with Secretary of State September 4, 1973]

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

SECTION 1. Section 1162 of the Education Code is amended to read:

1162. (a) Whenever a vacancy occurs, or whenever a resignation has been filed with the county superintendent of schools containing a deferred effective date, the school district governing board having jurisdiction may, within 30 days of the vacancy or the filing of the deferred resignation, either call a special election or make a provisional appointment to fill the vacancy. If the remaining members of the board fail to make a provisional appointment within the 30-day period, they shall immediately call a special election to elect a successor. If, however, a provisional appointment is made within the 30-day period, registered voters of the district may petition for a special election within 30 days from the date of the appointment. Whenever a petition bearing a sufficient number of verified signatures is filed, the provisional appointment is terminated and the remaining members of the board shall call a special election to fill the vacancy. If a petition is not filed within the 30-day period, the provisional appointee shall become an appointed member of the board. The special election shall be conducted no later than the 120th day after the county superintendent of schools has verified the signatures on the petition calling for a special election and has found them sufficient. The election shall be called and conducted in as nearly the same manner as practicable as other governing board member elections. A petition shall be deemed to bear a sufficient number of signatures if signed by the applicable of the following number of registered voters of the district who voted in the last regular election for governing board members:

(1) In districts in which less than 75,000 voters voted; 5 percent of the number of such voters.

(2) In districts in which 75,000 or more, but less than 200,000 voters voted; 3,750 plus 2½ percent of the number, over 75,000, of such voters.

(3) In districts in which 200,000 or more voted; 6,875 plus 1

percent of the number, over 200,000, of such voters.

The number of registered voters of the district on the date of the most recent regular election for governing board members shall be deemed to be the number of registered voters of the district.

(b) A provisional appointment made pursuant to subdivision (a) confers no powers or duties of the governing board upon the appointee during the 30-day period following his appointment and within which a petition calling for a special election may be filed. If a petition is not filed within the 30-day period, the appointee shall have all the powers and perform all the duties of the governing board.

(c) A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for district governing board members, whereupon a special election shall be held to fill the vacancy for the remainder of the unexpired term. A person elected at a special election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs or will occur.

(d) No person appointed as a successor to serve during the remainder of a term in which a vacancy occurs shall be designated as an incumbent, a member of the governing board, a school board member, or other designation indicating incumbency, for purposes of the next general election of governing board members.

(e) Whenever a petition calling for a special election is circulated, the petition shall contain the clerk's estimate of the cost of conducting the special election.

SEC. 1.5. Section 1162 5 is added to the Education Code, to read:

1162.5. Whenever, in any case in which the provisions of subdivision (a) of Section 1162 are applicable, the board shall, within 10 days of the provisional appointment of a person to fill a vacancy which occurs or will occur, post notices of both the actual vacancy or the filing of a deferred resignation and also the provisional appointment in three public places in the district and shall publish a notice pursuant to Section 6061 of the Government Code. If there is no newspaper of general circulation published in the district, notice need not be published.

The notice shall state the fact of the vacancy or resignation and the date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation. The notice shall also contain the full name of the provisional appointee to the board and the date of his appointment, and a statement that unless a petition calling for a special election, containing a sufficient number of signatures, is filed in the office of county superintendent of schools within 30 days of the date of the provisional appointment, it shall become an effective appointment.

SEC. 2. Section 1163 of the Education Code is amended to read:

1163. Whenever a vacancy occurs within four months of a regularly scheduled election for the governing board in which the vacancy occurs, and the time limitations prescribed by the statutes governing the conduct of elections can be complied with, the special

election prescribed in subdivision (a) of Section 1162, if applicable, shall, if practicable, be held at the same time as and shall be consolidated with that regularly scheduled election.

Whenever a vacancy in a position on a governing board occurs within four months of the end of the term of that position, there shall be no special election or appointment to fill the position. The position shall remain vacant until the person elected to serve during the succeeding term takes office.

SEC. 3. Section 1164 of the Education Code is amended to read:

1164. If for any reason vacancies should occur in a majority of the offices on any school district governing board, the president of the county board of education having jurisdiction may appoint members of the county board of education to the school district governing board until new members of the governing board are elected or appointed.

SEC. 4. Section 1165 of the Education Code is amended to read:

1165. Whenever any of the offices on any school district governing board is vacant, the remaining governing board member or members, if any, and any governing board member or members elected or appointed to fill the vacancies, who have qualified, shall have all the powers and perform all the duties of the governing board.

CHAPTER 365

An act to amend Section 2615.5 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor September 4, 1973 Filed with Secretary of State September 4, 1973]

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

SECTION 1. Section 2615.5 of the Revenue and Taxation Code is amended to read:

2615.5. Any person who receives a tax bill respecting property which has been assessed to another and who has power, pursuant to written or oral authorization, to pay the taxes on behalf of another shall after the taxes have been paid in full and within 30 days of the receipt of the written request of the assessee, either deposit the original or a copy of the bill in the United States mail in an envelope addressed to the last known address of the assessee as shown on the bill, postage being prepaid, or deliver it otherwise to the assessee within said 30 days.

After having received such a written request of an assessee, such person shall annually and without further request deliver the original or a copy of the tax bill within 30 days after the taxes have been paid in full until such person no longer has the power to pay the taxes of

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the assessee or the assessee withdraws the request for a copy of the tax bill.

CHAPTER 366

An act to add Section 437c to, and to repeal Section 437c of, the Code of Civil Procedure, relating to judgments.

[Approved by Governor September 4, 1973 Filed with Secretary of State September 4, 1973]

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

SECTION 1. Section 437c of the Code of Civil Procedure is repealed.

SEC. 2. Section 437c is added to the Code of Civil Procedure, to read:

437c. Any party may move for summary judgment in any action or proceeding if it is contended that the action has no merit or that there is no defense thereto. The motion may be made at any time after 60 days has elapsed from the general appearance in the action or proceeding of, each party against whom the motion is directed. Notice of the motion and supporting papers shall be served on the other party to the action at least 10 days before the time fixed for the hearing. The filing of such motion shall not extend the time within which a party must otherwise file a responsive pleading.

The motion shall be supported or opposed by affidavits, declarations, admissions, answers to interrogatories, depositions and matters of which judicial notice shall or may be taken.

Such motion shall be granted if all the papers submitted show that there is no triable issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. In determining whether the papers show that there is no triable issue as to any material fact the court shall consider all of the admissible evidence set forth in the papers and all inferences reasonably deducible from such evidence, except summary judgment shall not be granted by the court based on inferences reasonably deducible from such evidence, if contradicted by other inferences or evidence, which raise a triable issue as to any material fact.

Supporting and opposing affidavits or declarations shall be made by any person on personal knowledge, shall set forth admissible evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein.

If a party is otherwise entitled to a summary judgment pursuant to the provisions of this section, summary judgment shall not be denied on grounds of credibility or for want of cross-examination of witnesses furnishing affidavits or declarations in support of the summary judgment, except that summary judgment may be denied

in the discretion of the court, where the only proof of a material fact offered in support of the summary judgment is an affidavit or declaration made by an individual who was the sole witness to such fact; or where a material fact is an individual's state of mind, or lack thereof, and such fact is sought to be established solely by the individual's affirmation thereof.

If it appears that the proof supports the granting of such motion as to some but not all the issues involved in the action, or that one or more of the issues raised by a claim is admitted, or that one or more of the issues raised by a defense is conceded, the court shall, by order, specify that such issues are without substantial controversy. At the trial of the action the issue so specified shall be deemed established and the action shall proceed as to the issues remaining.

If it appears from the affidavits submitted in opposition to the motion that facts essential to justify opposition may exist but cannot, for reasons stated, then be presented, the court shall deny the motion, or order a continuance to permit affidavits to be obtained or discovery to be had or may make such other order as may be just.

If the court determines at any time that any of the affidavits are presented in bad faith or solely for purposes of delay, the court shall order the party presenting such affidavits to pay the other party the amount of the reasonable expenses which the filing of the affidavits caused such other party to incur

Except where a separate judgment may properly be awarded in the action, no final judgment shall be entered on a motion for summary judgment prior to the termination of such action, but the final judgment in such action shall, in addition to any matters determined in such action, award judgment as established by the summary proceeding herein provided for

A summary judgment entered under this section is an appealable judgment as in other cases.

CHAPTER 367

An act to add Sections 35552.5 and 35723 to the Vehicle Code, relating to weight limits.

[Approved by Governor September 4, 1973 Filed with Secretary of State September 4, 1973]

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

SECTION 1. Section 35552.5 is added to the Vehicle Code, to read:

35552.5. (a) Except as otherwise provided in subdivision (c), motortrucks having three axles, designed by the manufacturer for the collection and transportation of garbage, rubbish, or refuse and which are used regularly for such collection and transportation by any person or any governmental entity engaged in the business of,

or in providing the service of, collecting, transporting, and disposing of garbage, rubbish, or refuse shall be deemed in compliance with subdivision (a) of Section 35551 if the total gross weight on the group of axles permitted by that subdivision does not exceed by more than 2,000 pounds the amounts respectively stated in such subdivision. Such vehicles shall be subject to the provisions of subdivision (b) of Section 35551 or any provision made applicable to the gross weight of a vehicle or combination of vehicles in lieu of subdivision (b) of Section 35551.

The exemption granted by this subdivision shall only apply to such vehicles when engaged in the collection and transportation of garbage, rubbish, or refuse.

(b) If the gross weight on a group of axles is in excess of the provisions of subdivision (a) of this section, the allowed load in pounds on a group of axles as set forth in subdivision (a) of Section 35551 shall be the maximum permitted weight for the purpose of determining the amount of fine for such violation as specified in the table in Section 42030.

(c) Any local authority may, by ordinance or resolution, make the provisions of subdivision (a) inapplicable with respect to any street under the jurisdiction of such local authority.

(d) This section shall not be applicable to any highway when it would operate to prevent the state from receiving federal funds for highway purposes.

SEC. 2. Section 35723 is added to the Vehicle Code, to read:

35723. (a) Except as otherwise provided in subdivision (c), notwithstanding any other provisions of this article, motor vehicles having three axles, designed by the manufacturer for the collection and transportation of garbage, rubbish, or refuse and which are used regularly for such collection and transportation by any person or any governmental entity engaged in the business of or in providing the service of collecting, transporting, and disposing of garbage, rubbish, or refuse may exceed the weight limitations imposed by any county or city, when the total gross weight on the group of axles of such vehicles is deemed to be in compliance with subdivision (a) of Section 35551, pursuant to subdivision (a) of Section 35552.5.

The exemption granted by this subdivision shall only apply to such vehicles when engaged in the collection and transportation of garbage, rubbish, or refuse.

(b) If the gross weight on a group of axles is in excess of the provisions of subdivision (a) of Section 35552.5, the allowed load in pounds on a group of axles as set forth in subdivision (a) of Section 35551 shall be the maximum permitted weight for the purpose of determining the amount of fine for such violation as specified in the table in Section 42030.

(c) Any local authority may, by ordinance or resolution, make the provisions of subdivision (a) inapplicable with respect to any street under the jurisdiction of such local authority.

CHAPTER 368

An act to amend Section 34592 of the Food and Agricultural Code, relating to milk, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 4, 1973 Filed with Secretary of State September 4, 1973]

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

SECTION 1. Section 34592 of the Food and Agricultural Code is amended to read:

34592. Market milk which is served by any school, hospital, hotel, boardinghouse, restaurant, soda fountain, lunch counter, or other places where food or drink is served to the public, shall be served in the individual service bottle or container which has been filled and capped or sealed in a milk room, properly designed and equipped as approved by the director, the cap or seal of which shall not be removed except in the presence of the consumer or patron. This section does not:

(a) Apply to market cream or half-and-half.

(b) Prohibit the serving of homogenized market milk from a milk dispensing device which has been approved for such use by the director pursuant to Section 34594.

(c) Apply to any private boarding school which is licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code which is also a private full-time day school within the meaning of Section 12154 of the Education Code.

(d) Apply to any fraternity, sorority, dormitory or eating club, the existence of which is authorized or approved by the board of trustees or other governing agency of a college or university.

(e) Apply to any children's center, day care program, or preschool program, as such terms are used in Division 12.5 (commencing with Section 16700) of the Education Code.

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

In order to permit as soon as possible the serving of milk in any children's center, day care program, or preschool program in other than individual service bottle or container which has been capped or sealed, it is necessary that the provisions of this act become effective immediately.

CHAPTER 369

An act to amend Section 423.5 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 4, 1973 Filed with Secretary of State September 4, 1973]

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

SECTION 1. Section 423.5 of the Revenue and Taxation Code is amended to read:

423.5. When valuing open-space land subject to an enforceable restriction and used for the production of timber for commercial purposes, the board, for purposes of surveys required by Section 1815, and the county assessor shall not consider sales data on lands, whether or not subject to an enforceable restriction, but shall determine the value of such timberland to be the present worth of the income which the future harvest of timber crops from the land and the income from other allowed compatible uses can reasonably be expected to yield under prudent management. The value of timberland pursuant to this section shall be determined in accordance with rules and regulations issued by the board. In determining the value of timberland pursuant to this section, the board and the county assessor shall use the capitalization rate derived pursuant to subdivision (b) of Section 423. The ratio prescribed in Section 401 shall be applied to the value of the land determined in accordance with this section to obtain its assessed value.

For the purposes of this section, the income of each acre of land shall be presumed to be no less than two dollars ($2), and the present worth of this income shall not be reduced by the value of any exempt timber on the land.

There shall be a rebuttable presumption that "prudent management" does not include use of the land for recreational use, as defined in subdivision (n) of Section 51201 of the Government Code, unless the land is actually devoted to such use.

CHAPTER 370

An act to amend Section 3364 of the Revenue and Taxation Code, relating to records.

[Approved by Governor September 4, 1973 Filed with Secretary of State September 4, 1973]

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

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SECTION 1. Section 3364 of the Revenue and Taxation Code is amended to read:

3364. Immediately after the publication is completed, the tax collector shall file with the county recorder a copy of the publication and an attached affidavit. This affidavit is prima facie evidence of the facts stated. The affidavit shall show:

(a) That it is affixed to a true copy of the publication.

(b) The manner of publication.

(c) If the publication was in a newspaper, its name and place of publication and the date of each appearance.

(d) If not published in a newspaper, the places of posting.

The county recorder may destroy such publications and affidavits that have been on file in his office for more than seven years.

CHAPTER 371

An act to add Section 68206.5 to the Government Code, relating to superior court judges.

[Approved by Governor September 4, 1973 Filed with Secretary of State September 4, 1973]

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

SECTION 1. Section 68206.5 is added to the Government Code, to read:

68206.5. The board of supervisors of any county may, by resolution, agree to participate in a state-prescribed payroll procedure to pay superior court judges solely from a state payroll. Such procedure shall be prescribed by the State Controller. It shall include provision for payment in advance to the state by each participating county of its share of the applicable judges' salaries and may include provision for payroll deductions authorized under applicable county laws.

CHAPTER 372

An act to amend Section 22350 of, and to add Section 22360 to, the Business and Professions Code, relating to process servers.

[Approved by Governor September 4, 1973 Filed with Secretary of State September 4, 1973]

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

SECTION 1. Section 22350 of the Business and Professions Code is amended to read:

22350. (a) Any person who makes more than 10 services of process within this state during one calendar year shall file a verified certificate of registration as a process server with the county clerk of the county in which he resides or has his principal place of business.

(b) This chapter shall not apply to any of the following:

(1) Any sheriff, marshal, constable, or government employee who is acting in the course of his employment.

(2) An attorney or his employees.

(3) Any person who is specially appointed by a court to serve its process.

(4) An employee of a person who is registered under this chapter or a person who is acting as an independent contractor for a person registered under this chapter.

(5) A licensed private investigator or his employees.

(6) Any agent or employee of a nonprofit or fraternal organization who serves process on behalf of the organization and receives no fee for such service.

SEC. 2. Section 22360 is added to the Business and Professions Code, to read:

22360. (a) Any proof of service of any process which is signed by a person registered under this chapter shall indicate the county in which he is registered and the number assigned to him by Section 22355.

(b) Any proof of service of any process which is signed by an employee of, or an independent contractor for, a person registered under this chapter shall indicate the county in which the employer or principal is registered and the number assigned to him by Section 22355.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 373

An act to add Section 4105.3 to the Revenue and Taxation Code, relating to property tax redemption certificates.

[Approved by Governor September 4, 1973 Filed with Secretary of State September 4, 1973]

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

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SECTION 1. Section 4105.3 is added to the Revenue and Taxation Code, to read:

4105.3. Notwithstanding the provisions of Section 4105.2, on resolution of the board of supervisors and with the approval of the Controller, the tax collector shall issue a certificate of redemption which will show:

(a) The year of sale.

(b) The description of the property being redeemed.

(c) In the event a portion of the property is redeemed, the certificate shall show that portion being redeemed.

(d) The total amount for which the property was sold to the state.

(e) The total amount of tax required to redeem.

(f) The total amount of penalties and costs required to redeem.

Notwithstanding any other provisions of this code, where no physical document of the extended redemption certificate is prepared, all entries required to be made on the extended certificate shall be so stored that it can be made readily available to the public in an understandable form.

CHAPTER 374

An act to repeal Section 4224 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor September 4, 1973 Filed with Secretary of State September 4, 1973]

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

SECTION 1. Section 4224 of the Revenue and Taxation Code is repealed.

CHAPTER 375

An act to add Sections 4656 and 4656.5 to, and to repeal Section 4656 of, the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 4, 1973 Filed with Secretary of State September 4, 1973]

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

SECTION 1. Section 4656 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 4656 is added to the Revenue and Taxation Code, to read:

4656. As used in this chapter "taxes" includes all liens charged on

the secured roll which are determined by the application of an ad valorem tax rate.

SEC. 3. Section 4656.5 is added to the Revenue and Taxation Code, to read:

4656.5. Special assessments shall be distributed as to the amount due on the delinquent tax roll as of the redemption date, exclusive of penalties.

CHAPTER 376

An act to amend Section 2189.5 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor September 4, 1973 Filed with Secretary of State September 4, 1973]

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

SECTION 1. Section 2189.5 of the Revenue and Taxation Code is amended to read:

2189.5. Every tax on personal property and improvements, located upon or appurtenant to a leasehold estate for the production of gas, petroleum or other hydrocarbon substances from beneath the surface of the earth, and belonging to the owner of such leasehold estate, may be secured by such leasehold estate, when, in the opinion of the assessor, such leasehold estate is of sufficient value to constitute security for the payment of all taxes upon such personal property or improvements and upon such leasehold estate. In the event of delinquency in the payment of any such tax, such personal property, improvements and leasehold estate shall be subject to seizure and sale in the same manner as provided for the seizure and sale of unsecured personal property, in Sections 2914 to 2920, inclusive, at any time within three years after the delinquency. Suit may be brought against an assessee of such taxes in the event of delinquency in the payment thereof.

If the tax thereon remains unpaid at the time set for the sale to the state, such tax together with such penalty and costs as may have accrued thereon while on the secured roll shall be transferred to the current unsecured roll.

Those taxes that are delinquent at the time of the amendment to this section at the 1973–74 Regular Session go into effect may also be transferred to the current unsecured roll.

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CHAPTER 377

An act to add Section 4672.1 to the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 4, 1973 Filed with Secretary of State September 4, 1973.]

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

SECTION 1. Section 4672.1 is added to the Revenue and Taxation Code, to read:

4672.1. Amounts received from the sale of property tax-deeded as a result of a delinquent special assessment shall be distributed in proportion to the total amount of delinquency involved, exclusive of penalties.

CHAPTER 378

An act to amend Section 45310.5 of, and to add Section 20043 to, the Government Code, relating to retirement systems.

[Approved by Governor September 4, 1973 Filed with Secretary of State September 4, 1973]

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

SECTION 1. Section 20043 is added to the Government Code, to read:

20043. Any public agency which has pursuant to the provisions of Section 20042 entered into an agreement to establish a reciprocal retirement system with this system shall be deemed to have obtained the same rights and limitations with respect to all other public agencies who have entered into such agreements and established reciprocity as well as with respect to retirement systems established under the County Employees' Retirement Law of 1937 and under Chapter 2 (commencing with Section 45300) of Division 5 of Title 4 of this code which have established reciprocity with this system pursuant to Section 20042.

SEC. 2. Section 45310.5 of the Government Code is amended to read:

45310.5. The ordinance may provide for a modification of rights and benefits of a member because of membership in a reciprocal system similar to and under the same conditions as those provided under the County Employees' Retirement Law of 1937 and the Public Employees' Retirement Law because of membership in two or more retirement systems established by or pursuant to such laws. The ordinance shall be filed with each board administering a reciprocal system and shall become effective upon the adoption of

a resolution of such administering board accepting the city system as a reciprocal system. Such modification shall apply only to a member whose termination and entry into employment resulting in a change in membership from the city system to a reciprocal system or from a reciprocal system to the city system occurs after such effective date; provided, however, that provisions relating to computation of final compensation shall apply to any other member if such provision would have applied had the termination and entry into employment occurred after such effective date

A reciprocal system, for purposes of this section, means a retirement system established under the County Employees' Retirement Law of 1937, the Public Employees' Retirement System, a retirement system of a city whose retirement ordinance contains the provisions authorized by this section, or a retirement system of a city or city and county established by its charter and providing for modifications of rights and benefits similar to and under the same conditions as those provided for under this section.

When a city has established a reciprocal retirement system under this section and has received approval thereof from the Public Employees' Retirement System, then such system shall be automatically reciprocal with all other state, local and public agencies who are members, or contracting members of the Public Employees' Retirement System or any retirement system established under the County Employees Retirement Law of 1937.

CHAPTER 379

An act to amend Section 25372 of the Government Code, relating to counties.

[Approved by Governor September 4, 1973. Filed with Secretary of State September 4, 1973]

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

SECTION 1. Section 25372 of the Government Code is amended to read:

25372. The board of supervisors may make available any surplus personal property, and may lease any buildings or real property not needed for the public purposes of the county, to or for any nonprofit corporation organized for the purpose of care, teaching and training mentally deficient or mentally retarded children, upon such terms and conditions as the board may determine.

The board of supervisors may also make available any surplus personal property, and may also lease any buildings or real property not needed for the public purposes of the county, to or for any Indian service agency organized for the purpose of health or other care, teaching or training of Indians, upon such terms and conditions as the

board may determine.

CHAPTER 380

An act to amend Section 31874 of the Government Code, relating to the County Employees Retirement Law of 1937, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 4, 1973 Filed with Secretary of State September 4, 1973]

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

SECTION 1. Section 31874 of the Government Code is amended to read:

31874. This article (commencing with Section 31870) may be made applicable in any county on the date specified in the ordinance, or if no such date is specified, on the first day of the month after the effective date of an ordinance adopted by the board of supervisors to this effect, provided that an actuarial survey of the retirement system has been made by the adopting county prior to the passage of said ordinance. No provision of this chapter shall prevent or be construed to prevent the use and expenditure of surplus described in Section 31592.2 to fund any part or all of any increases in allowances otherwise permitted after this article or Article 16.6 (commencing with Section 31875) or both this article and Article 16.6 or any of the provisions of this article or Article 16.6 have been made applicable.

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:

Increases in living costs have imposed a serious burden upon recipients of retirement allowances whose income is fixed and not subject to cost-of-living increases. In order to make the benefits of this section available during the fiscal year 1972–1973 in counties which heretofore have not paid increased benefits pursuant to the articles of the Government Code to which Section 1 of this act refers, to make explicit the intent of the Legislature concerning the use of the reserve to which reference is made in Sections 31592 and 31592.2 of the Government Code, and to insure that procedures relating to the applicability of such provisions may begin at the earliest possible date, this act must take effect immediately.

CHAPTER 381

An act to amend Section 10759 of the Education Code, relating to pupils.

[Approved by Governor September 4, 1973 Filed with Secretary of State September 4, 1973]

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

SECTION 1. Section 10759 of the Education Code is amended to read:

10759. The governing board of each school district shall prescribe regulations requiring the evaluation of each pupil's achievement for each marking period and requiring a conference with, or a written report to, the parent or guardian of each pupil whenever it becomes evident to the teacher that the pupil is in danger of failing a course. The refusal of the parent or guardian to attend the conference, or to respond to the written report, shall not preclude failing the pupil at the end of the grading period.

CHAPTER 382

An act to amend Section 2 of Chapter 1378 of the Statutes of 1965, relating to the Commission on the Status of Women.

[Approved by Governor September 4, 1973 Filed with Secretary of State September 4, 1973]

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

SECTION 1. Section 2 of Chapter 1378 of the Statutes of 1965 is amended to read:

Sec. 2. There is in the state government the Commission on the Status of Women. The commission shall consist of 17 members: three members of the Senate and one public member appointed by the Senate Committee on Rules, three Members of the Assembly and one public member appointed by the Speaker, the Superintendent of Public Instruction, the Chief of the Division of Industrial Welfare in the Department of Industrial Relations, and seven public members appointed by the Governor, with the consent of the Senate. The Members of the Legislature shall serve at the pleasure of the appointing powers.

Public member appointees of the Speaker and the Senate Committee on Rules shall serve four-year terms effective July 1, 1975. The appointing powers may appoint persons holding office at the effective date of the amendment of this section at the 1973–74 Regular Session to serve terms until July 1, 1975. The appointing powers may reappoint a member whose term has expired, and shall

immediately fill any vacancy for the unexpired portion of the term in which it occurs.

After the effective date of the amendment of this section at the 1973–74 Regular Session, four appointees of the Governor shall serve until July 1, 1974, and three appointees shall serve until July 1, 1975. Thereafter appointees of the Governor shall serve four-year terms in the same relative order. The Governor may appoint persons holding office at the effective date of the amendment of this section at the 1973–74 Regular Session, to serve terms until July 1, 1974 or until July 1, 1975. The Governor may reappoint a member whose term has expired, and shall immediately fill any vacancy for the unexpired portion of the term in which it occurs.

All appointees shall hold office until the appointment of their successors.

CHAPTER 383

An act to add Section 922 to the Insurance Code, relating to insurance.

[Approved by Governor September 4, 1973 Filed with Secretary of State September 4, 1973.]

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

SECTION 1. Section 922 is added to the Insurance Code, to read:

922. The guarantee by the Small Business Administrator that a surety shall not suffer loss as set forth in the Small Business Investment Act of 1958, as amended, shall for all purposes and requirements under this code be deemed a contract of reinsurance between such surety and an authorized or admitted reinsurer irrespective of whether or not such guarantee contains all the provisions required of other reinsurance contracts.

CHAPTER 384

An act to amend Sections 27505, 27506, and 27507 of the Elections Code, relating to elections.

[Approved by Governor September 4, 1973 Filed with Secretary of State September 4, 1973]

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

SECTION 1. Section 27505 of the Elections Code is amended to read:

27505. Within seven days after the filing of the notice of

intention, the officer sought to be recalled may file with the clerk of the legislative body an answer in not more than 500 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. At the time the proponents publish the notice and statement referred to in Section 27504, the officer sought to be recalled may have the answer published at his expense. If the answer is to be published the officer shall file with the clerk of the legislative body at the time the answer is filed a statement declaring his intent that the answer be published. 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.

SEC. 2. Section 27506 of the Elections Code is amended to read:

27506. The notice and statement as referred to in Section 27504 and the answer, if it is to be published as provided in Section 27505, shall be published or posted or both as follows:

(1) If there is a newspaper of general circulation, as described in Sections 6000 to 6066 of the Government Code, adjudicated as such, said notice and statement shall be published therein at least once; or

(2) If the petition is to be circulated in a city in which there is no adjudicated newspaper of general circulation, said notice and statement shall be published at least once, in a newspaper circulated within the city and adjudicated as being of general circulation within the county in which the city is located, and said notice and statement shall be posted in three (3) public places within the city, which public places shall be those utilized for the purpose of posting ordinances as required in Section 36933 of the Government Code; or

(3) If the petition is to be circulated in a city in which there is no adjudicated newspaper of general circulation, and there is no newspaper of general circulation adjudicated as such within the county, circulated within the city, then the said notice and statement shall be posted in the manner described in subparagraph 2 hereof.

SEC. 3. Section 27507 of the Elections Code is amended to read:

27507. Seven days after the publication or posting of the notice, statement and answer, if it is to be published, 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 officer has not answered, the petition shall so state. Signatures shall be secured and the petition filed within 60 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.

CHAPTER 385

An act to amend Section 201 of the Elections Code, relating to elections.

[Approved by Governor September 4, 1973 Filed with Secretary of State September 4, 1973]

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

SECTION 1. Section 201 of the Elections Code is amended to read:

201. It is the intent of the Legislature that the election board of each county, in connection with the registration of voters and in order to promote and encourage voter registrations, shall establish a sufficient number of registration places throughout the county, and outside the county courthouse, for the convenience of persons desiring to register, to the end that registration may be maintained at a high level.

It is also the intent of the Legislature that county clerks, in order to promote and encourage voter registrations, shall enlist the support and cooperation of interested citizens and organizations, and shall deputize as registrars qualified citizens in such a way as to cover most effectively every section of the county. The persons so deputized shall be permitted to register voters anywhere within the county, and the county clerk shall not deny deputy registrars the right to register voters anywhere in the county.

In furtherance of the purposes of this section, the governing board of any county, city, city and county, district, or other public agency, may authorize and assign any of its officers or employees to become deputy registrars of voters and to register qualified citizens on any premises and facilities owned or controlled by such public agencies during the regular working hours of such officers or employees; provided, that with the exception of firemen, any compensation to which said officer or employee may be entitled to in payment for the services of such officer or employee as a deputy registrar may be paid by the authority which appointed such officer or employee as a deputy registrar to the public agency which regularly employs such officer or employee.

It is the intent of the Legislature that no limitation be imposed on the number of persons appointed to act as deputy registrars of voters.

CHAPTER 386

An act to amend Section 72065 of the Government Code, relating to fees for writs.

[Approved by Governor September 5, 1973 Filed with Secretary of State September 5, 1973]

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

SECTION 1. Section 72065 of the Government Code is amended to read:

72065. The fee for issuing a writ of attachment, a writ of execution, a writ of restitution, a writ of possession, or any writ for the enforcement of any order or judgment is one dollar and fifty cents ($1.50).

CHAPTER 387

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

[Approved by Governor September 5, 1973. Filed with Secretary of State September 5, 1973]

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

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

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

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code.
Air pollution control districts.
Airport districts.
Assessment districts.
Bridge and highway districts.
California water district distribution districts.
California water district improvement districts.
California water districts.
Cemetery districts.
Citrus pest control districts.
City general improvement district improvement districts.
City general improvement districts.
City maintenance districts.
Community college districts.
Community facilities districts.
Community service districts.
Conservancy districts.
County boards of education.

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County drainage districts.
County fire protection districts.
County flood control and water districts.
County maintenance districts.
County power pumping districts.
County sanitation districts.
County sanitation district improvement districts.
County service area improvement areas.
County service areas.
County sewerage and water districts.
County water agencies.
County water authorities.
County water district improvement districts.
County water districts.
County waterworks districts.
Department of Water Resources and other agencies acting under and pursuant to Part 3 (commencing with Section 11100), Division 6 of the Water Code.
Drainage districts.
Fire protection districts
Flood control and water conservation districts.
Flood control districts.
Garbage and refuse disposal districts.
Garbage disposal districts.
Harbor districts.
Harbor improvement districts.
Harbor, recreation, and conservation districts.
Highway districts.
Highway interchange districts.
Highway lighting districts.
Horticultural protection districts.
Horticultural development districts.
Housing authorities.
Irrigation district distribution districts.
Irrigation district improvement districts.
Irrigation districts.
Joint harbor improvement districts.
Joint highway districts.
Joint municipal sewage disposal districts.
Junior college districts.
Levee districts.
Library districts.
Local health districts.
Local hospital districts.
Metropolitan water districts.
Mosquito abatement districts.
Municipal improvement district improvement districts.
Municipal improvement districts.
Municipal improvement assessment districts.

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Municipal port districts.
Municipal sewer districts.
Municipal utility districts.
Municipal water district improvement districts.
Municipal water districts of any kind.
Parking authorities.
Parking districts.
Park, recreation, and parkway districts.
Permanent road divisions.
Pest abatement districts.
Port districts.
Protection districts.
Public cemetery districts.
Public utility district improvement districts.
Public utility districts.
Rapid transit authorities.
Rapid transit districts.
Reclamation districts.
Recreational harbor districts.
Recreation and park districts.
Recreation, park and parkway districts.
Redevelopment agencies.
Regional park districts.
Regional planning districts.
Resort improvement districts.
River port districts.
Road districts.
Sanitary districts.
Sanitary districts annexed areas.
School districts of any kind or class.
Separation of grade districts.
Sewer maintenance districts.
Soil conservation districts.
Special transit service districts.
Storm water districts.
Transit districts.
Underground utility districts.
Unified air pollution control districts.
Unified port districts.
Urban renewal agencies.
Vehicle parking districts.
Veterans' memorial districts.
Water agencies.
Water authorities.
Water conservation districts.
Water districts.
Water replenishment districts.
Water storage district improvement districts.
Water storage districts.

Weed abatement districts.
Zones of flood control districts.
Zones of flood control and water conservation districts.
Zones of county water agencies.
Zones of county water authorities.

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

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

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

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

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

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

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and

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

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

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

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

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

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the consolidation, merger or dissolution of any public bodies, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall

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be held to be valid and in every respect legal and incontestable. This section shall not extend the period in which any action may be brought beyond the period in which it would be barred by any presently existing valid statute of limitations.

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

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

SEC. 10. This act may be cited as the Second Validating Act of 1973.

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

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

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

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

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

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which defects will be cured by this act.

CHAPTER 388

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

[Approved by Governor September 5, 1973 Filed with Secretary of State September 5, 1973]

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

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

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

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code.
Air pollution control districts.
Airport districts.
Assessment districts.
Bridge and highway districts.
California water district distribution districts.
California water district improvement districts.
California water districts.
Cemetery districts.
Citrus pest control districts.
City general improvement district improvement districts.
City general improvement districts.
City maintenance districts.
Community college districts.
Community facilities districts.
Community service districts.
Conservancy districts.
County boards of education.
County drainage districts.
County fire protection districts.
County flood control and water districts.
County maintenance districts.
County power pumping districts.
County sanitation districts.
County sanitation district improvement districts.
County service area improvement areas.

County service areas.
County sewage and water districts.
County water agencies.
County water authorities.
County water district improvement districts.
County water districts.
County waterworks districts.
Department of Water Resources and other agencies acting under and pursuant to Part 3 (commencing with Section 11100), Division 6 of the Water Code.
Drainage districts.
Fire protection districts.
Flood control and water conservation districts.
Flood control districts.
Garbage and refuse disposal districts.
Garbage disposal districts.
Harbor districts.
Harbor improvement districts.
Harbor, recreation, and conservation districts.
Highway districts.
Highway interchange districts.
Highway lighting districts.
Horticultural protection districts.
Horticultural development districts.
Housing authorities.
Irrigation district distribution districts.
Irrigation district improvement districts.
Irrigation districts.
Joint harbor improvement districts.
Joint highway districts.
Joint municipal sewage disposal districts.
Junior college districts.
Levee districts.
Library districts.
Local health districts.
Local hospital districts.
Metropolitan water districts.
Mosquito abatement districts.
Municipal improvement district improvement districts.
Municipal improvement districts.
Municipal improvement assessment districts.
Municipal port districts.
Municipal sewer districts.
Municipal utility districts.
Municipal water district improvement districts.
Municipal water districts of any kind.
Parking authorities.
Parking districts.
Park, recreation and parkway districts.

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Permanent road divisions.
Pest abatement districts.
Port districts.
Protection districts.
Public cemetery districts.
Public utility district improvement districts.
Public utility districts.
Rapid transit authorities.
Rapid transit districts.
Reclamation districts.
Recreational harbor districts.
Recreation and park districts.
Recreation, park and parkway districts.
Redevelopment agencies.
Regional park districts.
Regional planning districts.
Resort improvement districts.
River port districts.
Road districts.
Sanitary districts.
Sanitary districts annexed areas.
School districts of any kind or class.
Separation of grade districts.
Sewer maintenance districts.
Soil conservation districts.
Special transit service districts.
Storm water districts.
Transit districts.
Underground utility districts.
Unified air pollution control districts.
Unified port districts.
Urban renewal agencies.
Vehicle parking districts.
Veterans' memorial districts.
Water agencies.
Water authorities.
Water conservation districts.
Water districts.
Water replenishment districts.
Water storage district improvement districts.
Water storage districts.
Weed abatement districts.
Zones of flood control districts.
Zones of flood control and water conservation districts.
Zones of county water agencies.
Zones of county water authorities.

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

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

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

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

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

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

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All bonds of any public body heretofore awarded and sold to a purchaser and hereafter issued and delivered in accordance with the contract of sale and other proceedings for the award and sale shall be the legal, valid and binding obligations of the public body. All bonds of any public body heretofore authorized to be issued by ordinance, resolution, order or other action adopted or taken by or on behalf of the public body and hereafter issued and delivered in accordance with such authorization

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shall be the legal, valid and binding obligations of the public body. All bonds of any public body heretofore authorized to be issued at an election and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

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

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

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

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

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

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be

filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

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

SEC. 10. This act may be cited as the Third Validating Act of 1973

CHAPTER 389

An act to amend Sections 20022, 20105, 20126, 20758, 20930, 21225, 21257.3, and 21453 of, to add Section 20564.5 to, to repeal Sections 20564.5, 20750.415, 20750.43, 20930.2, 21250.1, 21257.1, and 21257.4 of, and to repeal Sections 21263, 21263.1, 21263.2, and 21263.3, as added by Chapter 1327 of the Statutes of 1972, of, the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 5, 1973 Filed with Secretary of State September 5, 1973]

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

SECTION 1. Section 20022 of the Government Code, as amended by Chapter 1370 of the Statutes of 1972, 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, or any payment by an employer of the employee portion of taxes imposed

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by the Federal Insurance Contribution Act.

SEC. 2. Section 20105 of the Government Code is amended to read:

20105. It shall appoint and fix the compensation of an executive officer, assistant executive officers, and other necessary employees. The executive officer and the assistant executive officers may administer oaths.

SEC. 3. Section 20126 of the Government Code is amended to read:

20126. The board may enter into an agreement with the State Compensation Insurance Fund under which the latter shall represent the retirement system, as its agent, or the Attorney General under which the latter shall represent the retirement system, in such proceedings instituted or to be instituted before the Workmen's Compensation Appeals Board as may be referred to it by the board to determine whether the death or disability of a member is industrial. The agreed cost of such service and the expenses incidental thereto shall be paid from the Retirement Fund, except that there shall be no charge to the retirement system by the Attorney General in cases involving members of the system who are employees of the General Fund state agencies.

SEC. 4. Section 20564.5 of the Government Code is repealed.

SEC. 5. Section 20564.5 is added to the Government Code, to read:

20564.5. Sections 20563 and 20564 shall not apply with respect to benefits for miscellaneous members under provisions to which the terminating agency is subject by reason of Section 20493 and for which assets of all employers are held collectively for payment of such benefits for all miscellaneous members pursuant to Sections 20755 and 20758 of this code.

SEC. 6. Section 20750.415 of the Government Code, as added by Chapter 767 of the Statutes of 1972, is repealed.

SEC. 7. Section 20750.43 of the Government Code, as added by Chapter 767 of the Statutes of 1972, is repealed.

SEC. 8. Section 20758 of the Government Code is amended to read:

20758. Accumulated contributions other than contributions for prior service credited to or held as of the operative date of the amendments to this section at the 1971 Regular Session as having been made by the state, and an employer included in a contract included under Chapter 4.5 of this part and a contracting agency to the extent subject to Section 20493, with respect to miscellaneous members, and all contributions thereafter made by an employer pursuant to this chapter, other than contributions pursuant to Sections 20750.8 and 20750.85, with respect to such members shall be held for the benefit of all such members of this system who are now or hereafter credited with service rendered as employees of any such employer, and for beneficiaries of this system who are now or hereafter entitled to receive benefits on account of such service.

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SEC. 9. Section 20930 of the Government Code, as amended by Chapter 1328 of the Statutes of 1972, 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 during which a state employee was absent from state service on war relocation leave; 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

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the time of election had been in effect during such employment.

"War relocation leave" means the period of absence from state service occasioned by the evacuation and relocation of a member pursuant to orders issued by the commanding officer of the Western Defense Command in March 1942, for the evacuation of persons of Japanese descent from such area, where the member was in state service on March 5, 1942, and who later returned to state service. War relocation leave of a member shall include the period of time from the separation of a member from state service until his return to state service or July 1, 1947, whichever is earlier.

(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

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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. 10. Section 20930.2 of the Government Code is repealed.

SEC. 11. Section 21225 of the Government Code is amended to read:

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

SEC. 12. Section 21250.1 of the Government Code, as amended by Chapter 1328 of the Statutes of 1972, is repealed.

SEC. 13. Section 21257.1 of the Government Code is repealed.

SEC. 14. Section 21257.3 of the Government Code is amended to read:

21257.3. If a state safety member retires for service before attaining age 55, or, in the case of such member who continues subject to the current and prior service pension provision for retirement of warden and forestry members at age 60, his prior and current service pensions shall be reduced to that amount which the value of the pensions as deferred to age 55, or age 60, respectively, will purchase at the actual age of retirement on the basis of the mortality tables and actuarial interest rate in effect on December 1, 1970, under the system with respect to such members.

SEC. 15. Section 21257.4 of the Government Code is repealed.

SEC. 16. Section 21263 of the Government Code, as added by Chapter 1327 of the Statutes of 1972, is repealed.

SEC. 17. Section 21263.1 of the Government Code, as added by Chapter 1327 of the Statutes of 1972, is repealed.

SEC. 18. Section 21263.2 of the Government Code, as added by Chapter 1327 of the Statutes of 1972, is repealed.

SEC. 19. Section 21263.3 of the Government Code, as added by Chapter 1327 of the Statutes of 1972, is repealed.

SEC. 20. Section 21453 of the Government Code is amended to read:

21453. Under such contract, the state fund, in its own name or in the name of the board, or the Attorney General for the board, may, to recover such amounts regardless of whether such injury or death is industrial, commence and prosecute actions, file liens, or intervene in court proceedings all in the same manner and to the same extent, provided in Chapter 5 (commencing with Section 3850), Part 1, Division 4 of the Labor Code, for the state fund or employer, except

that such recovery shall not be made from benefits payable under this part because of such injury or death. The state fund or the Attorney General, as the case may be, may compromise claims before or after commencement of suit or entry of judgment for such amount as may be approved by a person duly authorized by the board for such purpose. The agreed cost of such service and the expense incidental thereto is a proper charge against the Retirement Fund.

CHAPTER 390

An act to amend Sections 2406, 25102, 25104, 25130, 25131, 25143, 25214, 25215, 25219, 25220, 25233, 25302, 25534, 25550, 25608, and 29539 of, to add Sections 25003.5, 25205, 25212.1, 25232.1, 25232.2, 25532, and 29500.5 to, and to repeal Section 25532 of, the Corporations Code, relating to investments.

[Approved by Governor September 5, 1973 Filed with Secretary of State September 5, 1973.]

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

SECTION 1. Section 2406 of the Corporations Code is amended to read:

2406. Every certificate for shares issued by a corporation shall be (a) signed by the president or a vice president and the secretary or an assistant secretary, or (b) authenticated by facsimiles of the signatures of its president and secretary or by a facsimile of the signature of its president and the written signature of its secretary or an assistant secretary. Before it becomes effective every certificate for shares authenticated by a facsimile of a signature shall be (i) countersigned by a transfer agent or transfer clerk and registered by an incorporated bank or trust company, either domestic or foreign, as registrar of transfers, or (ii) countersigned by a facsimile of the signature of a transfer agent or transfer clerk and registered by written signature by an incorporated bank or trust company, either domestic or foreign, as registrar of transfers.

Even though an officer who signed, or whose facsimile signature has been written, printed, or stamped on a certificate for shares ceases, by death, resignation, or otherwise, to be an officer authorized by this section to sign for the corporation before the certificate is delivered by the corporation, the certificate is as valid as though signed by a duly elected, qualified, and authorized officer, if it is countersigned by the signature or facsimile signature of a transfer clerk or transfer agent and registered by an incorporated bank or trust company as registrar of transfers.

Even though a person whose facsimile signature as, or on behalf of, the transfer agent or transfer clerk has been written, printed or

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stamped on a certificate for shares ceases, by death, resignation or otherwise, to be a person authorized to so sign such certificate before the certificate is delivered by the corporation, the certificate shall be deemed countersigned by the facsimile signature of a transfer agent or transfer clerk for purposes of meeting the requirements of this section.

SEC. 1.5. Section 25003.5 is added to the Corporations Code, to read:

25003.5. "Business days" are all days other than every Saturday, every Sunday, and such other days as are specified or provided for as holidays in the Government Code of the State of California.

SEC. 2. Section 25102 of the Corporations Code is amended to read:

25102. The following transactions are exempted from the provisions of Section 25110:

(a) Any offer (but not a sale) not involving any public offering and the execution and delivery of any agreement for the sale of securities pursuant to such offer if (1) the agreement contains substantially the following provision: "The sale of the securities which are the subject of this agreement has not been qualified with the Commissioner of Corporations of the State of California and the issuance of such securities or the payment or receipt of any part of the consideration therefor prior to such qualification is unlawful. The rights of all parties to this agreement are expressly conditioned upon such qualification being obtained."; and (2) no part of the purchase price is paid or received and none of the securities are issued until the sale of such securities is qualified under this law.

(b) Any offer (but not a sale) of a security for which a registration statement has been filed under the Securities Act of 1933 but has not yet become effective, if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under Section 8 of such act and no order under Section 25140 or subdivision (a) of Section 25143 is in effect under this law.

(c) Any offer (but not a sale) and the execution and delivery of any agreement for the sale of securities pursuant to such offer as may be permitted by the commissioner upon application. Any negotiating permit under this subdivision shall be conditioned to the effect that none of the securities may be issued and none of the consideration therefor may be received or accepted until the sale of such securities is qualified under this law.

(d) Any transaction or agreement between the issuer and an underwriter or among underwriters if the sale of the securities is qualified prior to distribution thereof in this state, if any.

(e) Any offer or sale of any evidence of indebtedness, whether secured or unsecured, and any guarantee thereof, in a transaction not involving any public offering.

(f) Any offer or sale, in a transaction not involving any public offering, of any bona fide general partnership, joint venture or limited partnership interest, or any beneficial interest in a trust

which is a "security" within the meaning of Section 25019, if in the case of such beneficial trust interests immediately after the sale and issuance they are owned by no more than five persons.

(g) Any offer or sale of conditional sale agreements, equipment trust certificates, or certificates of interest or participation therein or partial assignments thereof, covering the purchase of railroad rolling stock or equipment or the purchase of motor vehicles, aircraft, or parts thereof, in a transaction not involving any public offering.

(h) Any offer or sale of voting common stock by a corporation incorporated in any state if, immediately after the proposed sale and issuance, there will be only one class of stock of such corporation outstanding which is owned beneficially by no more than 10 persons, provided all of the following requirements have been met:

(1) All such stock shall be evidenced by certificates which shall have stamped or printed prominently on their face a legend in a form to be prescribed by rule of the commissioner restricting transfer of such stock in such manner as the rule provides.

(2) The offer and sale of such stock is not accompanied by the publication of any advertisement, and no selling expenses have been given, paid, or incurred in connection therewith.

(3) The consideration to be received by the issuer for the stock to be issued shall consist of (i) only assets (which may include cash) of an existing business enterprise transferred to the issuer upon its initial organization, of which all of the persons who are to receive the stock to be issued pursuant to this exemption were owners during, and such enterprise was operated for, a period of not less than one year immediately preceding the proposed issuance, and the ownership of such enterprise immediately prior to such proposed issuance was in the same proportions as the shares of stock are to be issued, or (ii) only cash or cancellation of indebtedness for money borrowed or both upon the initial organization of the issuer, provided all such stock is issued for the same price per share, or (iii) only cash, provided the sale is approved in writing by each of the existing shareholders and the purchaser or purchasers are existing shareholders, or (iv), in a case where after the proposed issuance there will be only one owner of the stock of the issuer, any legal consideration.

(4) No promotional consideration has been given, paid, or incurred in connection with such issuance. Promotional consideration means any consideration paid directly or indirectly to a person who, acting alone or in conjunction with one or more other persons, takes the initiative in founding and organizing the business or enterprise of an issuer, for services rendered in connection with such founding or organizing.

(5) A notice in a form prescribed by rule of the commissioner, signed by an active member of the State Bar of California, shall be filed with or mailed for filing to the commissioner not later than 10 business days after receipt of consideration for the securities by the issuer, which notice shall contain an opinion of such member of the

State Bar of California that the exemption provided by this subdivision is available for the offer and sale of the securities. Such notice, except when filed on behalf of a California corporation, shall be accompanied by an irrevocable consent, in such form as the commissioner by rule prescribes, appointing the commissioner or his successor in office to be the issuer's attorney to receive service of any lawful process in any noncriminal suit, action, or proceeding against it or its successor which arises under this law or any rule or order hereunder after the consent has been filed, with the same force and validity as if served personally on the issuer. An issuer on whose behalf a consent has been filed in connection with a previous qualification or exemption from qualification under this law (or application for a permit under any prior law if the application or notice under this law states that such consent is still effective) need not file another. Service may be made by leaving a copy of the process in the office of the commissioner but it is not effective unless (1) the plaintiff, who may be the commissioner in a suit, action or proceeding instituted by him, forthwith sends notice of the service and a copy of the process by registered or certified mail to the defendant or respondent at its last address on file with the commissioner, and (2) the plaintiff's affidavit of compliance with this section is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

For the purposes of this subdivision, all securities held by a husband and wife, whether or not jointly, shall be considered to be owned by one person, and all securities held by a corporation which has issued stock pursuant to this exemption shall be considered to be held by the shareholders to whom it has issued such stock.

(i) Any offer or sale (1) to a bank, savings and loan association, trust company, insurance company, investment company registered under the Investment Company Act of 1940, pension or profit-sharing trust (other than a pension or profit-sharing trust of the issuer), or such other institutional investor or governmental agency or instrumentality as the commissioner may designate by rule, whether the purchaser is acting for itself or as trustee, or (2) to any corporation with outstanding securities registered under Section 12 of the Securities Exchange Act of 1934 or any wholly owned subsidiary of such a corporation which after the offer and sale will own directly or indirectly 100 percent of the outstanding capital stock of the issuer; provided the purchaser represents that it is purchasing for its own account (or for such trust account) for investment and not with a view to or for sale in connection with any distribution of the security.

(j) Any offer or sale of any certificate of interest or participation in an oil or gas title or lease (including subsurface gas storage and payments out of production) if (1) all of the purchasers: (i) are and have been during the preceding two years engaged primarily in the business of drilling for, producing, or refining oil or gas (or whose corporate predecessor, in the case of a corporation, has been so

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engaged), or (ii) are persons described in clause (1) of subdivision (i) of this section, or (iii) have been found by the commissioner upon written application to be substantially engaged in the business of drilling for, producing or refining oil or gas so as not to require the protection provided by this law (which finding shall be effective until rescinded), or (2) such security is concurrently hypothecated to a bank in the ordinary course of business to secure a loan made by such bank; provided each purchaser represents that it is purchasing for its own account for investment and not with a view to or for sale in connection with any distribution of the security.

(k) Any offer or sale of any security under, or pursuant to, a plan of reorganization or arrangement which, pursuant to the provisions of the National Bankruptcy Act, has been confirmed or is subject to confirmation by the decree or order of a court of competent jurisdiction.

(*l*) Any offer or sale of an option, warrant, put, call, or straddle by a person who is not the issuer of the security subject to such right, if the transaction, had it involved an offer or sale of the security subject to such right by such person, would not have violated Section 25130.

SEC. 3. Section 25104 of the Corporations Code is amended to read:

25104. The following transactions are exempted from the provisions of Section 25130:

(a) Any offer or sale of a security by the bona fide owner thereof for his own account if the sale (1) is not accompanied by the publication of any advertisement and (2) is not effected by or through a broker-dealer in a public offering.

(b) Any offer or sale effected by or through a licensed broker-dealer pursuant to an unsolicited order or offer to buy. For the purpose of this subdivision (b) an inquiry regarding a written bid for a security or a written solicitation of an offer to sell a security made by another broker-dealer within the previous 60 days, shall not be considered the solicitation of an order or offer to buy.

(c) Any offer or sale to a bank, savings and loan association, trust company, insurance company, investment company registered under the Investment Company Act of 1940, pension or profit-sharing trust (other than a pension or profit-sharing trust of the issuer), or such other institutional investor or governmental agency or instrumentality as the commissioner may designate by rule, whether the purchaser is acting for itself or as trustee; provided the purchaser represents that it is purchasing for its own account (or for such trust account) for investment and not with a view to or for sale in connection with any distribution of the security.

(d) Any transaction or agreement between a person on whose behalf an offering is made and an underwriter or among underwriters, if the sale of the securities is qualified prior to distribution thereof in this state, if any.

(e) Any offer or sale of any security by or for the account of a bona

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fide secured party selling the security in the ordinary course of business to liquidate a bona fide debt.

(f) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian or conservator.

(g) Any offer (but not a sale) of a security for which a registration statement has been filed under the Securities Act of 1933 but has not yet become effective, if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under Section 8 of that act and no order under Section 25140 or subdivision (a) of Section 25143 is in effect under this law.

(h) Any offer or sale of a security if a qualification under Chapter 2 (commencing with Section 25110) of this part for any securities of the same class has become effective within 18 months prior to such offer or sale or if a qualification under Chapter 3 (commencing with Section 25120) or Chapter 4 (commencing with Section 25130) of this part for any securities of the same class has become effective within 12 months prior to such offer or sale, provided no order under Section 25140 or subdivision (a) of Section 25143 is in effect under this law with respect to such qualification, and, provided further, that this exemption does not apply to such securities offered pursuant to a registration under the Securities Act of 1933 or pursuant to an exemption under Regulation A under that act if the aggregate offering price of the securities offered under such exemption exceeds fifty thousand dollars ($50,000). The commissioner may, by rule or order, withhold this exemption with respect to securities qualified only pursuant to a limited offering qualification.

SEC. 4. Section 25130 of the Corporations Code is amended to read:

25130. It is unlawful for any person to offer or sell any security in this state in any nonissuer transaction unless it is qualified for such sale under this chapter or under Section 25111 or 25113 of Chapter 2 (commencing with Section 25110) of this part (and no order under Section 25140 or subdivision (a) of Section 25143 is in effect with respect to such qualification) or unless such security or transaction is exempted under Chapter 1 (commencing with Section 25100) of this part.

SEC. 5. Section 25131 of the Corporations Code is amended to read:

25131. (a) The securities to be offered or sold in a nonissuer transaction, which are not eligible for qualification under Section 25111 or 25113, shall be qualified by notification under this section. Securities offered in a nonissuer transaction pursuant to an exemption under Regulation A under the Securities Act of 1933 shall be qualified under Section 25113.

(b) The application for qualification by notification under this section shall be signed and verified by the person on whose behalf the offering is being made or by the issuer or by any broker-dealer and shall contain such information and be accompanied by such documents as shall be required by rule of the commissioner, in

addition to the information specified in Section 25160 and the consent to service of process required by Section 25165. For this purpose, the commissioner may classify issuers and types of securities.

(c) If no stop order or order under subdivision (a) of Section 25143 is in effect under this law, a qualification under this section automatically becomes effective (and the securities may be offered and sold in accordance with the terms of the application as amended) at 12 o'clock noon California time on the 10th business day after the filing of the application or the last amendment thereto or at such earlier time as the commissioner determines.

(d) Information may not be required under this section unless it is known to the person filing the application or to the persons on whose behalf the distribution is to be made, or can be furnished by them without unreasonable effort or expense.

SEC. 6. Section 25143 of the Corporations Code is amended to read:

25143. (a) The commissioner may by order summarily postpone or suspend the effectiveness of any qualification pending final determination of any proceeding under this chapter. Upon the entry of the order, the commissioner shall promptly notify each person specified in subdivision (b) of this section that it has been entered and of the reasons therefor and that upon the receipt of a written request the matter will be set down for hearing to commence within 15 business days after such receipt unless the applicant consents to a later date. If no hearing is requested and none is ordered by the commissioner, the order will remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after notice and hearing in accordance with subdivision (b) of this section, may modify or vacate the order or extend it until final determination.

(b) No stop order may be entered under this chapter except under subdivision (a) of this section without appropriate prior notice to the applicant, the issuer, and the person on whose behalf the securities are to be or have been offered and hearing in accordance with the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, in connection with which the commissioner shall have all of the powers granted thereunder. In the case of qualification by permit, such hearing shall be held upon such notice within 20 business days after a written request therefor by the applicant unless the permit is issued prior to the expiration of such period or the applicant consents to a later date.

SEC. 7. Section 25205 is added to the Corporations Code, to read:

25205. A broker-dealer licensed under Section 25210 is exempted from the provisions of Section 25230 but is subject, except as otherwise provided by rule of the commissioner, to all provisions of this division and of the rules of the commissioner adopted hereunder as though licensed pursuant to Section 25230.

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SEC. 8. Section 25212.1 is added to the Corporations Code, to read:

25212.1. The commissioner may, after appropriate notice and opportunity for hearing, by order censure, or suspend for a period not exceeding 12 months, or bar from any position of employment, management or control of any broker-dealer, investment adviser or commodity adviser, any officer, director, partner, employee of, or person performing similar functions for, a licensed broker-dealer, if he finds that such censure, suspension or bar is in the public interest and that such person has committed any act or omission enumerated in subdivision (a), (e) or (f) of Section 25212 or has been convicted of any offense or held liable in any civil action specified in subdivision (b) or Section 25212 or is enjoined from any act, conduct or practice specified in subdivision (c) of Section 25212 or is subject to any order specified in subdivision (d) of Section 25212.

SEC. 9. Section 25214 of the Corporations Code is amended to read:

25214. (a) It is unlawful for any person, as to whom an order suspending or revoking his certificate as an agent is in effect pursuant to Section 25213 or as to whom an order suspending or barring employment or control is in effect pursuant to Section 25212.1, willfully to become or to be employed by any broker-dealer, investment adviser or commodity adviser, without the consent of the commissioner; and it is unlawful for any broker-dealer to permit a person as to whom an order is in effect pursuant to Section 25212.1, 25232.1 or 29538.1 to become or to remain a person employed by him, without the consent of the commissioner, if such broker-dealer knew, or in the exercise of reasonable care should have known, of such order.

(b) Any person as to whom an order suspending or barring employment or control is issued pursuant to Section 25212.1 may petition the commissioner for reinstatement or reduction of penalty as provided in and subject to the provisions of Section 11522 of the Government Code.

SEC. 10. Section 25215 of the Corporations Code is amended to read:

25215. No order may be entered under Section 25212 or Section 25213 except after notice to any person affected thereby (and, in the case of an agent, to his employer or prospective employer if known to the commissioner) of the intention of the commissioner to enter such order and of the reasons therefor and that upon receipt of a request the matter will be set down for hearing to commence within 15 business days after such receipt unless the person affected consents to a later date. If no hearing is requested within 30 days after the mailing of such notice and none is ordered by the commissioner, the order may be entered without hearing to remain in effect until it is modified or vacated by the commissioner. In the case of an original application for a certificate, such a hearing must be set down to commence within 15 business days after receipt of a written

request by the applicant made 30 days or more after the filing of the application, even though no such notice by the commissioner has been given, unless the applicant consents to a later date. If a hearing is requested or ordered, it shall be held in accordance with the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all of the powers granted thereunder.

SEC. 11. Section 25219 of the Corporations Code is amended to read:

25219. Notwithstanding any other provision of this division, if in his opinion the public interest and the protection of investors so require, the commissioner is authorized summarily to suspend all over-the-counter trading in this state by broker-dealers and agents in any security or summarily to suspend all trading on a national securities exchange located in this state in any security (provided, in the case of trading on such exchange, that the security is not listed on any national securities exchange located outside this state on which trading has not been suspended) for a period not exceeding 90 days, and for successive periods of 90 days. No broker-dealer or agent shall effect any transaction (other than an unsolicited brokerage transaction effected on a national securities exchange located outside this state) in, or induce or attempt to induce the purchase or sale of, any security in this state in which trading is in any manner suspended under this section, except in performance of a contract previously entered into.

SEC. 12. Section 25220 of the Corporations Code is amended to read:

25220. At any time after the issuance of an order under Section 25219, any interested person (including, but not limited to, the issuer of the security and any broker-dealer who has been making a market in the security) may in writing request that the suspension of trading be rescinded. Upon the receipt of such a written request, the matter shall be set down for hearing to commence within 15 business days after such receipt unless the person making the request consents to a later date. After such hearing, which shall be conducted in accordance with the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and in connection with which the commissioner shall have all of the powers granted thereunder, the commissioner may order such suspension to be continued until modified or rescinded by further order of the commissioner if he finds that trading in the security will be unfair, unjust, or inequitable to investors or will tend to work a fraud upon the purchasers or sellers of such security. Otherwise, he shall rescind the suspension of trading and no further orders may be entered under Section 25219 with respect to the same security in the absence of changed circumstances justifying such order.

SEC. 13. Section 25232.1 is added to the Corporations Code, to read:

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25232.1. The commissioner may, after appropriate notice and opportunity for hearing, by order censure, or suspend for a period not exceeding 12 months, or bar from any position of employment, management or control of any investment adviser, broker-dealer or commodity adviser, any officer, director, partner, employee of, or person performing similar functions for, a licensed investment adviser, if he finds that such censure, suspension or bar is in the public interest and that such person has committed any act or omission enumerated in subdivision (a), (e) or (f) of Section 25232 or has been convicted of any offense or held liable in any civil action specified in subdivision (b) of Section 25232 or is enjoined from any act, conduct or practice specified in subdivision (c) of Section 25232 or is subject to any order specified in subdivision (d) of Section 25232.

SEC. 14. Section 25232.2 is added to the Corporations Code, to read:

25232.2. (a) It is unlawful for any person, as to whom an order suspending or revoking his certificate as an investment adviser is in effect pursuant to Section 25232 or as to whom an order suspending or barring employment is in effect pursuant to Section 25232.1, willfully to become or to be employed by any investment adviser, broker-dealer or commodity adviser, without the consent of the commissioner, and it is unlawful for any investment adviser to permit a person as to whom an order is in effect pursuant to Section 25212.1, 25232.1 or 29538.1 to become or to remain employed by him, without the consent of the commissioner, if such investment adviser knew, or in the exercise of reasonable care should have known, of such order.

(b) Any person as to whom an order suspending or barring employment with or participation is issued pursuant to Section 25232.1 may petition the commissioner for reinstatement or reduction of penalty as provided in and subject to the provisions of Section 11522 of the Government Code.

SEC. 15. Section 25233 of the Corporations Code is amended to read:

25233. No order may be entered under Section 25232 except after notice to the person affected thereby of the intention of the commissioner to enter such order and of the reasons therefor and that upon receipt of a request the matter will be set down for hearing to commence within 15 business days after such receipt unless the person affected consents to a later date. If no hearing is requested within 30 days after the mailing of such notice and none is ordered by the commissioner, the order may be entered without hearing to remain in effect until it is modified or vacated by the commissioner. In the case of an original application for a certificate, such a hearing must be set down to commence within 15 business days after receipt of a written request by the applicant made 30 days or more after the filing of the application, even though no such notice by the commissioner has been given, unless the applicant consents to a later

date. If a hearing is requested or ordered, it shall be held in accordance with the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all of the powers granted thereunder.

SEC. 16. Section 25302 of the Corporations Code is amended to read:

25302. (a) No person shall publish any advertisement concerning any security in this state after the commissioner finds that the advertisement contains any statement that is false or misleading or omits to make any statement necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading and so notifies the person in writing. Such notification may be given summarily without notice or hearing. At any time after the issuance of a notification under this section, the person desiring to use the advertisement may in writing request that the order be rescinded. Upon the receipt of such a written request, the matter shall be set down for hearing to commence within 15 business days after such receipt unless the person making the request consents to a later date. After such hearing, which shall be conducted in accordance with the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, the commissioner shall determine whether to affirm and continue or to rescind such order, and the commissioner shall have all of the powers granted under such act.

(b) This section does not apply to any advertisement for any security which is subject to the supervision, regulation or examination of any of the following:

(1) The Insurance Commissioner.
(2) The Savings and Loan Commissioner.
(3) The Superintendent of Banks.
(4) The Public Utilities Commission.
(5) The Federal Home Loan Bank Board.
(6) The Federal Savings and Loan Insurance Corporation.
(7) The Comptroller of the Currency of the United States.
(8) The Federal Deposit Insurance Corporation.
(9) The Board of Governors of the Federal Reserve System.

SEC. 17. Section 25532 of the Corporations Code is repealed.

SEC. 18. Section 25532 is added to the Corporations Code, to read:

25532. (a) If in the opinion of the commissioner the sale of any security is subject to qualification under this law and it is being or has been offered or sold without first being qualified, the commissioner may order the issuer or offeror of such security to desist and refrain from the further offer or sale of such security unless and until qualification has been made under this law.

(b) If in the opinion of the commissioner any person is acting as a broker-dealer, investment adviser or agent in violation of Section

25210 or 25230, the commissioner may order such person to desist and refrain from such activity unless and until he has been licensed as such under this law.

(c) If, after an order has been made under subdivision (a) or (b), a request for hearing is filed in writing by the person to whom such order was directed, a hearing shall be held in accordance with the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all of the powers granted thereunder; unless such hearing is commenced within 15 business days after the request is made (or the person affected consents to a later date), such order is rescinded.

SEC. 19. Section 25534 of the Corporations Code is amended to read:

25534. Whenever any securities are issued which the commissioner determines were offered or sold in violation of Section 25110, 25120, or 25130, the commissioner may, by written order to the issuer and notice to the holders of such securities, require certificates evidencing such securities to have stamped or printed prominently on their face a legend, in the form prescribed by rule of the commissioner, restricting the transfer of such securities. Upon receipt of the order, the issuer shall stamp or print such legend prominently on the face of all outstanding certificates subject to the order. If, after such order or notice has been given, a request for a hearing is filed in writing by the person or persons to whom such order or notice was addressed, a hearing shall be held in accordance with the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted thereunder; unless such hearing is commenced within 15 business days after the request for hearing is received by the commissioner (or the person or persons affected and the issuer consent to a later date), such order and notice are rescinded.

SEC. 20. Section 25550 of the Corporations Code is amended to read:

25550. When any person, including any nonresident of this state, engages in conduct prohibited or made actionable by this law or any rule or order hereunder, whether or not he has filed a consent to service of process under subdivision (h) of Section 25102, Section 25165, or Section 25240, and personal jurisdiction over him cannot otherwise be obtained in this state, that conduct shall be considered equivalent to his appointment of the commissioner or his successor in office to be his attorney to receive service of any lawful process in any noncriminal suit, action, or proceeding against him or his successor, executor, or administrator which grows out of that conduct and which is brought under this law or any rule or order hereunder, with the same force and validity as if served on him personally. Service may be made by leaving a copy of the process in the office of the commissioner, but it is not effective unless (a) the plaintiff,

who may be the commissioner in a suit, action, or proceeding instituted by him, forthwith sends notice of the service and a copy of the process by registered or certified mail to the defendant or respondent at his last known address or takes other steps which are reasonably calculated to give actual notice, and (b) the plaintiff's affidavit of compliance with this section is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

SEC. 21. Section 25608 of the Corporations Code, as amended by Chapter 810 of the Statutes of 1972, is amended to read:

25608. (a) The commissioner shall charge and collect the fees fixed in this section. All fees charged and collected under this section shall be transmitted to the State Treasurer at least weekly, accompanied by a detailed statement thereof and shall be credited to the General Fund.

(b) The fee for filing an application for a negotiating permit under subdivision (c) of Section 25102 is fifty dollars ($50).

(c) The fee for filing a notice pursuant to clause 5 of subdivision (h) of Section 25102 is twenty-five dollars ($25).

(d) The fee for filing an application for designation of an issuer pursuant to subdivision (k) of Section 25100 is fifty dollars ($50).

(e) The fee for filing an application for qualification of the sale of securities by notification under Section 25112 or by permit under Section 25113 (except applications for qualification by permit of the sale of any guarantee of any security, the fees for which applications are fixed in subdivision (j) of this section) is one hundred dollars ($100) plus one-tenth of 1 percent of the aggregate value of the securities sought to be sold in this state up to a maximum aggregate fee of one thousand five hundred dollars ($1,500).

(f) The fee for filing an application for qualification of the sale of securities by coordination under Section 25111 is one hundred dollars ($100) plus one-tenth of 1 percent of the aggregate value of the securities sought to be sold in this state up to a maximum aggregate fee of one thousand one hundred dollars ($1,100).

(g) For the purpose of determining the fees fixed in subdivisions (e) and (f):

(1) The value of the securities shall be the price at which the company proposes to sell the securities, or the value, as alleged in the application, or the actual value, as determined by the commissioner, of the consideration (if other than money) to be received in exchange therefor, or of the securities when sold, whichever is greater.

(2) Interim or voting trust certificates shall have a value equal to the aggregate value of the securities to be represented by the interim or voting trust certificates.

(3) The value of a warrant or right to purchase or subscribe to another security of the same or another issuer shall be an amount equal to the consideration to be paid for such warrant or right plus an amount equal to the consideration to be paid upon purchase of the

additional securities, provided that if such latter amount is not determinable at the time of qualification, such amount shall be the then value of such additional securities as determined by the commissioner.

(4) In the case of a share dividend where the shareholders are given an option to accept either cash or additional shares of common stock, the value of the securities to be sold shall be the maximum amount of cash which would be payable in the event that all shareholders elected to accept cash.

(h) The fee for filing an application for qualification of the sale of securities by permit under Section 25121 is:

(1) One hundred dollars ($100) in connection with any change (including any stock split or reverse stock split or stock dividend, except a stock dividend where the shareholders are given an option to accept either cash or additional shares of common stock) in the rights, preferences, privileges, or restrictions of or on outstanding securities;

(2) One hundred dollars ($100) plus one-tenth of 1 percent of the value, as alleged in the application, or the actual value, as determined by the commissioner, of the consideration to be received in exchange therefor, up to a maximum aggregate fee of one thousand five hundred dollars ($1,500), in any exchange of securities by the issuer with its existing security holders exclusively, or in any exchange in connection with any merger or consolidation or purchase of corporate assets in consideration of the issuance of securities.

(i) The fee for filing an application for qualification of the sale of securities by notification under Section 25131 and the fee for an application for the removal of any condition under Section 25141 is twenty-five dollars ($25).

(j) The fee for filing any application for a permit to execute or issue any guarantee of any security is fifty dollars ($50).

(k) The fee for acting as escrow holder for securities under Section 25149 is fifty dollars ($50). In addition, a fee of two dollars and fifty cents ($2.50) shall be paid for the deposit with the commissioner of each new certificate or other document resulting from a transfer in escrow.

(*l*) The fee for filing an application for an order (1) consenting to the transfer in escrow of securities, (2) consenting to the transfer of securities subject to any condition imposed by the commissioner requiring the commissioner's consent to such transfer, or (3) consenting to the transfer of securities subject to a legend stamped or printed on the certificates evidencing such securities pursuant to subdivision (h) of Section 25102, is ten dollars ($10) for each transferor.

(m) The filing fee for an amendment to an application filed after the effective date of the qualification of the sale of securities is fifty dollars ($50) plus any additional fee which would have been required to be paid with the original application for qualification of the sale of securities under this section if the matters set forth in the

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amendment had been included in the original application.

(n) The fee for filing an application for a broker-dealer under Section 25211 is two hundred dollars ($200) for the first office or location and seventy dollars ($70) for each additional office or location in California, and payment of this amount shall keep the certificate, if granted, in effect during the calendar year during which it is granted, and if that year is an even-numbered year, during the following calendar year. Every broker-dealer who has secured from the commissioner a certificate shall, in order to keep such certificate in effect for an additional two-year period, pay a renewal fee of two hundred dollars ($200) for the first office or location and seventy dollars ($70) for each additional office or location in California on or before the 15th day of December preceding the additional period.

(o) The fee for filing an application for an agent under Section 25211 is fifty dollars ($50) if the certificate is granted in an even-numbered year, and payment of this amount shall keep the certificate, if granted, in effect during the calendar year during which it is granted and during the following calendar year. The fee for such certificate is twenty-five dollars ($25) if the certificate is granted in an odd-numbered year, and payment of this amount shall keep the certificate in effect during the calendar year during which it is granted. Every agent who has secured from the commissioner a certificate shall, in order to keep such certificate in effect for an additional two-year period, pay a renewal fee of fifty dollars ($50) on or before the 15th day of December preceding the additional period.

(p) The fee for filing an application for an investment adviser under Section 25231 is one hundred dollars ($100), and payment of this amount shall keep the certificate, if granted, in effect during the calendar year during which it is granted, and if that year is an even-numbered year during the following calendar year. Every investment adviser who has secured from the commissioner a certificate shall, in order to keep such certificate in effect for an additional two-year period, pay a renewal fee of one hundred dollars ($100) on or before the 15th day of December preceding the additional period.

(q) The fee for any examination, audit, or investigation is the actual amount of the salary or other compensation paid to the persons making the examination, audit, or investigation plus the actual amount of expenses reasonably incurred in the performance of the work.

(r) The fee for any hearing held by the commissioner pursuant to Section 25142 shall be the sum determined by the commissioner to cover the actual expense of noticing and holding such hearing.

(s) The commissioner may fix by rule a reasonable charge for any publications issued under his authority; provided, however, that such charges shall not be applicable to reports of the commissioner in the ordinary course of distribution.

(t) The fee for filing an offer under subdivision (b) of Section

25507 shall be the amount of filing fee payable under subdivision (e), (f), (h) or (i) of this section if an application had been filed to qualify the transaction in which the securities upon which the offer is to be made were sold in violation of the qualification provisions of this law.

SEC 22. Section 29500.5 is added to the Corporations Code, to read:

29500.5. "Business days" are all days other than every Saturday, every Sunday and such other days as are specified or provided for as holidays in the Government Code of the State of California.

SEC 23. Section 29539 of the Corporations Code is amended to read:

29539 No order may be entered under Section 29538 or 29538.1 except after notice to the person affected thereby of the intention of the commissioner to enter such order and of the reasons therefor and that upon receipt of a request the matter will be set down for hearing to commence within 15 business days after such receipt unless the person affected consents to a later date. If no hearing is requested within 30 days after the mailing of such notice and none is ordered by the commissioner, the order may be entered without hearing to remain in effect until it is modified or vacated by the commissioner. In the case of an original application for a certificate, such a hearing must be set down to commence within 15 business days after receipt of a written request by the applicant made 30 days or more after the filing of the application, even though no such notice by the commissioner has been given, unless the applicant consents to a later date. If a hearing is requested or ordered, it shall be held in accordance with the provisions of the Administrative Procedure Act (Chapter 5, commencing with Section 11500, Part 1, Division 3, Title 2 of the Government Code), and the commissioner shall have all of the powers granted under that act.

CHAPTER 391

An act to amend Section 3692 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor September 5, 1973 Filed with Secretary of State September 5, 1973]

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

SECTION 1. Section 3692 of the Revenue and Taxation Code is amended to read:

3692. (a) Subject to the prior offers made pursuant to subdivisions (b) and (c), the tax collector shall attempt to sell tax-deeded property as provided in this chapter within two years of the time that the property becomes tax-deeded property, unless by other provisions of law such tax-deeded property is not subject to

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sale. If there are no acceptable bids at such attempted sale, the tax collector shall attempt to sell the property at intervals of no more than four years until the property is sold.

(b) When oil, gas, or mineral rights are tax-deeded to the state, the tax collector shall first, with the approval of the board of supervisors and within one year, offer the interest at minimum bid to the highest bidder among holders of outstanding interests where the tax-deeded interest is a partial interest or, where the tax-deeded interest is a complete and undivided interest, to the owner or owners of the property to which the oil, gas, or mineral rights are appurtenant. The offer shall remain in effect for 30 days or until notice is given pursuant to Section 3702, whichever is later. In addition to notice given pursuant to Section 3702, actual notice shall also be given to both the holders of the rights and the owner of the property at least 30 days before the sale. Sealed bid procedures shall be used.

(c) When miscellaneous parcels which are rendered unusable by their size, location or other conditions are tax-deeded to the state, the tax collector shall first, with the approval of the board of supervisors and within one year, offer the parcel at minimum bid to the highest bidder among owners of contiguous parcels. The offer shall remain in effect for 30 days or until notice is given pursuant to Section 3702, whichever is later. Sealed bid procedures shall be used.

CHAPTER 392

An act to add Section 4024.1 to the Penal Code, relating to discharge of prisoners.

[Approved by Governor September 5, 1973 Filed with Secretary of State September 5, 1973]

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

SECTION 1. Section 4024.1 is added to the Penal Code, to read:

4024.1. (a) The sheriff, chief of police, or any other person responsible for a county or city jail may apply to the presiding judge of the justice, municipal or superior court to receive general authorization for a period of 30 days to release inmates pursuant to the provisions of this section.

(b) Whenever, after being authorized by a court pursuant to subdivision (a), the actual inmate count exceeds the actual bed capacity of a county or city jail, the sheriff, chief of police or other person responsible for such county or city jail may accelerate the release, discharge or expiration of sentence date of sentenced inmates up to a maximum of five days.

(c) The total number of inmates released pursuant to this section shall not exceed a number necessary to balance the inmate count and actual bed capacity.

(d) Inmates closest to their normal release, discharge or expiration of sentence date shall be given accelerated release priority.

(e) The number of days that release, discharge or expiration of sentence is accelerated shall in no case exceed 10 percent of the particular inmate's original sentence, prior to the application thereto of any other credits or benefits authorized by law.

SEC. 2. This act shall be operative through December 31, 1975. After that date, the provisions of this act shall have no force or effect and shall be repealed.

CHAPTER 393

An act to add Section 17534.5 to the Business and Professions Code, relating to advertising.

[Approved by Governor September 5, 1973 Filed with Secretary of State September 5, 1973]

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

SECTION 1. Section 17534.5 is added to the Business and Professions Code, to read:

17534.5. Unless otherwise expressly provided, the remedies or penalties provided by this chapter are cumulative to each other and to the remedies or penalties available under all other laws of this state.

CHAPTER 394

An act to amend Sections 634.5, 976, and 1528.5 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor September 5, 1973 Filed with Secretary of State September 5, 1973]

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

SECTION 1. Section 634.5 of the Unemployment Insurance Code is amended to read:

634.5. Notwithstanding any other provision of this division, no provision of this article excluding service from "employment" shall apply to any employing unit described by Section 605.1 or 608, except as provided by this section. With respect to any employing unit described by Section 605.1 or 608, "employment" does not include service excluded under Sections 625 to 629, inclusive, 631, 635, and 639 to 648, inclusive, or service performed in any of the following:

(a) In the employ of (1) a church or convention or association of churches or (2) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches.

(b) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order.

(c) In the employ of a school which is not an institution of higher education.

(d) By an individual receiving such rehabilitation or remunerative work in a facility conducted for the purpose of carrying out a program of either:

(1) Rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury;

(2) Providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market.

(e) As part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training.

(f) For a hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution.

(g) By an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.

(h) By an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back.

SEC. 1.5. Section 634.5 of the Unemployment Insurance Code is amended to read:

634.5. Notwithstanding any other provision of this division, no provision of this article excluding service from "employment" shall apply to any employing unit described by Section 605.1 or 608, except as provided by this section. With respect to any employing unit described by Section 605.1 or 608, "employment" does not include service excluded under Sections 629, 631, 635, and 639 to 648, inclusive, or service performed in any of the following:

(a) In the employ of (1) a church or convention or association of churches or (2) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches.

(b) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order.

(c) In the employ of a school which is not an institution of higher education

(d) By an individual receiving such rehabilitation or remunerative work in a facility conducted for the purpose of carrying out a program of either·

(1) Rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury;

(2) Providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market.

(e) As part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training.

(f) For a hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution.

(g) By an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution

(h) By an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back.

SEC. 5. It is the intent of the Legislature that if both this bill and Assembly Bill No. 255 are chaptered, become effective at the same time, and amend Section 634.5 of the Unemployment Insurance Code, that the changes proposed to Section 634.5 by both bills be given effect in the form set forth in Section 1.5 of this act. Therefore, Section 1 5 of this act shall become operative only if this bill and Assembly Bill No. 255 are both chaptered, both become effective at the same time, and both amend Section 634.5, and Assembly Bill No. 255 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

SEC. 2. Section 976 of the Unemployment Insurance Code is amended to read:

976 Employer contributions to the Unemployment Fund shall accrue and become payable by every employer, except an employer as defined by Section 676, for each calendar year with respect to wages paid for employment. The contributions are due and shall be paid to the department for the Unemployment Fund by each employer in accordance with this division and shall not be deducted in whole or in part from the wages of individuals in his employ.

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SEC 3 Section 1528.5 of the Unemployment Insurance Code is amended to read:

1528 5 (a) Money credited to the account of this state in the Unemployment Trust Fund by the Secretary of the Treasury of the United States of America pursuant to Section 903 of the Social Security Act, as amended, may not be requisitioned from this state's account or used except for the payment of benefits and for the payment of expenses incurred for the administration of this part. Such money may be requisitioned pursuant to Section 1529 for the payment of benefits. Such money may also be requisitioned and used for the payment of expenses incurred for the administration of this part but only pursuant to a specific appropriation by the Legislature and only if the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which:

(1) Specifies the purposes for which such money is appropriated and the amounts appropriated therefor

(2) Limits the period within which such money may be obligated to a period ending not more than two years after the date of the enactment of the appropriation law.

(3) Limits the amount which may be obligated during a fiscal year to an amount which does not exceed the amount by which (i) the aggregate of the amounts credited to the account of this state pursuant to Section 903 of the Social Security Act, as amended, during the same fiscal year and the 24 preceding fiscal years, exceeds (ii) the aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this state during such 25 fiscal years.

(b) Amounts credited to this state's account in the Unemployment Trust Fund under Section 903 of the Social Security Act which are obligated for administration or paid out for benefits shall be charged against equivalent amounts which were first credited and which are not already so charged, except that no amount obligated for administration during a fiscal year specified herein may be charged against any amount credited during such a fiscal year earlier than the 24th preceding such fiscal year.

(c) Money appropriated pursuant to this section for the payment of expenses of administration shall be requisitioned as needed for the payment of obligations incurred under such appropriation and, upon requisition, shall be deposited in the Unemployment Administration Fund, but, until expended, shall remain a part of the Unemployment Fund. The director and the Controller shall maintain a separate record of the deposit, obligation, expenditure, and return of funds so deposited. Any money so deposited which will not be expended shall be returned promptly to the account of this state in the Unemployment Trust Fund.

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CHAPTER 395

An act to add Section 644.5 to the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor September 5, 1973 Filed with Secretary of State September 5, 1973]

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

SECTION 1. Section 644.5 is added to the Unemployment Insurance Code, to read:

644.5. "Employment" does not include services performed in the employ of an international organization.

CHAPTER 396

An act to repeal Section 3240 of the Fish and Game Code and Section 2 of Chapter 806 of the Statutes of 1970, relating to hunting clubs.

[Approved by Governor September 7, 1973 Filed with Secretary of State September 7, 1973.]

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

SECTION 1. Section 3240 of the Fish and Game Code is repealed.

SEC. 2. Section 2 of Chapter 806 of the Statutes of 1970 is repealed.

CHAPTER 397

An act to amend Section 1505 of the Fish and Game Code, relating to fish and game management.

[Approved by Governor September 7, 1973. Filed with Secretary of State September 7, 1973]

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

SECTION 1. Section 1505 of the Fish and Game Code, as amended by Chapter 67 of the Statutes of 1972, is amended to read:

1505. In addition to any other powers vested in the department, it may manage, control and protect such portions of the following spawning areas which occupy state-owned lands to the extent necessary to protect fishlife in these areas. In the event of any conflict under this section with the action of another department or agency of the state or any other public agency, the action of the Department of Fish and Game taken pursuant to this section shall prevail except

for: (a) action of the State or Regional Water Quality Control Boards in establishing waste discharge requirements, (b) action as required for commerce and navigation, (c) action by public agencies reasonably necessary for bridge crossings, water conservation or utilization, or flood protection projects, including the construction, maintenance, and operation thereof. The exceptions in subdivision (c) shall not extend to the depositing of materials, other than necessary structural materials, in, or the removing of materials from the streambeds in the areas designated in this section, other than as necessary for the installation of structures. These areas are:

The Sacramento River between Keswick and Squaw Hill Bridge, near Vina

The Feather River between Oroville and the mouth of Honcut Creek.

The Yuba River between Englebright Dam and a point approximately four miles east of Marysville.

The American River between Nimbus Dam and a point one mile downstream from Arden Way.

The Mokelumne River between Pardee Dam and Lockeford.

The Stanislaus River between Goodwin Dam and Riverbank.

The Tuolumne River between La Grange Dam and the Waterford Bridge.

The Merced River between Crocker Huffman Dam and Cressey.

The Trinity River between Lewiston Dam and the confluence of the North Fork Trinity, near Helena.

The Eel River, from Fort Seward to Lake Pillsbury.

The South Fork Eel River.

The Middle Fork Smith River, from its mouth to Knopti Creek.

The South Fork Smith River, from its mouth to Harrington Creek.

The Salmon River, from its mouth to Rush Creek on the South Fork Salmon River, to Carter Meadow on the east fork of the South Fork Salmon River, and to Finley Camp on the North Fork Salmon River.

Battle Creek, from its mouth to Coleman Powerhouse.

The Cosumnes River, from Meiss Road Bridge to Latrobe Road Bridge.

The Van Duzen River, from Yager Creek to the falls 1½ miles above Bloody Run Creek.

The Mad River, from Blue Lake Bridge to Bug Creek.

The Middle Fork Eel River.

The Mattole River.

The Noyo River.

The Big River, Mendocino County.

The Gualala River.

The Garcia River, Mendocino County.

Until ownership of any land in these areas has been legally determined, the director shall disapprove any stream alterations of any prime salmon and steelhead spawning areas when in his opinion such alterations would prove deleterious to fishlife.

CHAPTER 398

An act to add and repeal Article 7 (commencing with Section 6570) of Chapter 5 of Part 1 of Division 6 of the Fish and Game Code, relating to fish.

[Approved by Governor September 7, 1973 Filed with Secretary of State September 7, 1973]

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

SECTION 1. Article 7 (commencing with Section 6570) is added to Chapter 5 of Part 1 of Division 6 of the Fish and Game Code, to read:

Article 7. Domesticated Fish

6570. The holder of a domesticated fish breeder's license may be granted a permit by the commission, under such terms and conditions as the commission may prescribe, to release and capture domestically reared anadromous fish in state waters.

6571. Prior to issuance of any permit by the commission, a public hearing shall be held in the county or counties affected. Notice of the hearing shall be published at least once, and at least 10 days prior to the hearing, in a newspaper of general circulation in each of the counties in which the hearing is to be held, or if no such newspaper is published in that county or counties then in such a newspaper in an adjoining county The hearing shall be conducted by either (a) the commission, (b) a member of the commission designated by it, or (c) the director if requested to do so by the commission.

6572. No permit will be issued which may tend to deplete the natural runs of anadromous fish, result in waste or deterioration of fish, or when the proposed operation is located on a stream or river below a state or federal fish hatchery or egg-taking station.

6573. All fish released into the wild under authority of this article during the time they are in the wild are the property of the state and may be taken under the authority of a sport or commercial fishing license.

6574. Requirements for the screening of outlets as prescribed in Section 6451 may be waived by the commission. Such waiver shall only be during the period fish are being released and captured under a permit issued under authority of this article. The condition of such waiver shall be described in any permit issued.

6575. Any permit granted by the commission pursuant to this article shall contain the following conditions:

(a) The department shall determine under what conditions and the number of fish to be permitted access to the stream above the hatchery site.

(b) If after a hearing the commission finds that the operation described in the permit and conducted pursuant to this article is not

in the best public interest, the commission may alter the conditions of the permit to mitigate such adverse effects, or may cause an orderly termination of the operation under the permit. Proceedings to cause such alteration or termination shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commission shall have all the powers granted therein. An orderly termination shall not exceed a three-year period and shall culminate in the revocation of the permit in its entirety. During this period, the permittee may continue to examine and take specified domesticated anadromous fish according to the provisions of the permit, but may not release additional fish.

(c) If the commission finds that the operation has caused deterioration of the natural run of anadromous fish in the waters covered by the permit, it may require the permittee to return the fishery to the same condition as it was prior to issuance of the permit. If the permittee fails to take appropriate action, the commission may direct the department to take such action, and the permittee shall bear any cost incurred by the department.

(d) Prior to release into state waters the fish may be examined by the department to determine that they are not diseased or infected with any disease which, in the opinion of the department, may be detrimental to the state fishery resources.

(e) The permittee shall have the right to divert all fish returning to the stream to an inspection area as authorized by the commission, and shall be allowed to examine all fish for the purpose of identifying domestically reared fish that have returned.

(f) No unmarked fish may be transported from the trapping facility other than to be returned to state waters.

6576. The provisions of this article shall remain in effect until January 1, 1981, and on such date are repealed.

SEC. 2. Any permit issued under this act shall be on an experimental basis until its impact on the fishery resource can be ascertained and, therefore, this act shall be applicable only to the waters of the Elk Creek which is tributary to the Pacific Ocean approximately two miles south of the town of Elk and contained within Mendocino County.

SEC. 3. Commencing July 1, 1975, and on that date each two years thereafter, the department shall report to the commission on any permit granted pursuant to this act, together with any recommendations relating to the subject matter of this act.

SEC. 4. The provisions of this act shall be operative only until January 1, 1981, and after such date shall have no force or effect.

CHAPTER 399

An act to repeal Section 13329 of, and to add Section 13329 to, the Education Code, relating to school certificated employees.

[Approved by Governor September 7, 1973 Filed with Secretary of State September 7, 1973]

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

SECTION 1. Section 13329 of the Education Code is repealed.

SEC. 2. Section 13329 is added to the Education Code, to read:

13329. The governing board of any school district may employ persons possessing an appropriate credential as instructors in classes conducted under contract with public or private agencies, or other categorically funded projects of indeterminate duration. The terms and conditions under which such persons are employed shall be mutually agreed upon by the employee and the governing board and such agreement shall be reduced to writing. Service pursuant to this section shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district unless (1) such person has served pursuant to this section, for at least 75 percent of the number of days the regular schools of the district by which he is employed are maintained, and (2) such person is subsequently employed as a probationary employee in a position requiring certification qualifications. Such persons may be employed for periods which are less than a full school year and may be terminated at the expiration of the contract or specially funded project without regard to other requirements of this code respecting the termination of probationary or permanent employees.

This section shall not be construed to apply to any regularly credentialed teacher who has been employed to teach in the regular educational programs of the school district as a probationary employee before being subsequently assigned to any one of these programs.

CHAPTER 400

An act to amend Sections 1430, 1430.5 and 1431 of the Probate Code, relating to minors' estates.

[Approved by Governor September 7, 1973 Filed with Secretary of State September 7, 1973]

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

SECTION 1. Section 1430 of the Probate Code is amended to read:

1430. If a minor has no guardian of his estate, or if the minor has a guardian of his estate and the value of the guardianship estate does not exceed two thousand dollars ($2,000), money belonging to the minor or his guardianship estate not exceeding the sum of two thousand dollars ($2,000) or other property belonging to the minor or his guardianship estate not exceeding two thousand dollars ($2,000) in value may be paid or delivered to a parent of the minor entitled to the custody of the minor to hold in trust for the minor until his majority, upon written assurance verified by the oath of such parent that the total estate of the minor, including the money or other property to be paid or delivered, does not exceed two thousand five hundred dollars ($2,500) in value; and the written receipt of such parent shall be an acquittance of the person making such payment of money or delivery of other property. In computing the "total estate of the minor" for purposes of this section such parent may deduct "custodial property" held pursuant to the "California Gift to Minors Act" or the "California Gifts of Securities to Minors Act" and any money or property subject to court order pursuant to Sections 1431 and 1510 of this code and Section 372 of the Code of Civil Procedure.

SEC. 2. Section 1430.5 of the Probate Code is amended to read:

1430.5. Except where the provisions of Section 431 or 1510 of this code, Section 372 of the Code of Civil Procedure, or Article 4 (commencing with Section 1154) of Chapter 3 of Title 4 of Part 4 of Division 2 of the Civil Code apply, (1) if a minor has no guardian of his estate, and if there is money belonging to the minor in excess of two thousand dollars ($2,000) but not exceeding twenty thousand dollars ($20,000), or (2) if the minor has a guardianship and the sole asset of the guardianship estate is money in excess of two thousand dollars ($2,000) but not exceeding twenty thousand dollars ($20,000), a parent of the minor entitled to the custody of the minor, or the person holding such money belonging to such minor, may file a verified petition in the superior court of the county where the minor resides or in the superior court of the county having jurisdiction of the guardianship estate, if one exists, requesting such court to take jurisdiction over the disposition of such money, and the court may order the guardianship be terminated and that such money be deposited in a bank or banks, or a trust company or companies, or invested in an account or accounts in an insured savings and loan association or associations, or invested in shares of an insured credit union, subject to withdrawal only upon order of the court, or it may require a guardian of the estate to be appointed and the money paid to such guardian, or prescribe such other conditions as the court in its discretion deems to be in the best interests of the minor.

The terms "account in an insured savings and loan association", "shares of an insured credit union" and "guardian of the estate" used in this section have the same meaning and effect as provided in Section 1510 of this code.

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SEC. 3. Section 1431 of the Probate Code is amended to read:

1431. When a minor has a disputed claim for damages, money or other property against a third person, his father, or if his father is dead or the parents of said minor are living separate or apart and his mother then has care or custody of said minor then his mother, or the guardian of the estate, if any, of the minor, shall have the right to compromise, or execute a covenant not to sue on, such claim, but before the compromise or covenant is valid it must be approved by the superior court of the county where the minor resides, upon the filing of a verified petition in writing. The parent having the right to compromise or execute a covenant not to sue, or the guardian of the estate, if any, may execute a full release and satisfaction or execute a covenant not to sue on the disputed claim after the money and other property to be paid or delivered has been paid or delivered as hereinafter prescribed; provided, however, that if the court shall order that all or any part of the money, to be paid under the compromise or covenant, be deposited in a bank or trust company, invested in an account in an insured savings and loan association, or shares of an insured credit union, such release and satisfaction or covenant shall not be effective for any purpose until such money has been deposited as directed in the order of the court. Any money or other property to be paid or delivered for the benefit of the minor pursuant to said compromise or covenant shall be paid and delivered in the manner and upon the terms and conditions specified in Section 1510 of the Probate Code.

SEC 4 Section 1430.5 of the Probate Code is amended to read:

1430.5. Except where the provisions of Section 1431 or 1510 of this code, Section 372 of the Code of Civil Procedure, or Article 4 (commencing with Section 1154) of Chapter 3 of Title 4 of Part 4 of Division 2 of the Civil Code apply, (1) if a minor has no guardian of his estate, and if there is money belonging to the minor in excess of two thousand dollars ($2,000) but not exceeding twenty thousand dollars ($20,000) or (2) if the minor has a guardianship and the sole asset of the guardianship estate is money in excess of two thousand dollars ($2,000) but not exceeding twenty thousand dollars ($20,000), a parent of the minor entitled to the custody of the minor, or the person holding such money belonging to such minor, may file a verified petition in the superior court of the county where the minor resides or in the superior court of the county having jurisdiction of the guardianship estate, if one exists, requesting such court to take jurisdiction over the disposition of such money, and the court may order the guardianship terminated and that such money be deposited in a bank or banks, or a trust company or companies, or invested in an account or accounts in an insured savings and loan association or associations, or invested in shares of an insured credit union, subject to withdrawal only upon order of the court, or it may require a guardian of the estate to be appointed and the money paid to such guardian, or prescribe such other conditions as the court in its discretion deems to be in the best interests of the minor.

The terms "account in an insured savings and loan association" and "guardian of the estate" used in this section have the same meaning and effect as provided in Section 1510 of this code.

The term "shares of an insured credit union" means shares issued by a credit union, either federally chartered or state licensed, which are insured under Title II of the Federal Credit Union Act.

SEC. 5. Section 1431 of the Probate Code is amended to read:

1431. When a minor has a disputed claim for damages, money or other property against a third person, his father, or if his father is dead or the parents of the minor are living separate or apart and his mother then has care or custody of the minor then his mother, or the guardian of the estate, if any, of the minor, shall have the right to compromise, or execute a covenant not to sue on, such claim, but before the compromise or covenant is valid it must be approved by the superior court of the county where the minor resides, upon the filing of a verified petition in writing. The parent having the right to compromise or execute a covenant not to sue, or the guardian of the estate, if any, may execute a full release and satisfaction or execute a covenant not to sue on the disputed claim after the money and other property to be paid or delivered has been paid or delivered as hereinafter prescribed; provided, however, that if the court shall order that all or any part of the money, to be paid under the compromise or covenant, be deposited in a bank or trust company, invested in an account in an insured savings and loan association, or shares of an insured credit union, such release and satisfaction or covenant shall not be effective for any purpose until such money has been deposited as directed in the order of the court. Any money or other property to be paid or delivered for the benefit of the minor pursuant to a compromise or covenant shall be paid and delivered in the manner and upon the terms and conditions specified in Section 1510 of the Probate Code.

The term "shares of an insured credit union" means shares issued by a credit union, either federally chartered or state licensed, which are insured under Title II of the Federal Credit Union Act.

SEC. 6. It is the intent of the Legislature that if Assembly Bill 482 is enacted and becomes effective on or before January 1, 1974, then Sections 4 and 5 of this act shall not become operative. If Assembly Bill 482 is not enacted so as to become effective on or before January 1, 1974, then Sections 2 and 3 of this act shall not become operative.

CHAPTER 401

An act to add Section 25254 to the Vehicle Code, relating to vehicles.

[Approved by Governor September 7, 1973 Filed with Secretary of State September 7, 1973]

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

SECTION 1. Section 25254 is added to the Vehicle Code, to read:

25254. In any county with a population of 4,000,000 or more persons, publicly owned vehicles operated by peace officer personnel of a marshal's department, when actually being used in the enforcement of the orders of any court, including, but not limited to, the transportation of prisoners, may display flashing amber warning lights to the rear when such vehicles are necessarily parked upon a roadway and such parking constitutes a hazard to other motorists.

CHAPTER 402

An act to add Section 13302 to, and to repeal Sections 12016.1 and 12461.5 of, the Government Code, to amend Section 26481 of, and to repeal Section 19355.1 of, the Revenue and Taxation Code, and to repeal Sections 3 and 4 of Chapter 144 of the Statutes of the 1966 First Extraordinary Session, relating to financing state government, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 7, 1973. Filed with Secretary of State September 7, 1973]

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

SECTION 1. Section 12016.1 of the Government Code is repealed.

SEC. 2. Section 12461.5 of the Government Code is repealed.

SEC. 3. Section 13302 is added to the Government Code, to read:

13302. The accounting system devised as provided in Section 13300 shall provide, with respect to the General Fund and other governmental cost funds, for:

(a) The accrual of expenditures as of the end of each fiscal year on the basis of obligations incurred, including accrued interest on bonded indebtedness; and,

(b) The accounting for revenues as being earned when received, except that cash in agency trust accounts within the centralized State Treasury system which is "in transit" to the Treasury, accrued interest receivable, and accounts receivable shall be accrued as of the end of each fiscal year.

SEC. 4. Section 19355.1 of the Revenue and Taxation Code is repealed.

SEC. 5. Section 26481 of the Revenue and Taxation Code is amended to read:

26481. All moneys received by the State Treasurer from the Franchise Tax Board representing amounts imposed by this part shall be deposited by him in a special fund in the State Treasury, to be designated the Bank and Corporation Tax Fund, and moneys in

said fund shall, upon the order of the Controller, be transferred into the General Fund of the state, or drawn therefrom for the purpose of refunding to taxpayers hereunder.

SEC. 6. Section 3 of Chapter 144 of the Statutes of the 1966 First Extraordinary Session is repealed.

SEC. 7. Section 4 of Chapter 144 of the Statutes of the 1966 First Extraordinary Session is repealed.

SEC. 8. The provisions of this act shall be applied by the State Controller commencing with his report stating the condition of the state's various funds as of June 30, 1973, for the 1972–73 fiscal year.

SEC. 9. Sections 4 and 5 of this act shall become operative with respect to the 1973–1974 fiscal year.

SEC. 10. Notwithstanding any other provision of this act, Section 13302 of the Government Code, as added by Section 3 of this act, shall not be operative with respect to the State Highway Account until the 1974–1975 fiscal year.

SEC. 11. Notwithstanding the effect of converting from accrual basis accounting, for purposes of compliance with the provisions of Section 186 of the Streets and Highways Code, revenues for the 1974–1975 fiscal year shall be computed on the basis of cash actually transferred to the State Highway Account during that fiscal year.

SEC. 12 This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to authorize the State Controller to account and report the financial conditions of the State General Fund and other funds at June 30, 1973, in accordance with sound governmental accounting principles and budgetary practices, it is necessary for this act to be effective immediately.

CHAPTER 403

An act to add Section 453.1 to the Elections Code, relating to elections.

[Approved by Governor September 7, 1973 Filed with Secretary of State September 7, 1973]

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

SECTION 1. Section 453.1 is added to the Elections Code, to read:

453.1. The county clerk shall, pursuant to Section 453, supply the index to the city clerk not less than 25 days prior to the day of the election for which it is provided. If the index does not contain the names of all people eligible to vote in the election, the county clerk shall supply a supplement to the index, including all voters who registered after the 54th day before the election, not less than 7 days

prior to the election for which it is provided.

CHAPTER 404

An act to amend Section 25461 of the Government Code, relating to change or alteration in contracts.

[Approved by Governor September 7, 1973 Filed with Secretary of State September 7, 1973]

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

SECTION 1. Section 25461 of the Government Code is amended to read:

25461. If any change or alteration of the contract is ordered, it shall be specified in writing by a duly authorized officer of the county. The cost of such change or alteration must be agreed upon between the board and the contractor unless the contract includes a provision to determine a fair and equitable price for the change or alteration. Such a provision may provide for any method of determining the price common in commercial transactions, including, but not limited to, arbitration or cost plus a fixed fee. If the cost so agreed upon:

(a) Does not exceed the amounts specified in Sections 25450 and 25457, or

(b) Does not exceed 10 percent of the original contract price, the board may authorize the contractor to proceed with the change or alteration without the formality of obtaining bids therefor.

No change or alteration shall be authorized the amount of which is within the limitation specified in subdivision (b) and in excess of the limitation specified in subdivision (a) except by four-fifths vote of the board.

CHAPTER 405

An act to amend Section 13607 of the Education Code, relating to school classified employees.

[Approved by Governor September 7, 1973 Filed with Secretary of State September 7, 1973]

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

SECTION 1. Section 13607 of the Education Code is amended to read:

13607. Upon initial employment and upon each change in classification thereafter, each classified employee shall be furnished

two copies of his class specification, salary data, assignment or work location, together with duty hours and the prescribed workweek. The salary data shall include the annual, monthly or pay period, daily, hourly, overtime and differential rate of compensation, whichever are applicable. One copy shall be retained by the employee and the other copy shall be signed and dated by the employee and returned to his supervisor.

The provisions of this section shall not apply to short-term, limited-term, or provisional employees, as those terms are defined in this chapter.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

CHAPTER 406

An act to add Sections 25526.5 and 25526.6 to the Government Code, relating to county surplus property.

[Approved by Governor September 7, 1973 Filed with Secretary of State September 7, 1973]

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

SECTION 1. Section 25526.5 is added to the Government Code, to read:

25526.5. Whenever the board of supervisors determines that any real property or interest therein belonging to the county is no longer necessary for county or other public purposes, and its estimated value does not exceed two thousand dollars ($2,000), the county may sell, exchange, quitclaim, or convey such real property or interest therein in the manner and upon the terms and conditions approved by the board of supervisors without complying with any other sections in this article.

SEC. 2. Section 25526.6 is added to the Government Code to read:

25526.6. Notwithstanding any other provision of law, the board may grant or otherwise convey an easement, license, or permit for use of any real property of the county to the state, or to any county, city, district, or public agency or corporation, or to any public utility corporation in the manner and upon such terms and conditions as the board determines or prescribes, upon a finding by the board that such conveyance is in the public interest and that the interest in land conveyed will not substantially conflict or interfere with the use of such property by the county.

CHAPTER 407

An act to add Section 5604.5 to the Welfare and Institutions Code, relating to mental health.

[Approved by Governor September 7, 1973 Filed with Secretary of State September 7, 1973]

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

SECTION 1. Section 5604.5 is added to the Welfare and Institutions Code, to read:

5604.5. The board of supervisors may pay from any available funds the actual and necessary expenses of the members of the advisory board of a community mental health service incurred incident to the performance of their official duties and functions. Such expenses may include travel, lodging, and meals for the members of such an advisory board while on official business as may be approved by the board of supervisors.

CHAPTER 408

An act to amend Section 4040 of the Insurance Code, relating to borrowing by mutual insurers.

[Approved by Governor September 7, 1973 Filed with Secretary of State September 7, 1973]

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

SECTION 1. Section 4040 of the Insurance Code is amended to read:

4040. A mutual insurer may borrow money to defray the expenses of its organization, provide it with surplus funds, or for any purpose of its business, upon a written agreement that such money is required to be repaid only out of the insurer's surplus in excess of that stipulated in such agreement. The agreement may provide for interest not exceeding either 6 percent per annum, or the maximum interest rate permitted by the Federal Reserve Bank, whichever is the higher rate, on single maturity time deposits in the amount of one hundred thousand dollars ($100,000) and over, running one year or more, which interest shall or shall not constitute a liability of the insurer as to its funds other than as such excess as stipulated in the agreement. Written agreements evidencing such borrowed money shall not be issued in units of less than ten thousand dollars ($10,000). No commission or promotion expense shall be paid in connection with any such loan.

CHAPTER 409

An act to amend Section 23604.5 of the Education Code, relating to the California State University and Colleges.

[Approved by Governor September 9, 1973 Filed with Secretary of State September 9, 1973]

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

SECTION 1. Section 23604.5 of the Education Code is amended to read:

23604.5. The name of any particular institution named in Section 23601 may be changed to read "California State University, _____," or "_____ State _____" (college or university, as the case may be), except that the institutions named in subdivisions (a), (b), (d), (e), (g), and (h) of Section 23601 shall be changed to read "San Jose State University," "San Francisco State University," "Humboldt State University," "San Diego State University," "California Polytechnic State University, San Luis Obispo", and "California State Polytechnic University, Pomona," respectively; provided that the term "university" may be used in the name of a particular institution, only after affirmative action by the trustees and the Coordinating Council for Higher Education after consideration of the criteria developed pursuant to Section 23604.4.

CHAPTER 410

An act to amend Section 23604.5 of the Education Code, relating to the California State University and Colleges.

[Approved by Governor September 9, 1973 Filed with Secretary of State September 9, 1973.]

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

SECTION 1. Section 23604.5 of the Education Code is amended to read:

23604.5. The name of any particular institution named in Section 23601 may be changed to read "California State University, _____," or "_____ State _____" (College or University, as the case may be), except that the institutions named in subdivisions (a), (b), (d), (e), (g), and (h) of Section 23601 shall be changed to read "San Jose State University," "San Francisco State University," "Humboldt State University," "San Diego State University," "California Polytechnic State University, San Luis Obispo," and "California State Polytechnic University, Pomona," respectively; provided that the term "university" may be used in the name of a particular institution only after affirmative action by the trustees and

the Coordinating Council for Higher Education after consideration of the criteria developed pursuant to Section 23604.4.

CHAPTER 411

An act to amend Section 10782 of the Revenue and Taxation Code, and to amend Section 9102.5 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 10, 1973 Filed with Secretary of State September 10, 1973]

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

SECTION 1. Section 10782 of the Revenue and Taxation Code is amended to read:

10782. (a) The license fee imposed by this part does not apply to any vehicle operated by the state, or by any county, city and county, city, district, or political subdivision of the state, or the United States, as a lessee under a lease, lease-sale, or rental-purchase agreement which grants possession of the vehicle to the lessee for a period of 30 consecutive days or more.

This subdivision does not apply to any vehicle leased under a lease, lease-sale, or rental-purchase agreement made after February 5, 1940, which is used or maintained for the transportation of persons for hire, compensation, or profit.

(b) The license fee imposed by this part does not apply to any privately owned schoolbus, as defined in Section 545 of the Vehicle Code, which is either:

(1) Owned by a private nonprofit educational organization and operated in accordance with the rules and regulations of the Department of Education exclusively in transporting school pupils, or school pupils and employees, of such private nonprofit educational organization, or

(2) Operated in accordance with the rules and regulations of the Department of Education exclusively in transporting school pupils, or school pupils and employees, of any public school or private nonprofit educational organization pursuant to a contract between a public school district or nonprofit educational organization and the owner or operator of the schoolbus.

This subdivision shall not, however, be applicable to any schoolbus which is operated pursuant to any contract which requires the public school district or nonprofit educational organization to pay any amount representing the costs of registration and weight fees unless and until the contract is amended to require only the payment of an amount representing the fee required by this section.

SEC. 2. Section 9102.5 of the Vehicle Code is amended to read:

9102.5 (a) In lieu of all other fees which are specified in this code, except fees for duplicate plates, certificates, or cards, a fee of ten dollars ($10) shall be paid for the registration and licensing of any privately owned schoolbus, as defined in Section 545, which is either:

(1) Owned by a private nonprofit educational organization and operated in accordance with the rules and regulations of the Department of Education exclusively in transporting school pupils, or school pupils and employees, of such private nonprofit educational organization, or

(2) Operated in accordance with the rules and regulations of the Department of Education exclusively in transporting school pupils, or school pupils and employees, of any public school or private nonprofit educational organization pursuant to a contract between a public school district or nonprofit educational organization and the owner or operator of the schoolbus.

This section shall not, however, be applicable to any schoolbus which is operated pursuant to any contract which requires the public school district or nonprofit educational organization to pay any amount representing the costs of registration and weight fees unless and until the contract is amended to require only the payment of an amount representing the fee required by this section.

(b) When a schoolbus under contract and registered pursuant to subdivision (a) of this section is temporarily operated in such a manner that it becomes subject to full registration fees specified in this code, the owner may, as an alternative to such full registration, secure a temporary permit to operate the vehicle in this state for any three consecutive calendar months. Such permit shall be posted upon the windshield or other prominent place upon the vehicle, and shall identify the vehicle to which it is affixed. When so affixed, such permit shall serve as indicia of full registration for the period designated thereon. Upon payment of the fees specified in Section 9266.5, the department may issue a temporary permit under this section

SEC. 3. The amendments made to Section 10782 of the Revenue and Taxation Code and Section 9102.5 of the Vehicle Code by this act shall apply to the 1974 calendar year and each calendar year thereafter.

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 amendments to Section 10782 of the Revenue and Taxation Code and Section 9102.5 of the Vehicle Code made by this act are to apply to the 1974 calendar year and each year thereafter.

In order to assure that this act will apply to the 1974 calendar year, it is necessary that its provisions become effective immediately.

CHAPTER 412

An act to amend Sections 206, 207, 211, 212, 213, and 217 of, and to add Sections 214 and 214.5 to, the Fish and Game Code, relating to resident game birds.

[Approved by Governor September 10, 1973 Filed with Secretary of State September 10, 1973]

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

SECTION 1 Section 206 of the Fish and Game Code is amended to read:

206. In addition to any other regular or special meetings, the commission shall hold eight meetings, one in August, one in October, one in December, one in April, one in May, and one in June of each year, one meeting to consider the proposals relating to fish, amphibia, and reptiles presented at the October meeting, and one meeting to consider the proposals relating to mammals presented at the April meeting.

The October and December meetings shall be devoted to determining what, if any, regulations should be made pursuant to this article in relation to fish, amphibia, and reptiles and to the making of such regulations.

The April and May meetings shall be devoted to determining what, if any, regulations should be made pursuant to this article in relation to mammals and to the making of such regulations.

The June and August meetings shall be devoted to determining what, if any, regulations should be made pursuant to this article in relation to resident game birds.

After the October meeting the commission shall hold a fishing proposals meeting which shall be devoted to open public discussion of, and presentation of objections to, the proposals presented to the commission in October and after considering such discussion and objections, the commission, at the meeting, shall announce the regulations which it proposes to make relating to fish, amphibia, and reptiles.

After the April meeting the commission shall hold a hunting proposals meeting which shall be devoted to open public discussion of, and presentation of objections to, the proposals presented to the commission in April and, after considering such discussion and objections, the commission, at the meeting, shall announce its determinations and the regulations which it intends to make relating to mammals.

The commission shall give notice of the time and place of the meetings by publishing a notice thereof in one newspaper of general circulation printed and published in each of the counties of the state, or if no newspaper of general circulation is printed and published in a county, then in a newspaper of general circulation circulated in such county, in at least one issue of such newspaper published not less

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than 15 days prior to the meeting; and shall also publish notice of such meetings in any publication issued by the department after determining the time and place of such meetings and prior to the dates thereof. All meetings required by this section shall be open to the public.

SEC. 2. Section 207 of the Fish and Game Code is amended to read:

207. The October, December and April meetings shall be in the first 10 days of the month. The May meeting shall be in the last 10 days of the month. The June meeting shall be held on the last Friday of the month. The commission shall determine and announce the date set for the respective meetings at least 60 days in advance of the meeting.

In even-numbered years the October and April meetings shall be held in Sacramento, the fishing proposals meeting in Redding or in Red Bluff, as selected by the commission, the hunting proposals meeting in San Diego, and the December and May meetings in Los Angeles. In odd-numbered years the October and April meetings shall be in Los Angeles, the December and May meetings in Sacramento, the fishing proposals meeting in San Diego and the hunting proposals meeting in Redding or in Red Bluff, as selected by the commission.

All Sacramento and Los Angeles meetings specified in this section shall be held in state buildings.

SEC. 3. Section 211 of the Fish and Game Code is amended to read:

211. At the meeting in April the commission shall receive recommendations from its own officers and employees, from the department and other public agencies, from organizations of private citizens, and from any interested persons as to what, if any, regulations should be made relating to mammals, or any species or subspecies thereof.

The minutes of the April meeting relating to the legislative district of each Member of the Legislature shall be mailed by first class mail to that Member of the Legislature.

SEC. 4. Section 212 of the Fish and Game Code is amended to read:

212. At the hunting proposals meeting, the commission shall publicly announce the regulations it proposes to make relating to mammals. At the May meeting the commission may hear and consider any objections to its proposed regulations.

SEC. 5. Section 213 of the Fish and Game Code is amended to read:

213. At, or within 10 days after, the meeting in the last 10 days of May the commission may make such regulations in relation to mammals, or any species or subspecies thereof, as it deems necessary to preserve, properly utilize, or maintain the best relative number of each such species or subspecies.

SEC. 6. Section 214 is added to the Fish and Game Code, to read:

214. At the meeting in June the commission shall receive recommendations from its own officers and employees, from the department and other public agencies, from organizations of private citizens, and from any interested persons as to what, if any, regulations should be made relating to resident game birds.

SEC. 7. Section 214.5 is added to the Fish and Game Code, to read:

214.5. At the August meeting the commission may hear and consider any objections to regulations proposed for resident game birds, and at this meeting, or within 10 days thereafter, may make such regulations in relation to resident game birds, or any species or subspecies thereof, as it deems necessary to preserve, properly utilize, or maintain the best relative number of each such species or subspecies.

SEC. 8. Section 217 of the Fish and Game Code is amended to read:

217. Within 45 days after the meeting in the first 10 days of December of each year, the commission shall publish and distribute in booklet form such regulations as shall be adopted at such meeting. Within 45 days after the meeting in the last 10 days of May of each year, the commission shall publish and distribute in booklet form such regulations as shall be adopted at such meeting. Within 45 days after the meeting in August each year, the commission shall publish and distribute in booklet form such regulations as shall be adopted at such meeting.

Copies of all such publications shall be mailed to each county clerk, district attorney and judge of a municipal court or justice court throughout the state.

CHAPTER 413

An act to repeal and add Section 5781.13 of the Public Resources Code, relating to recreation and park districts.

[Approved by Governor September 10, 1973 Filed with Secretary of State September 10, 1973]

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

SECTION 1. Section 5781.13 of the Public Resources Code is repealed.

SEC. 2. Section 5781.13 is added to the Public Resources Code, to read:

5781.13. Where a vacancy has been created in the office of a member elected to the district board, the remaining district board members may fill the vacancy by appointment if they act within a period of 90 days immediately subsequent to the creation of such vacancy and if they post notice of such vacancy in three conspicuous

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places in the district not later than 20 days subsequent to the effective date of such vacancy. If such vacancy is not so filled within such 90-day period, the city council of the city in which the district is wholly located or, if the district is not wholly located within a city, the board of supervisors of the county in which the larger portion of the district is located may fill the vacancy by appointment, if the city council, or county board of supervisors, acts within 120 days of the effective date of such vacancy If such vacancy is filled by appointment, either by authority of the district board, the city council or the county board of supervisors, such appointment shall be for the balance of the unexpired term of the vacant office or until the next general district election whichever occurs first. If such vacancy is not filled by appointment within 120 days immediately subsequent to its creation, the district board shall forthwith call a special election for the purpose of filling the vacancy. The person elected to fill the vacancy shall serve for the balance of the unexpired term of the vacant office.

Notwithstanding the foregoing, if an election involving the total territory of the district will be conducted not more than four nor less than one month subsequent to the effective date of such vacancy, the vacancy shall be filled at such election

A vacancy in the office of an appointed member shall be filled by the appointing authority within 90 days immediately subsequent to its occurrence.

SEC. 3. In enacting this act, the Legislature hereby determines and finds that any duties, obligations, or responsibilities imposed on local government are minor in nature and do not result in a significant new program for local government, or a significant increase in the level of service of an existing mandated program, and no additional economic burden or cost is intended to be imposed hereby. Therefore, there are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 414

An act to amend Sections 1091.5 and 1120 of the Government Code, relating to conflict of interest.

[Approved by Governor September 10, 1973 Filed with Secretary of State September 10, 1973]

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

SECTION 1. Section 1091.5 of the Government Code is amended to read:

1091.5. (1) An officer or employee shall not be deemed to be interested in a contract if his interest is:

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(a) The ownership of less than 3 percent of the shares of a corporation for profit, provided the total annual income to him from dividends, including the value of stock dividends, from the corporation does not exceed 5 percent of his total annual income, and any other payments made to him by the corporation do not exceed 5 percent of his total annual income;

(b) That of an officer in being reimbursed for his actual and necessary expenses incurred in the performance of official duty;

(c) That of a recipient of public services generally provided by the public body or board of which he is a member, on the same terms and conditions as if he were not a member of the board.

(d) That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial, or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which event his interest shall be deemed a remote interest within the meaning and subject to the provisions of Section 1091.

(e) That of a tenant in a public housing authority created pursuant to Part 2 (commencing with Section 34200) of Division 24 of the Health and Safety Code in which he serves as a member of the board of commissioners.

(f) That of a spouse of an officer or employee of a public agency in his spouse's employment or officeholding if his spouse's employment or officeholding has existed for at least one year prior to his election or appointment.

(2) An officer or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor.

SEC. 2. Section 1120 of the Government Code is amended to read:

1120. (a) Members of governing bodies, boards and commissions of any local public agency shall disclose any direct personal financial interest in any noncontractual matter coming before such governing body, board or commission. Any member of a governing body, board or commission of any local public agency who knowingly fails to disclose such interest shall be guilty of misconduct in office and shall be punishable as provided in Article 3 (commencing with Section 3060) of Chapter 7, Division 4, Title 1.

(b) A member of the governing body, board or commission shall not be deemed to have a direct personal financial interest in a noncontractual matter if his interest is:

(1) The ownership of less than 3 percent of the shares of a

corporation for profit, provided the total annual income to him from dividends, including the value of stock dividends, from the corporation does not exceed 5 percent of his total annual income, and any other payments made to him by the corporation do not exceed 5 percent of his total annual income;

(2) That of an officer in being reimbursed for his actual and necessary expenses incurred in the performance of official duty;

(3) That of a recipient of public services generally provided by the local public agency for which he acts, on the same terms and conditions as if he were not a member of the governing body, board or commission.

(4) That of a member in his spouse's employment or officeholding when his spouse is an officer or employee of the public agency, if such employment or officeholding has existed for at least one year prior to the member's election or appointment to such governing body, board or commission.

CHAPTER 415

An act to amend Sections 34306 and 34325 of the Government Code, relating to new cities.

[Approved by Governor September 10, 1973 Filed with Secretary of State September 10, 1973]

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

SECTION 1. Section 34306 of the Government Code is amended to read:

34306. The board shall cause its clerk to ascertain whether the petition is signed by the requisite number of qualified signers and whether it correctly describes the boundaries of the proposed city. The clerk shall report his findings to the board within 30 days.

Except to the extent that proof to the contrary has been submitted to him, the clerk in ascertaining whether the petition is signed by the requisite number of qualified signers shall assume that the assessees whose names appear on the last equalized assessment roll of the county are qualified owners as herein defined. If a petition is signed by registered voters, the clerk shall compare the names of the signers on the petition against the voters' register in the office of the county clerk or registrar of voters and ascertain therefrom the number of registered voters in the territory and the number of qualified signers appearing upon the petition. Proof of qualification as a signer, including the officer acting for and on behalf of a corporate owner, shall be in writing and, except for copies of instruments of title, shall be verified. The findings of the clerk shall be conclusive in the absence of fraud.

SEC. 2. Section 34325 of the Government Code is amended to read:

34325. At its next regular meeting following the week of the election, the board of supervisors shall canvass the votes.

CHAPTER 416

An act to amend Section 893 of the Penal Code, relating to grand juries.

[Approved by Governor September 10, 1973. Filed with Secretary of State September 10, 1973.]

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

SECTION 1. Section 893 of the Penal Code is amended to read:

893. (a) A person is competent to act as a grand juror only if he possesses each of the following qualifications:

(1) He is a citizen of the United States of the age of 18 years or older who shall have been a resident of the state and of the county or city and county for one year immediately before being selected and returned.

(2) He is in possession of his natural faculties, of ordinary intelligence, of sound judgment, and of fair character.

(3) He is possessed of sufficient knowledge of the English language.

(b) A person is not competent to act as a grand juror if any of the following apply:

(1) The person is serving as a trial juror in any court of this state.

(2) The person has been discharged as a grand juror in any court of this state within one year.

(3) The person has been convicted of malfeasance in office or any felony or other high crime

(4) The person is serving as an elected public officer.

CHAPTER 417

An act to amend Section 15011 of, and to add Sections 15012, 15013, and 15014 to, the Education Code, relating to the public schools.

[Approved by Governor September 10, 1973. Filed with Secretary of State September 10, 1973.]

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

SECTION 1. Section 15011 of the Education Code is amended to read:

15011. In the event a school district heretofore or hereafter

acquires a site for school purposes, as determined by the State Allocation Board, and does not use the site within (1) five years of the date of acquisition for the kindergarten, if any, and any of grades 1 to 8, inclusive, maintained by an elementary school district or a unified school district, or, (2) seven years of the date of acquisition for any of grades 7 to 12, inclusive, maintained by a high school district or a unified school district, the school district shall be subject to nonuse payments, unless the State Allocation Board has made a determination that the school district will utilize the property for the purpose for which it was intended within a reasonable period of time, in a specific amount for each additional year in which the site is retained and not used by the district beyond the foregoing specified periods, except the first such additional year shall be deemed to end not earlier than April 30, 1973.

The payments required shall be computed by the executive officer of the State Allocation Board and certified to the State Controller, and payments shall be equal to one one-hundredth (1/100) of the original purchase price of the site modified by a factor reflecting the change in assessed value of all lands in the state from the date of purchase of the site to the current date

SEC. 2. Section 15012 is added to the Education Code, to read:

15012. The State Controller shall, during the next fiscal year following that in which the executive officer of the State Allocation Board certifies to him the amount of payment, deduct the total amount of the payment of each district in equal amounts from each of the February, March, April and May installments of the apportionments made to such district from the State School Fund under Sections 11256, 11257, and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive, whichever are in effect; provided, however, that in no event shall such deductions exceed an amount which would result in a district's receiving, in any school year, from the State School Fund, less than one hundred twenty dollars ($120) per pupil in average daily attendance in the district during the preceding school year. On order of the State Controller, the amount so deducted shall be transferred to the State School Site Utilization Fund which is hereby created.

SEC. 3. Section 15013 is added to the Education Code, to read:

15013. Whenever the State Allocation Board certifies to the State Controller that a school district, within two years of the date the State Allocation Board determines that such site is unused, has either begun to use a site affected by Section 15011 and 15012 or has sold such site, the State Controller shall cease to withhold any additional payments and shall return to the district from the State School Site Utilization Fund all of the payments, without interest, which had been withheld for the particular site. If the school district begins to use or sell such site more than two years after the aforesaid determination, the State Allocation Board shall so certify to the State Controller and no further payments shall be withheld as specified in Section 15012.

SEC. 4. Section 15014 is added to the Education Code, to read:

15014. Any funds in the State School Site Utilization Fund, including interest, which are not subject to return to a school district pursuant to Section 15013 shall revert to the General Fund.

CHAPTER 418

An act to amend Sections 64532, 64591, 64592, 64593, 64594, 64595, 64635, 64661, 64701, and 64732 of, to add Sections 64691.5 and 64695 to, to add Article 7 (commencing with Section 64671) to Chapter 2 of Division 22 of, to repeal Section 64695 of, and to repeal Article 7 (commencing with Section 64671) of Chapter 2 of Division 22 of, the Food and Agricultural Code, relating to the California Beef Council Law.

[Approved by Governor September 10, 1973 Filed with Secretary of State September 10, 1973.]

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

SECTION 1. Section 64532 of the Food and Agricultural Code is amended to read:

64532. The purposes of this chapter are as follows:

(a) To enable the cattle industry, with the aid of the state, to develop, maintain, and expand the state, nationwide, and foreign markets for beef and beef products produced, processed, or manufactured in this state, and the use and consumption of such beef and beef products in such markets.

(b) In aid, but not in limitation, of the purpose in subdivision (a), to authorize and enable the director to formulate and effectuate, directly or in cooperation with other agencies and instrumentalities which are specified in this chapter, sales stimulation and consumer, or other, educational programs designed to increase the use and consumption of beef and beef products.

(c) To provide funds for the administration and enforcement of this chapter by mandatory fees to be collected in the manner which is prescribed in this chapter, unless producers elect to provide such funds through voluntary contributions pursuant to Article 7 (commencing with Section 64671).

SEC. 2. Section 64591 of the Food and Agricultural Code is amended to read:

64591. There is in the state government the California Beef Council which consists of 20 members and 20 alternates, all of whom shall be citizens and residents of this state and producers or slaughterers.

The director shall appoint to the council six range cattlemen, six cattle feeders, and six dairymen nominated as producers and two slaughterers as hereinafter provided for, giving due regard to proper

geographic distribution. This requirement shall not, however, operate to remove from office any member of the council. As soon as feasible after January 1, 1974, the director shall shall appoint a slaughterer to the council, and the director shall appoint another slaughterer to the council at the time the first membership held by a dairyman becomes vacant. Subject to the provisions of this section and of Section 64592, present members of the council shall be eligible for reappointment

SEC. 3. Section 64592 of the Food and Agricultural Code is amended to read:

64592. The terms of office of the members and alternates of the council shall be three years, except as provided in this section. The first appointments made under this chapter shall be so made that the terms of six members and their alternates shall expire at the end of one year, six members and their alternates shall expire at the end of two years, and seven members and their alternates shall expire at the end of three years. However, the terms of the first members and alternates appointed from slaughterers pursuant to amendments made to this section during the 1973 portion of the 1973–74 Regular Session of the Legislature shall be for three years.

Any vacancy which occurs during the unexpired term shall be filled by the director for the unexpired term from the eligible nominees. No council member or alternate shall serve more than two consecutive three-year terms. Service as an alternate does not disqualify a person to then serve two such terms as a member, and a member who was appointed for a one- or two-year term may serve two additional three-year terms.

The director may remove any member of the council or alternate for cause and upon such removal there is a vacancy which shall be filled in the manner as provided for the unexpired term.

SEC. 4. Section 64593 of the Food and Agricultural Code is amended to read:

64593. Prior to October 1 of each year, the director shall call for nominations of producers that are engaged in business as such in this state. The director shall at such time also call for nominations of slaughterers that are engaged in business as such in this state if during the succeeding 12 calendar months the term of a member who is a slaughterer will expire. The director, whenever he deems it necessary, shall obtain additional nominations for membership on the council from producers or slaughterers, as appropriate. Every producer may nominate a nominee for producer membership on the council, and every slaughterer may nominate a nominee for slaughterer membership on the council. Members and their alternates shall be appointed from the lists of those persons nominated for membership on the council.

SEC. 5. Section 64594 of the Food and Agricultural Code is amended to read:

64594. Notice of a call for nominations shall be given by the director by publishing a notice of it in a newspaper of general

circulation which is published in the capital of the state and in any other newspaper or by such other means as the director determines is necessary to give reasonable notice of such nominations to producers and slaughterers in the state.

SEC. 6. Section 64595 of the Food and Agricultural Code is amended to read:

64595. The notice shall state that nominations shall be mailed to the director at his office in Sacramento and that the director will consider all nominations received within the time designated by him which (1) set forth the name, address, and citizenship of each of the proposed nominees, (2) specify the type of producer of each of the proposed nominees, or, if the proposed nominee is a slaughterer, that fact, and (3) bear the signature and address of the nominator.

SEC. 7. Section 64635 of the Food and Agricultural Code is amended to read:

64635. The council shall prepare annually, summarized statements of the activities in which it has been engaged in the previous annual period, and of the activities in which it proposes to engage in the ensuing annual period. Such statements shall be made available to all producers and slaughterers that request them.

SEC. 8. Section 64661 of the Food and Agricultural Code is amended to read:

64661. The director shall conduct, or may cause the council to conduct, programs of education, research, or public information, which are designed to accomplish the following purposes, among others:

(a) Increase the consumption of beef and beef products.

(b) Gather, publicize, and diffuse accurate and scientific information which shows the importance of the use and consumption of beef and beef products in relation to the public health, economy, and diet, and proper nutrition of children and adults.

(c) Study means and methods which are employed in producing, processing, manufacturing, marketing, and distributing beef and beef products in order to comply with the sanitary and other regulations which are imposed by municipalities, this state, and the United States.

(d) Gather and disseminate information regarding the high standards which are observed and imposed to insure pure and wholesome beef and beef products.

(e) Gather and disseminate information regarding the harmful effects on the public health resulting from the breakdown or instability of the cattle industry, the factors and conditions peculiar to the cattle industry which tend to cause an unbalanced production, the price of beef and beef products in relation to the cost of other items of food in a balanced diet.

(f) Gather and disseminate information regarding the factors which tend to promote increased consumption of beef and beef products, stabilize the industry, and foster a better understanding and more efficient cooperation among producers and slaughterers

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and the consuming public.

SEC. 9. Article 7 (commencing with Section 64671) of Chapter 2 of Division 22 of the Food and Agricultural Code is repealed.

SEC. 10 Article 7 (commencing with Section 64671) is added to Chapter 2 of Division 22 of the Food and Agricultural Code, to read.

Article 7. Referendum for Voluntary Fee Payment

64671. Whenever a petition is presented to the director which has been signed by 2,000, or more, of the total producers in the state, not more than six months prior to its presentation to the director, the director shall conduct a referendum among producers to ascertain whether they favor the carrying on of a voluntary promotion and research program for beef as prescribed in Section 64661. At the time any person starts to circulate such a petition, he shall notify the director of such action. The director shall establish the period of time during which such referendum shall be conducted which shall be not less than 30 days nor more than 90 days

64672. The director shall count and tabulate the ballots received, and announce the results at the close of the referendum period. If the director finds from the ballots cast that 40 percent or more of all producers, as determined from a list to be established by the director, have voted and that not less than 65 percent of the total producers that produced not less than 51 percent of the volume of the commodity in the state or not less than 51 percent of the total producers that produced not less than 65 percent of the volume of the commodity in the state voting in such referendum favor carrying on a voluntary promotion and research program, the director shall declare the program a voluntary promotion and research program.

64673. If the promotion and research program is declared to be voluntary, Section 64695 shall become operative and funds for the administration and enforcement of this chapter shall be provided by voluntary contributions rather than mandatory fees.

64674. If the director finds that the referendum did not receive the required votes in favor of a voluntary promotion and research program pursuant to Section 64672, he shall declare this result and shall instruct the council to carry on the current program.

64675. If the voluntary promotion and research program does not receive the required favorable vote or if less than the required number of producers have voted, another referendum shall not be petitioned for until after the expiration of a period of two years from the date of the referendum which failed.

64676. No referendum shall be conducted pursuant to this article until after the expiration of a period of two years from the effective date of this article.

SEC. 11. Section 64691.5 is added to the Food and Agricultural Code, to read:

64691.5. A fee greater than ten cents ($0.10) per head on cattle and calves prescribed by Section 64691 shall not be charged pursuant

to such section under a mandatory fee payment program unless and until such greater fee is approved by the producers in this state, by a referendum to be submitted to the producers by the director. The director shall find that the producers have approved any such fee, if he finds both of the following:

(a) That at least 40 percent of all producers, as determined from a list to be established by the director, have voted in the referendum

(b) That at least 65 percent of the total producers that produced not less than 51 percent of the volume of the commodity in the state or at least 51 percent of the total producers that produced not less than 65 percent of the volume of the commodity in the state voting in such referendum favor charging of such a greater fee.

SEC. 12. Section 64695 of the Food and Agricultural Code is repealed

SEC. 13. Section 64695 is added to the Food and Agricultural Code, to read:

64695. Any person who is subject to the fee which is required by Section 64691 may obtain a refund of the fee collected from him by submitting to the director a claim for such refund. Such claim shall be submitted in writing within 90 days after the date of the brand inspection or the date of payment of the fee to the director whichever date is later The claim for refund shall contain such necessary information as the director may require.

This section shall not become operative unless and until the promotion and research program is declared by the director to be voluntary pursuant to the provisions of Article 7 (commencing with Section 64671).

SEC. 14. Section 64701 of the Food and Agricultural Code is amended to read:

64701 Any inspector who is described in Section 20010 may accept voluntary contributions on behalf of the director. Such contributions may be supplementary to collections which are provided in Article 8 (commencing with Section 64691) of this chapter. Such contributions may be in lieu of the fees specified in Article 8 (commencing with Section 64691) if the promotion and research program is declared by the director to be voluntary pursuant to Article 7 (commencing with Section 64671).

SEC. 15 Section 64732 of the Food and Agricultural Code is amended to read:

64732. A referendum among the state's producers shall be conducted by the director in any of the following cases:

(a) Whenever the director, on his own motion or at the request of the council, determines that it is no longer in the best interest of the state to continue the existence of the council and the programs established and maintained pursuant to this chapter.

(b) Upon the receipt by the director of a petition for such a referendum signed by 3,000 of the state's producers that signed the petition not more than six months prior to its presentation to the director.

In either such event, the director shall thereupon prepare and mail to each producer as shown in the records of the department, a ballot form and self-addressed envelope.

CHAPTER 419

An act to amend Section 253 of the Education Code, relating to public schools.

[Approved by Governor September 10, 1973 Filed with Secretary of State September 10, 1973]

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

SECTION 1. Section 253 of the Education Code is amended to read:

253. The Superintendent of Public Instruction shall:

(a) Superintend the schools of this state.

(b) Prepare, have printed, and furnish to teachers and to all officers charged with the administration of the laws relating to the public schools such blank forms and books as may be necessary to the discharge of their duties, including blank teachers' certificates to be used by county and city and county boards of education.

(c) Authenticate with his official seal all drafts or orders drawn by him, and all papers and writings issued from his office.

(d) Have bound, at the state bindery, all valuable school reports, journals, and documents in his office, or received by him.

(e) Deliver over, at the expiration of his term of office, on demand, to his successor, all property, books, documents, maps, records, reports, and other papers belonging to his office, or which may have been received by him for the use of his office.

CHAPTER 420

An act to amend Section 418.3 of the Streets and Highways Code, relating to state highways, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 10, 1973 Filed with Secretary of State September 10, 1973]

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

SECTION 1. Section 418.3 of the Streets and Highways Code is amended to read:

418.3. The department shall award, during the 1973–74 fiscal year, two major construction contracts for the construction of that

part of that portion of Route 118, also known as the Simi Valley-San Fernando Valley Freeway, which has not already been completed and for which no construction contract has been awarded.

The commission is requested to grant high priority for construction on other uncompleted portions of the route for which no construction contract has been awarded, in order to enable the department to award other major construction contracts, so that construction may proceed without delay on the route until it is completed, unless precluded therefrom by any conditions beyond the department's control

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

In order that two major construction contracts may be awarded by the Department of Transportation for construction on Route 118 as early as possible during the 1973–74 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 421

An act to add Sections 6511.5, 22840.5, and 23521 to the Elections Code, relating to municipal elections.

[Approved by Governor September 10, 1973 Filed with Secretary of State September 10, 1973]

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

SECTION 1 Section 6511.5 is added to the Elections Code, to read:

6511.5. Notwithstanding the provisions of Sections 6499 and 6511, if nomination papers for an incumbent elective officer of a county are not filed by 5 o'clock p.m. on the 88th day before the direct primary election, the voters shall have until 5 o'clock p.m. on the 83rd day before the election to nominate candidates other than the incumbent for such elective office.

SEC. 2. Section 22840.5 is added to the Elections Code, to read:

22840.5. Notwithstanding the provisions of Sections 22836 and 22840, if nomination papers for an incumbent elective officer of the city are not filed by 12 o'clock noon on the 68th day before the election, the voters shall have until 12 o'clock noon on the 63rd day before the election to nominate candidates other than the incumbent for such elective office.

SEC. 3. Section 23521 is added to the Elections Code, to read:

23521. Notwithstanding the provisions of Section 23512, if nomination papers for an incumbent elective officer of a district are not filed by 5 o'clock p.m. on the 64th day before the general district

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election, the voters shall have until 5 o'clock p.m. on the 60th day before the election to nominate candidates other than the incumbent for such elective office

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CHAPTER 422

An act to amend Section 17021 of the Elections Code, relating to elections

[Approved by Governor September 10, 1973. Filed with Secretary of State September 10, 1973.]

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

SECTION 1. Section 17021 of the Elections Code is amended to read:

17021. Neither the county clerk, any member of a precinct board, nor any other person shall count any votes, either for a ballot proposition or candidate, until the close of the polls in that county. After such time, the ballots for all candidates and ballot propositions voted upon solely within the county shall be counted and the results of such balloting made public; provided, however, that the ballots for any candidate or ballot proposition also voted upon in another county or counties shall not be counted, nor the results of such balloting made public, until after all the polls in that county and such other county or counties have closed.. The provisions of this paragraph shall apply regardless of whether the counting is done by manual tabulation or by a vote tabulating device.

In any county in which a voting machine is used, there shall be no reading or observation of a count made automatically by any such machines until the close of the polls in that county. After such time, the ballots for all candidates and ballot propositions voted upon solely within the county shall be counted and the results of such balloting made public; provided, however, that the ballots for any candidate or ballot proposition also voted upon in another county or counties shall not be counted, nor the results of such balloting made public, until after all the polls in that county and such other county or counties have closed.

A violation of the provisions of this section is a misdemeanor and is punishable by a fine of no more than five hundred dollars ($500).

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CHAPTER 423

An act to add Section 450.1 to the Streets and Highways Code, relating to state highways.

[Approved by Governor September 10, 1973 Filed with Secretary of State September 10, 1973]

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

SECTION 1. Section 450.1 is added to the Streets and Highways Code, to read:

450.1. Notwithstanding Section 253.1, the California freeway and expressway system shall not include Route 150.

CHAPTER 424

An act to amend and repeal Section 15 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session), relating to the Ventura County Flood Control District.

[Approved by Governor September 10, 1973 Filed with Secretary of State September 10, 1973]

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

SECTION 1. Section 15 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session), as added by Section 1 of Chapter 531 of the Statutes of 1971, is amended to read:

Sec. 15. (1) Whenever the board of supervisors shall determine that a bonded indebtedness should be incurred to pay the cost of any work of improvement in any zone, the said board may by resolution, passed by a four-fifths vote of the board, determine and declare the amount of bonds in order to raise the amount of money necessary for such work of improvement and the maximum rate of interest of said bonds. Said work of improvement may be described by reference to the report filed pursuant to Section 10 hereof and no other description shall be necessary. Said board shall cause a copy of said resolution, duly certified by the clerk, to be filed for record in the office of the Recorder of Ventura County within five (5) days after its issuance. From and after said filing the said board shall be deemed vested with the authority to proceed with said bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the said board of supervisors may call a special election in said zone at which shall be submitted to the qualified electors of said zone the question whether or not bonds shall be issued in the amount determined in said resolution and for

the purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied upon the property taxable by said district situated within the zone, and all such taxable property shall be and remain liable to be taxed for such payments as provided in this act.

(3) Said board of supervisors shall call such special election by ordinance and not otherwise and submit to the qualified electors of said zone the proposition of incurring a bonded debt in said zone in the amount and for the purposes stated in said resolution and shall recite therein the purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to describe such purposes, by reference to the resolution adopted by said board of supervisors, and on file for particulars; and said ordinances shall also state the estimated cost of the proposed work of improvement, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed seven percent (7%) per annum. For the purposes of said election, said board of supervisors shall in said ordinance establish election precincts within the boundaries of the said zone and may form election precincts by consolidating the precincts established for general election precincts in said district to a number not exceeding six general election precincts for each such bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such precincts. As an alternative said ordinance may provide for the consolidation of said election with a statewide or other election in accordance with the provisions of the Elections Code governing consolidated elections.

In all particulars not recited in said ordinance, such election shall be held as nearly as practicable in conformity with the general election laws of the state.

Said board of supervisors shall cause a map or maps to be prepared covering general description of the work to be done, which said map shall show the location of the proposed works and improvements and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

Said ordinance calling for such election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation circulated in said zone; the last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places in said zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given.

Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds. If at such

election two-thirds (⅔) of the votes cast are in favor of incurring such bonded indebtedness, then bonds of said district zone for the amount stated in such proceedings may be issued and sold as in this act provided.

SEC. 2. Section 15 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session), as added by Section 1 5 of Chapter 531 of the Statutes of 1971, is repealed.

CHAPTER 425

An act to amend Section 23793 of the Business and Professions Code, relating to alcoholic beverages

[Approved by Governor September 10, 1973 Filed with Secretary of State September 10, 1973]

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

SECTION 1. Section 23793 of the Business and Professions Code is amended to read:

23793. No new original public premises licenses shall be issued except for beer, or beer and wine, and no public premises licenses shall be transferred from county to county, unless the applicant can show that substantial public demand cannot otherwise be satisfied.

CHAPTER 426

An act to repeal and add Section 10580 of the Health and Safety Code, relating to vital statistics.

[Approved by Governor September 10, 1973 Filed with Secretary of State September 10, 1973]

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

SECTION 1. Section 10580 of the Health and Safety Code is repealed.

SEC. 2. Section 10580 is added to the Health and Safety Code, to read·

10580. The Office of the State Registrar, upon request, may furnish the United States Public Health Service with vital statistics relating to births, deaths, marriages, and marriage dissolutions for utilization in the national vital statistics program. Such vital statistics may be furnished on a contract reimbursement or other satisfactory basis which will insure that the reimbursement shall not be less than the cost to the state nor exceed the federal government's fair share

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of the cost of the statewide vital statistics registration and reporting system.

CHAPTER 427

An act to amend Sections 29406 and 29460 of, and to add Section 29380.1 to, the Government Code, to add Section 4832.1 to the Revenue and Taxation Code, to amend Section 104.10 of the Streets and Highways Code, and to amend Section 31032.4 of the Water Code, relating to local government fiscal affairs.

[Approved by Governor September 10, 1973 Filed with Secretary of State September 10, 1973]

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

SECTION 1. Section 29460 of the Government Code is amended to read:

29460. The board of supervisors in any county in which the public administrator or guardian receives a salary in lieu of fees may, in addition to any other revolving fund, establish a revolving fund to be used by the public administrator and a revolving fund to be used by the public guardian in paying the respective fees, expenses, and charges incurred by them: (a) in securing the possession or protecting the assets of any estate, or (b) for the purpose of securing letters of administration, or letters of guardianship or conservatorship, in any estate in which the public administrator or guardian has no funds for the payment of such fees, charges, or expenses but anticipates securing sufficient assets to reimburse the county for such amounts, or (c) where accounting convenience would be served by making a single payment on behalf of several estates and funds are available for immediate reimbursement of the fund by cash transfer. When the offices of public administrator and public guardian are held by the same person, one revolving fund may be established to serve the purposes of both offices as provided herein.

SEC. 2 Section 29380.1 is added to the Government Code, to read:

29380.1. By resolution, the board of supervisors may provide that applications to have the cash difference fund replenished shall be made with the auditor of the county instead of with the board and may authorize the auditor to perform the functions of the board to replenish the cash difference fund and to transfer money in the overage fund to the county general fund prescribed in this article. In the event the board authorizes the auditor to perform such functions of the board, the auditor shall render a written report and give an account to the board of the cash difference fund and the overage fund at the end of each fiscal year and at such other times

as the board directs.

SEC. 3. Section 29406 of the Government Code is amended to read:

29406. The district attorney shall file vouchers with the auditor at the end of each fiscal year, and may file vouchers from time to time during the year, showing the disposition he has made of any money received from the special appropriation and the particular purpose for which it was spent. If at the end of the fiscal year a criminal proceeding is pending or under investigation, the vouchers as to any money spent in the proceeding or investigation need not be filed until the trial of the proceeding is ended or the investigation concluded.

SEC. 4. Section 4832.1 is added to the Revenue and Taxation Code, to read:

4832.1. If the amount of any tax or special assessment is understated on the roll by five dollars ($5) or less due to clerical error of the auditor, the amount by which such tax or special assessment is understated may be canceled by order of the board of supervisors with the approval of the county legal adviser After cancellation by the board, the amount appearing on the roll shall in each instance be deemed the correct amount of such tax or special assessment for all purposes and upon payment of such amount the tax collector shall show the tax or special assessment as paid in full. The auditor need not note the cancellation on the roll. Whenever a portion of the rate of any tax or special assessment is canceled in the manner provided by this section, written consent of any city attorney shall not be required.

SEC. 5. Section 104.10 of the Streets and Highways Code is amended to read:

104.10. The Department of Finance shall, not later than the first day of November next following the close of any fiscal year after the effective date of this section, pay the rents deposited in the Highway Properties Rental Fund to the county in which such real property is situated. The Department of Public Works shall certify to the Department of Finance the amount of such rentals attributable to each county and shall notify each county of the rental and location of each piece of rental property for which rents are deposited in the fund.

The county auditor shall distribute any payment received by the county pursuant to this section, to the county, to each revenue district for which the county assesses and collects real property taxes or assessments, and to every other taxing agency within the county in which the property is situated. The amount distributable to the county and each such revenue district or other taxing agency shall be proportionate to the ratio which the amount of the taxes and assessments of each on similar real property similarly situated within that part of the county embracing the smallest in area of the revenue districts or other taxing agencies other than the county, levied for the fiscal year next preceding, bears to the combined amount of the taxes

and assessments of all such districts and agencies, including the county, on such property levied for that year.

Any money distributed pursuant to this section to any county, revenue district or other taxing agency shall be deposited to the credit of the same fund as any taxes or assessments on any taxable similar real property similarly situated.

Where a county receives a payment pursuant to this section in an amount of twenty-five dollars ($25) or less in respect to any parcel of leased property, all of such payment shall be distributed to the county for deposit in the county general fund.

As used in this section the terms "taxing agency" and "revenue district" have the same meanings given them in the Revenue and Taxation Code.

The money received by the respective jurisdictions under this section may be expended by them for any proper state purpose not prohibited by the State Constitution.

SEC. 6. Section 31032.4 of the Water Code is amended to read:

31032.4. On or before the 10th day of August of each year following such final determination, the secretary shall file with the county auditor a copy of the report with a statement endorsed thereon over his signature that it has been finally adopted by the board and the auditor shall enter the amounts of the assessment against the respective lots or parcels of land as they appear on the current assessment roll. If a district collects taxes pursuant to Chapter 3 (commencing with Section 31730), Part 7 of this division, the secretary shall file the report with the collector.

CHAPTER 428

An act to amend Section 895 of, and to add Section 905.5 to, the Penal Code, relating to grand juries.

[Approved by Governor September 10, 1973 Filed with Secretary of State September 10, 1973]

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

SECTION 1. Section 895 of the Penal Code is amended to read:

895. During January in each year the superior court of each county shall make an order designating the estimated number of grand jurors that will, in the opinion of the court, be required for the transaction of the business of the court during the ensuing fiscal year as provided in Section 905.5.

SEC. 2. Section 905.5 is added to the Penal Code, to read:

905.5. The grand jury shall be impaneled and serve during the fiscal year of the county.

SEC. 3. Any grand jury impaneled on the effective date of this act shall serve until June 30, 1974. Notwithstanding any other provision

of law, in any county in which the grand jury was not, prior to the effective date of this act, impaneled at the beginning of the fiscal year to serve during such fiscal year, the superior court of such county may select as members of the grand jury for the fiscal year commencing July 1, 1974, those persons who served as such jurors immediately prior to such date.

CHAPTER 429

An act to amend Sections 186 and 188.3 of the Streets and Highways Code, relating to the maintenance of state highways and toll bridges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 10, 1973 Filed with Secretary of State September 10, 1973]

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

SECTION 1. Section 186 of the Streets and Highways Code is amended to read:

186. For general administration and for maintenance, the department and the commission shall be limited in expenditures, out of the money available each year in the State Highway Account in the State Transportation Fund, to an amount not exceeding the net revenue derived from one and one-eighth cents ($0 01125) per gallon tax on motor vehicle fuel under Part 2 (commencing with Section 2301), 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, and during the 1973–74 fiscal year the limit on such expenditures shall not exceed the net revenues derived from one and three-eighths cents ($0.01375) 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 2. Section 188.3 of the Streets and Highways Code is amended to read:

188.3. Notwithstanding Section 186, the cost of maintenance of all landscaping and functional planting on state highways by the department and the cost of maintenance of all toll bridges under the jurisdiction of the California Toll Bridge Authority shall be paid out

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of money in the State Highway Account in the State Transportation Fund available for the construction of state highways, prior to the allocation of money between county groups under Section 188, provided that expenditures for the maintenance of landscaping and functional planting shall be limited to nineteen million dollars ($19,000,000) annually.

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 sufficient funds be available to the Department of Transportation during the 1973–74 fiscal year to maintain the state highway system in a safe and adequate fashion, it is necessary that this act take effect immediately.

CHAPTER 430

An act to add Section 24335.5 to the Health and Safety Code, relating to air pollution.

[Approved by Governor September 10, 1973 Filed with Secretary of State September 10, 1973]

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

SECTION 1. Section 24335.5 is added to the Health and Safety Code, to read:

24335.5. Each member of the board of a unified air pollution control district shall, upon the adoption of a resolution by the board, receive the actual and necessary expenses incurred by him in the performance of his duties, plus a compensation of fifty dollars ($50) for each day attending the meetings of the board, but such compensation shall not exceed one thousand two hundred dollars ($1,200) in any one year.

CHAPTER 431

An act to amend Section 7514 of the Business and Professions Code, relating to private investigators and adjusters.

[Approved by Governor September 10, 1973 Filed with Secretary of State September 10, 1973]

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

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SECTION 1. Section 7514 of the Business and Professions Code is amended to read:

7514. The director may adopt and enforce reasonable rules:

(a) Classifying licensees according to the type of business regulated by this chapter in which they are engaged, including but not limited to private investigators, private patrol operators, insurance adjusters, and repossessors, and limiting the field and scope of the operations of a licensee to those in which he is classified and qualified to engage.

(b) Fixing the qualifications of licensees and managers, in addition to those prescribed in this chapter, necessary to promote and protect the public welfare.

(c) Carrying out generally the provisions of this chapter, including regulation of the conduct of licensees.

(d) For a change in the classification of a licensee, or in the type of business organization upon application therefor by a licensee, and to prescribe the fee, if any, to be paid.

(e) Establishing the qualifications which a uniformed employee of a licensee who operates a private patrol must meet as a condition of becoming eligible to carry firearms pursuant to Section 12031.5 of the Penal Code.

(f) Requiring each uniformed employee of a private patrol operator, as defined in this chapter, to be registered with the bureau upon application on a form prescribed by the director accompanied by the registration fee and by two classifiable sets of fingerprints of the applicant; establishing the term of the registration for a period of not less than two nor more than four years; and providing for the renewal thereof upon proper application and payment of the renewal fee. The director may, after opportunity for hearing, refuse such registration to any person who lacks good moral character, and may impose such reasonable additional requirements as are necessary to meet local needs and are not inconsistent with the provisions of this chapter.

(g) Establishing procedures whereby the local authorities of any city, county, or city and county may file charges with the director alleging that any uniformed employee of a private patrol operator who has registered, or is an applicant for registration, with the bureau fails to meet standards for registration, and providing further for the investigation of such charges.

(h) Requiring private patrol operators to maintain detailed records identifying all firearms in their possession or under their control, and the employees or persons authorized to carry or have access to such firearms.

(i) Establishing the qualifications which a uniformed employee of a licensee who operates a private patrol must meet as a condition of handling guard dogs.

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CHAPTER 432

An act to amend Sections 1122 and 1128 of the Education Code, relating to governing boards of school districts

[Approved by Governor September 10, 1973 Filed with Secretary of State September 10, 1973]

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

SECTION 1. Section 1122 of the Education Code is amended to read:

1122. Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district the county committee on school district organization shall have the power to establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas and increase to seven or decrease to five the number of members of the governing board, or to adopt one of the alternative methods of electing governing board members specified in Section 1128.

Any such proposal may be initiated by the county committee or made to the county committee by a petition signed by at least five qualified electors residing in the district, or by resolution of the governing board of the district.

When any such proposal is made the county committee shall call and conduct a hearing in the district on the matter. At the conclusion of the hearing, the county committee shall approve or disapprove the proposal.

SEC. 2. Section 1128 of the Education Code is amended to read:

1128. Except as provided in Sections 1126 and 1127, in any school district having trustee areas, the county committee on school district organization may, pursuant to Section 1122 at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire school district.

(b) That the member or members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district, but reside in the trustee area which he represents.

The recommendation shall provide that any affected incumbent member shall serve out his term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.

Whenever the trustee areas are established or rearranged in a district, provision shall be made for one of the alternative methods of electing governing board members.

In counties with a population of less than 25,000, the county committee on school district organization or the county board of

education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.

CHAPTER 433

An act to amend Section 6726 of the Food and Agricultural Code, relating to nursery stock.

[Approved by Governor September 10, 1973 Filed with Secretary of State September 10, 1973]

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

SECTION 1. Section 6726 of the Food and Agricultural Code is amended to read:

6726. Except as otherwise provided in Section 6727, the application for renewal of a license shall be accompanied by the following sums:

(a) If no part of the minimum license fee has been paid, a sum which is equal to the minimum license fee and a restoration fee in an amount that is equal to the minimum license fee.

(b) If a part of the minimum license fee has been paid, an amount which is a sum equal to any portion of the minimum license fee which is unpaid on the 11th day of July and a restoration fee in an amount which is equal to the unpaid portion of the minimum license fee.

CHAPTER 434

An act to amend Section 17199 of the Education Code, relating to the California School Accounting Manual.

[Approved by Governor September 10, 1973 Filed with Secretary of State September 10, 1973]

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

SECTION 1. Section 17199 of the Education Code is amended to read:

17199. The accounting system used to record the financial affairs of any school district shall be in accordance with the definitions, instructions, and procedures published in the California School Accounting Manual as approved by the State Board of Education and

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furnished by the Superintendent of Public Instruction. No accounting manual so approved shall expressly or by implication affect the content of any educational program or objective, except as otherwise specifically provided for by this code. The Legislature hereby finds that such content shall be best determined by those involved in the administration of educational programs, including school district governing boards, local administrators, teachers, students, and parents.

CHAPTER 435

An act to add Section 846.5 to the Civil Code, relating to land surveyors.

[Approved by Governor September 10, 1973 Filed with Secretary of State September 10, 1973]

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

SECTION 1. Section 846.5 is added to the Civil Code, to read:

846.5. (a) Right of entry to investigate and utilize boundary evidence is a right of surveyors legally authorized to practice land surveying and it shall be the responsibility of the owner or tenant who controls property to provide reasonable access without undue delay for making surveys with respect to property affected by the monuments or control stations of record needed.

(b) The requirements of subdivision (a) do not apply to monuments within access-controlled portions of freeways.

(c) When required for a property survey, monuments within a freeway right-of-way shall be referenced to usable points outside the access control line by the agency having jurisdiction over the freeway when requested in writing by the registered civil engineer or licensed land surveyor who is to perform the property survey. The work shall be done within a reasonable time period by the agency in direct cooperation with the engineer or surveyor and at no charge to him.

CHAPTER 436

An act to repeal Section 16372 of the Vehicle Code, relating to bankruptcy.

[Approved by Governor September 10, 1973 Filed with Secretary of State September 10, 1973]

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

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SECTION 1. Section 16372 of the Vehicle Code is repealed.

CHAPTER 437

An act to amend Section 28694.5 of the Health and Safety Code, relating to restaurants.

[Approved by Governor September 10, 1973 Filed with Secretary of State September 10, 1973]

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

SECTION 1. Section 28694.5 of the Health and Safety Code is amended to read:

28694.5. (a) The State Department of Health shall adopt rules and regulations prescribing such additional requirements for commissaries and mobile units upon which food is prepared and for the administration of Articles 2 (commencing with Section 28540) and 3 (commencing with Section 28590) of this chapter as it determines are reasonably necessary for the protection of the public health and safety. Any violation of such rules and regulations is a violation of this chapter.

(b) Except as otherwise provided in this subdivision, no rule or regulation adopted pursuant to subdivision (a) shall be applicable, within any state park depicting or reproducing historical conditions or usages, to any mobile unit which is, or which depicts or represents, any wagon, cart, or other drawn device that is of the historical period during which such conditions or usages occurred. The exemption contained in this subdivision shall not be applicable to mobile units serving, offering for sale, selling, or giving away foods or beverages which are not packaged in sealed containers or which are not foods or beverages which have been approved for unpackaged sale from such mobile units by the state department as consistent with public health and safety.

CHAPTER 438

An act to amend Section 31304 of the Water Code, relating to county water districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 10, 1973 Filed with Secretary of State September 10, 1973]

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

SECTION 1. Section 31304 of the Water Code is amended to read:

31304. The district, or the district on behalf of an improvement district thereof, may issue negotiable promissory notes which shall be general obligations of the district or the improvement district, as the case may be, payable from taxes, revenues, and other available funds in the same manner as general obligation bonds. The notes shall bear interest at a rate not exceeding 7 percent per annum and shall mature and be payable not later than five years from the date of issue. The balance of such notes unpaid shall not at any one time exceed 2 percent of the assessed valuation of the taxable property in the district or the improvement district, as the case may be, or, if said assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the district, or the improvement district, as evidenced by his certificate. No district shall borrow, pursuant to this section, for purposes other than flood control, in excess of one million dollars ($1,000,000); provided, however, that any district with an assessed valuation in excess of one hundred million dollars ($100,000,000) may borrow, pursuant to this section, for purposes other than flood control, an amount not exceeding 1 percent of the assessed valuation of all taxable property within the district. The balance of such notes unpaid at any time shall not result in a proportionate obligation on any parcel of land within the district in excess of 2 percent of the assessed valuation of that parcel.

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

A number of county water districts must immediately undertake enlargement and improvement of their water storage, treatment, and distribution systems to meet present demands for water in their respective territories and to prevent pollution of the waters of the state by removing sludge deposits from their treatment plants. In order to finance these improvements by short-term borrowing on promissory notes, it is necessary that this act go into immediate effect.

CHAPTER 439

An act to amend Sections 8211 and 8214.1 of the Government Code, relating to notaries public.

[Approved by Governor September 10, 1973. Filed with Secretary of State September 10, 1973.]

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

SECTION 1. Section 8211 of the Government Code is amended to read:

8211. The fees of a notary public are set forth in this section and in Sections 8211.5 and 8211.8. The fee of a notary public for taking an acknowledgment or proof of a deed, or other instrument, to include the seal and the writing of the certificate, is, for the first two signatures, two dollars ($2) each, and for each additional signature, one dollar ($1). The fee of a notary public for administering an oath or affirmation to one person and executing the jurat, including the seal, is two dollars ($2). The fee of a notary public, exclusive of signature verification, shall not exceed ten dollars ($10) per individual for each set of forms relating to a change of that individual's immigration status. This fee limitation shall apply whether the notary is acting in his capacity as a notary or not but shall not apply to an attorney, who is also a notary public, who is rendering professional services regarding immigration matters.

SEC. 2. Section 8214.1 of the Government Code is amended to read:

8214.1. The Secretary of State may refuse to appoint any person as notary public upon any of the grounds set forth in subdivisions (a) through (d) hereof, and the Secretary of State may revoke or suspend the commission of any notary public upon any of the grounds set forth in subdivisions (b) through (i) hereof:

(a) Failure to meet the good moral character requirement set forth in subdivision (d) of Section 8201.

(b) Substantial and material misstatement or omission in the application submitted to the Secretary of State.

(c) Conviction of a felony or of a lesser offense involving moral turpitude or of a nature incompatible with the duties of a notary public.

(d) Revocation or suspension of a professional license, if such revocation or suspension was for misconduct or dishonesty.

(e) Failure to fully and faithfully discharge any of the duties required of him by this chapter.

(f) When adjudged liable for damages in any suit grounded in fraud, misrepresentation or violation of the state regulatory laws or in any suit based upon his failure to discharge fully and faithfully his duties as a notary public.

(g) The use of false or misleading advertising wherein he has represented that he has duties, rights or privileges that he does not possess by law.

(h) The practice of law in violation of Section 6125 of the Business and Professions Code.

(i) Charging an individual more than the ten-dollar ($10) fee provided for assisting with each set of forms relating to change in that individual's immigration status.

If there is a revocation or suspension of a commission pursuant to this section, or a denial of a commission, the person affected shall have the right to a hearing on the matter and such proceeding shall

be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 440

An act to amend Section 27491 of the Government Code, relating to coroners.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 27491 of the Government Code is amended to read:

27491. It shall be the duty of the coroner to inquire into and determine the circumstances, manner, and cause of all violent, sudden or unusual deaths; unattended deaths; deaths wherein the deceased has not been attended by a physician in the 20 days before death; deaths related to or following known or suspected self-induced or criminal abortion; known or suspected homicide, suicide, or accidental poisoning, deaths known or suspected as resulting in whole or in part from or related to accident or injury either old or recent; deaths due to drowning, fire, hanging, gunshot, stabbing, cutting, exposure, starvation, alcoholism, drug addiction, strangulation, or aspiration; death in whole or in part occasioned by criminal means; deaths associated with a known or alleged rape or crime against nature; deaths in prison or while under sentence; deaths known or suspected as due to contagious disease and constituting a public hazard; deaths from occupational diseases or occupational hazards; deaths under such circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another, or any deaths reported by physicians or other persons having knowledge of death for inquiry by coroner. Inquiry in this section does not include those investigative functions usually performed by other law enforcement agencies.

In any case in which the coroner conducts an inquiry pursuant to this section, he shall personally sign the certificate of death.

SEC. 2. There are no state-mandated local costs that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 441

An act to add Section 25131 to the Government Code, relating to counties.

[Approved by Governor September 11, 1973. Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 25131 is added to the Government Code, to read:

25131. Ordinances shall not be passed within five days of their introduction, nor at other than a regular meeting or at an adjourned regular meeting. However, an urgency ordinance may be passed immediately upon introduction and either at a regular or special meeting. Except when, after reading the title, further reading is waived by regular motion adopted by unanimous vote of the supervisors present, all ordinances shall be read in full either at the time of introduction or passage When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular or at an adjourned regular meeting held at least five days after alteration. Corrections of typographical or clerical errors are not alterations within the meaning of this section.

CHAPTER 442

An act to amend Section 31295.5 of, and to add Section 31296.4 to, the Education Code, relating to occupational education and training grant program.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 31295.5 of the Education Code is amended to read:

31295.5. There shall be available 500 new grants in each of the fiscal years of 1973–1974, 1974–1975, 1975–1976, and 1976–1977 and the recipients of such grants shall be eligible for renewal of their grants until they have completed their occupational or technical training in conformance with terms prescribed by the commission. In no case shall such grants exceed two calendar years, nor be awarded for a course of training of less than six weeks duration.

A grant shall be deemed vacated if the recipient does not begin the course of training within six months after the grant is awarded.

SEC. 2. Section 31296.4 is added to the Education Code, to read:

31296.4. This chapter shall be known and may be cited as the "Bill

Greene Occupational Training Scholarship Act."

CHAPTER 443

An act to amend Section 5523 of, and to add Section 5524 to, the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 5523 of the Revenue and Taxation Code, as amended by Chapter 665 of the Statutes of the 1972 Regular Session of the Legislature, is amended to read:

5523. The tax computed in accordance with Section 5522 shall be reduced by the same percentage as is exempted with respect to the assessed values of business inventories pursuant to Section 219 of this code; except, that no such reduction shall be made on any tax determined to be due following an audit conducted pursuant to Section 5566.

SEC. 2. Section 5524 is added to the Revenue and Taxation Code, to read:

5524. Notwithstanding any other provision of this part, if, in a reporting period, the number of head-days attributable to an owner's bovine and ovine animals in any county would produce a tax liability of less than ten dollars ($10) if they were to be taxed in such county, such number of head-days shall be excluded from the computation of the owner's tax liability, and no tax shall be imposed thereon under the provisions of this chapter or under ad valorem tax laws, provided the owner files a report with the tax collector of this county, or another county in which he has incurred a tax liability, within the time specified by Section 5582 and in such report shows that the number of head-days in this county are insufficient to produce a tax liability of ten dollars ($10) after any deduction authorized by Section 5523.

CHAPTER 444

An act to amend Sections 311 and 321 of the Elections Code, relating to elections.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 311 of the Elections Code is amended to read:

311. At the time of registering and of transferring registration, each elector may declare the name of the political party with which he intends to affiliate at the ensuing primary election. The name of that political party shall be stated in the affidavit of registration and the index.

If the elector declines to state his political affiliation, he shall be registered as "Nonpartisan" or "Declines to state," as he chooses. If the elector declines to state his political affiliation, he shall be informed that no person shall be entitled to vote the ballot of any political party at any primary election unless he has stated the name of the party with which he intends to affiliate at the time of registration. He shall not be permitted to vote the ballot of any party or for delegates to the convention of any party other than the party designated in his registration.

SEC. 2. Section 321 of the Elections Code, as amended by Chapter 1053 of the Statutes of 1972, is amended to read:

321. Subject to the provisions of this chapter, the body of the affidavit of registration shall be substantially in the following form:

For transfer or change of name	I am registered under the name of _____ in _____ Assembly District, _____ Precinct in said county and request that said registration be canceled.

AFFIDAVIT OF REGISTRATION

State of California } ss.
County of (_____) }

The undersigned affiant, being duly sworn, says. I am a citizen of the United States, and a resident of the state, of the county, of the precinct, and will be at least 18 years of age at the next succeeding election.

1. I am not now registered as a voter in this state. (If now registered in this county under this or another name, mark out word "not" and fill out transfer clause at top. If now registered in another county, mark out word "not" and execute a separate affidavit of cancellation before registering.)

2. My full name is _____ (including Christian or given name, and middle name or initial and in case of women, the prefix Miss or Mrs.).

3 My residence is _____ between _____ and _____ Streets, _____ floor, Room ____, and my residence telephone number is _____. (If telephone number is not given, write or stamp "None" or "Declines to state" as appropriate)

4. My occupation is _____.
5. My height is ____ feet ____ inches.
6 I was born in _____.
(State or country)
7. I acquired citizenship by (underline method of acquiring citizenship):
a. Decree of court.
b. Father's naturalization. Mother's naturalization.
c. Citizenship of father.
d. Marriage to a citizen.
e. Naturalization of my husband
f. Act of Congress.
g. Treaty.
Where { city / state } _____
My { father's / husband's / mother's } name is (was) _____
(To be filled out when citizenship depends on citizenship or naturalization of parent or husband)
8. I can _____ read the Constitution in the English language; I can _____ write my name; I am entitled to vote by reason of having been on October 10, 1911, an elector.
I can _____ mark my ballot by reason of _____ (State physical disability, if any.)
9. I intend to affiliate at the ensuing primary election with the _____ Party. (If affiliation is not given, write or stamp "Nonpartisan" or "Declines to state," as registrant chooses. If party affiliation is not given, inform the registrant that he will be ineligible to vote in party primaries to nominate candidates for partisan office.)
10. I have not been convicted of a felony which disqualifies me from voting. (Not all felony convictions will disqualify you from voting.)
11. My social security number is _____ (may be omitted).

_____
(Affiant sign here.)
Residence _____
Subscribed and sworn to before me this _____ day of _____, 19__.

_____
County Clerk.
By _____
Deputy County Clerk.

Assembly District _____
Post office address is _____ Precinct _____
Rural Route No. _____ Box No _____

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CHAPTER 445

An act to add Section 20606 to the Government Code, relating to Public Employees' Retirement System.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 20606 is added to the Government Code, to read:

20606. For each state safety member defined in subdivision (b) of Section 20017.75 and whose current and prior service pensions will be computed pursuant to Section 21252.9, effective on the operative date of this section, the normal rate of contribution shall be 9 percent. The Legislature reserves the right to increase the rate of contribution as it may find appropriate from time to time. No adjustment shall be included in rates adopted under this section as the result of amendments hereto, changing the time at which members may retire or the benefits members will receive, because of time during which members have contributed at different rates prior to such adoption.

CHAPTER 446

An act to amend Sections 6305 and 42654 of the Food and Agricultural Code, relating to pest control.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 6305 of the Food and Agricultural Code is amended to read:

6305. It is unlawful for any person to willfully import into, or ship or transport within, the state any live insect or any pest as such, unless the shipment or transportation and subsequent use and handling is authorized prior to shipment under written permit and the regulations of the director or the United States Department of Agriculture, except the following:

(a) Honey bees of the species of Apis mellifera.

(b) Weeds for the purpose of identification.

(c) Beneficial or useful insects of common occurrence in the state.

(d) Insects or other organisms of public health or animal health interest, which are not plant pests, when imported, shipped, or transported by any governmental public health agency.

Any shipment which is not authorized by this section shall be

immediately destroyed unless it is determined by the inspecting officer that the nature of the contents of the shipment is such that no damage can be caused to agriculture in this state through its shipment out of the state or return of the shipment to the point of origin. In such case, the shipment out of the state or the return of the shipment to point of origin shall be allowed at the expense of the owner or bailee of the shipment within the time which is specified by the inspecting officer.

SEC. 2. Section 42654 of the Food and Agricultural Code is amended to read:

42654. The director may maintain state inspection stations at such places as he deems necessary for the purpose of enforcing the standardization provisions of this code.

CHAPTER 447

An act to amend Section 377 of, and to add Section 377.1 to, the Streets and Highways Code, relating to state highways.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 377 of the Streets and Highways Code is amended to read:

377. Route 77 is from:

(a) Route 17 near 42nd Avenue to a connection with Route 580 near High Street in Oakland.

(b) Route 580 in Oakland to Route 24 near Lafayette.

SEC. 2. Section 377.1 is added to the Streets and Highways Code, to read:

377.1. Notwithstanding Section 253.4, the California freeway and expressway system shall not include the portion of Route 77 from Route 24 near Lafayette to Route 242 near Concord deleted from the state highway system by the act adding this section.

CHAPTER 448

An act to add Section 20081.2 to the Education Code, relating to community college construction.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 20081.2 is added to the Education Code, to read:

20081.2. Community college districts which become eligible under the provisions of Section 20081.1 shall remain eligible beyond the termination date specified in Section 20081.1 until the district has received a combination of state and district funds in the amount of two hundred fifty-three dollars ($253) per weekly student contact hour. The number of weekly student contact hours used for the purpose of this section shall be the number used in computing the district relative district ability factor pursuant to Section 20081.1.

CHAPTER 449

An act to add Section 1727 to the Welfare and Institutions Code, relating to the Youth Authority.

[Approved by Governor September 11, 1973. Filed with Secretary of State September 11, 1973.]

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

SECTION 1. Section 1727 is added to the Welfare and Institutions Code, to read:

1727. From funds available for the support of the Youth Authority, the director may reimburse persons employed by the authority and certified as radiologic technologists pursuant to Chapter 7.4 (commencing with Section 25660) of Division 20 of the Health and Safety Code for the fees incurred both in connection with the obtaining of such certification since July 1, 1971, and with regard to the renewal thereof.

CHAPTER 450

An act to amend Section 895 of the Education Code, relating to special education.

[Approved by Governor September 11, 1973. Filed with Secretary of State September 11, 1973.]

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

SECTION 1. 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

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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.

A county superintendent of schools may enter into an agreement by which a public school in a state adjacent to the county will provide the education required under this subdivision. Attendance resulting from such an agreement shall be reported by the county superintendent of schools to the Superintendent of Public Instruction who shall allow the county superintendent the same amount per unit of average daily attendance as set forth in Section 17656 or Section 17665 and in Section 18102.2. The school district in which a pupil being educated pursuant to such an agreement resides shall make the payments required by Section 885.5. Any costs of the agreement in excess of the computed allowances and the payments made by the school district shall be included in the amount to be raised by a county tax pursuant to Section 895.6.

(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.

CHAPTER 451

An act to amend Sections 28071 and 34710 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973.]

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

SECTION 1. Section 28071 of the Vehicle Code is amended to read:

28071. Every passenger vehicle registered in this state shall be equipped with a front bumper and with a rear bumper. As used in this section, "bumper" means any device designed and intended by a manufacturer to prevent the front or rear of the body of the vehicle from coming into contact with any other motor vehicle. This section shall not apply to any passenger vehicle that is required to be equipped with an energy absorption system pursuant to either state or federal law, or to any passenger vehicle which was not equipped with a front or rear bumper, or both, at the time that it was first sold and registered under the laws of this or any other state or foreign jurisdiction.

SEC. 2 Section 34710 of the Vehicle Code is amended to read:

34710. As used in this division, "passenger vehicle" means any motor vehicle defined in Section 465, except any of the following motor vehicles:

(a) Motorcycles.

(b) Housecars.

(c) Specially constructed vehicles.

(d) Motor vehicles equipped with four-wheel drive.

(e) Motor vehicles constructed on a truck chassis.

(f) Motor vehicles operated for hire, compensation, or profit.

(g) Makes of motor vehicles of a model year manufactured or sold in California in quantities of less than 2,000 units for each such model year.

(h) Motor vehicles designed and constructed by the manufacturer of such vehicles, for off-highway use, as determined by the Department of Motor Vehicles.

(i) Any motor vehicle manufactured prior to 1933 which did not include a bumper or bumpers as part of its original equipment.

CHAPTER 452

An act to amend Section 2416 of the Vehicle Code, relating to vehicles

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 2416 of the Vehicle Code is amended to read:

2416. (a) The Commissioner of the California Highway Patrol may issue authorized emergency vehicle permits only for the following vehicles, and then only upon a finding in each case that the vehicle is used in responding to emergency calls for fire or law enforcement or for the immediate preservation of life or property or

for the apprehension of law violators:

(1) Any vehicle maintained in whole or in part by the state, a county or a city and privately owned and operated by a constable, deputy constable, or person who is a member of, and who receives salary from, and is regularly employed by, a police department or sheriff's department, provided the state, county or city does not furnish to such person a publicly owned authorized emergency vehicle.

(2) An emergency repair vehicle of a utility or public utility.

(3) Firefighting equipment designed and operated exclusively as such.

(4) Any vehicle operated by the chief, assistant chief, or one other uniformed person designated by the chief of a fire department organized as provided in the Health and Safety Code or the Government Code or pursuant to special act of the Legislature.

(5) Any vehicle of an air pollution control district used to enforce provisions of law relating to air pollution from motor vehicles.

(6) Any vehicle operated by the chief of any fire department established on any base of the armed forces of the United States.

(7) Vehicles used for law enforcement work by a peace officer of the state park system appointed pursuant to Section 5008 of the Public Resources Code.

(b) Privately owned ambulances may be operated as emergency vehicles only under a license issued in accordance with the provisions of Chapter 2.5 (commencing with Section 2500) of this division.

CHAPTER 453

An act to amend Section 23021 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 23021 of the Business and Professions Code is amended to read:

23021. "Wholesaler" means every person other than a manufacturer, winegrower or rectifier who is engaged in business as a jobber or wholesale merchant, dealing in alcoholic beverages, in an area within or without the state other than a territory or possession of the United States.

CHAPTER 454

An act to amend Section 3121 of the Government Code, relating to insurance.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 3121 of the Government Code is amended to read:

3121. Any local agency may, subject to rules and regulations promulgated by the legislative body thereof, insure its officers, directors, deputies, assistants, employees and agents for injury or death incurred while traveling on the business of the agency and the cost of such insurance shall be a proper charge against the local agency. Proceeds of such a policy shall be payable to a beneficiary named by the person insured or, if none is named, to his estate

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CHAPTER 455

An act to add Section 21382.1 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 21382.1 is added to the Government Code, to read:

21382.1. Upon remarriage, the surviving wife or surviving husband of a member on account of whom an allowance is payable pursuant to Section 21382 shall not be required to become the guardian of surviving unmarried children under 18 years of age, other than stepchildren, in order to be paid the benefits prescribed by Section 21382 for such children.

CHAPTER 456

An act to amend Sections 997, 10163.5, 10482, 10489.1, 10489.2, and 10489.7 of the Insurance Code, relating to insurance.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

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SECTION 1 Section 997 of the Insurance Code is amended to read:

997 (a) For statement purposes as defined in Article 10 (commencing with Section 900) of this chapter, for insolvency calculations as defined in Article 13 (commencing with Section 980) of this chapter, and for the valuation of the liabilities of insurers for all other purposes, every admitted insurer shall maintain an active life reserve which shall place a sound value on its liabilities under all disability policies and which shall not be less than the reserve according to the standards set forth in regulations issued by the commissioner and, in no event, less in the aggregate than the pro rata gross unearned premium reserve for such policies. The promulgation of such regulations by the commissioner or any changes or amendments thereof shall be in accordance with the procedure provided in Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of the Government Code.

Subdivisions (b), (c) and (d) of this section shall control the amounts of reserves and liabilities, other than for specific claim losses, upon all individual disability policies until the effective date of regulations issued by the commissioner as provided in the next preceding paragraph. Such regulations, in lieu of subdivisions (b), (c) and (d) of this section, shall control the amounts of such reserves and liabilities during the time such regulations continue in force. In the event such regulations shall cease to be in effect, such reserves and liabilities again shall be controlled by subdivisions (b), (c) and (d) of this section during the time no such regulations shall be in force.

(b) Every admitted insurer which issues one or more of the following three types of individual disability policies shall maintain a reserve not less than the minimum reserve required under the provisions of this subdivision (b):

(1) Policies which are guaranteed renewable for life or to a specified age at guaranteed premium rates.

(2) Policies which are guaranteed renewable for life or to a specified age but under which the insurer has reserved the right to change the scale of premiums.

(3) Policies, other than those described in paragraph (1) of subdivision (c), in which the insurer has reserved the right to cancel or to refuse renewal for one or more reasons, but has agreed implicitly or explicitly that, prior to a specified time or age, it will not cancel or decline renewal solely because of deterioration of health after issue.

During the period within which the renewability of the policy is guaranteed or the insurer's right to cancel the policy or to refuse renewal thereof is limited, the minimum reserve shall be an amount computed on the basis of two-year preliminary term tabular mean reserves employing the following assumptions:

Mortality: 1958 Commissioners Standard Ordinary Table or 1941 Commissioners Standard Ordinary Table or American Men Ultimate Table.

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Interest: 3½ percent except that 4 percent may be used for policies issued on and after the effective date of the amendments to this section enacted at the 1973–74 Regular Session and prior to January 1, 1986.

Morbidity or other contingency.

Disability Due to Accident and Sickness—Conference Modification of Class (3) Disability Table (1926).

Hospital Expense Benefits Due to Accident and Sickness—1956 Inter-Company Hospital Table.

Surgical Expense Benefits Due to Accident and Sickness—1956 Inter-Company Surgical Table.

For other benefits not specified above, each company shall establish reserves that place a sound value on the liabilities under such benefit.

Such mean reserves shall be diminished or offset by appropriate credit for the valuation net deferred premiums. In no event, however, shall the aggregate reserves for all policies valued on the mean reserve basis, diminished by any credit for deferred premiums, be less than the gross pro rata unearned premiums under such policies.

Negative reserves for any benefit may be offset against positive reserves for other benefits in the same individual or family policy, but if all benefits of such policy collectively develop a negative reserve, credit shall not be taken for such amount.

(c) Every admitted insurer which issues one or more of the following types of individual disability policies shall maintain the minimum unearned premium reserve required under the provisions of this subdivision:

(1) Selected group disability policies issued under or subject to an agreement that, except for stated reasons, the insurer will not cancel or refuse to renew the coverage of individual insureds prior to a specified age unless all coverage under the same group is terminated.

(2) Any type of individual disability policy not included in one of the three types described in subdivision (b) and not included in paragraph (1) of this subdivision.

The minimum unearned premium reserve shall be the pro rata unearned portion of gross premiums in force and, subject to the limitations contained in Sections 922.2 to 922.8, inclusive, shall be reduced by premiums paid or credited for risks reinsured in solvent insurers.

(d) Provided the reserve on all policies to which the method or basis is applied is not less in the aggregate than the required amount determined according to the applicable standards specified in subdivisions (b) and (c), an insurer may use any reasonable assumptions as to the interest rate, mortality rates or the rates of morbidity or other contingency, and may introduce an assumption as to the voluntary termination of policies. Also, subject to the preceding conditions, the insurer may employ methods other than

the methods stated in subdivisons (b) and (c) in determining a sound value of its liabilities under such policies, including but not limited to the following: (1) the use of midterminal reserves in addition to either the gross pro rata unearned premium reserves described in subdivision (c) or the net pro rata unearned premium reserve; (2) optional use of either the level premium, the one-year preliminary term or the two-year preliminary term method; (3) prospective valuation on the basis of actual gross premiums with reasonable allowance for future expense; (4) the use of approximations such as those involving age groupings, groupings of several years of issue, average amounts of indemnity; (5) the computation of the reserve for one policy benefit as a percentage of, or by other relation to, the aggregate policy reserves, exclusive of the benefit or benefits so valued; (6) the use of a composite annual claim cost for all or any combination of the benefits included in the policies valued.

For statement purposes the net reserve liability for active lives may be shown as the mean reserve with offsetting asset items for net unpaid and deferred premiums or it may be shown as the excess of the mean reserve over the amount of net unpaid and deferred premiums, or, regardless of the underlying method of calculation, it may be divided between the gross pro rata unearned premium reserve and a balancing item for the "additional reserve."

SEC. 2. Section 10163.5 of the Insurance Code is amended to read:

10163.5. (a) In the case of ordinary policies issued on or after the operative date of this subdivision as defined herein, all adjusted premiums and present values referred to in this article shall be calculated on the basis of the Commissioners 1958 Standard Ordinary Mortality Table and the rate of interest, not exceeding 3½ percent per annum except that 4 percent may be used for all policies issued from January 1, 1970, through December 31, 1985, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits; provided, that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than three years younger than the actual age of the insured; provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1958 Extended Term Insurance Table; provided further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the commissioner.

On or after January 1, 1961, any company may file with the commissioner a written notice of its election to comply with the provisions of this subdivision after a specified date before January 1, 1966. After the filing of such notice, then upon such specified date

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(which shall be the operative date of this subdivision for such company), this subdivision shall become operative with respect to the ordinary policies thereafter issued by such company. If a company makes no such election, the operative date of this subdivision for such company shall be January 1, 1966.

(b) In the case of industrial policies issued on or after the operative date of this subdivision as defined herein, all adjusted premiums and present values referred to in this article shall be calculated on the basis of the Commissioners 1961 Standard Industrial Mortality Table and the rate of interest, not exceeding 3½ percent per annum except that 4 percent may be used for all policies issued from January 1, 1970, through December 31, 1985, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits. Provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1961 Industrial Extended Term Insurance Table. Provided, further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the commissioner.

After September 20, 1963, any company may file with the commissioner a written notice of its election to comply with the provisions of this subdivision after a specified date before January 1, 1968. After the filing of such notice, then upon such specified date (which shall be the operative date of this subdivision for such company), this subdivision shall become operative with respect to the industrial policies thereafter issued by such company. If a company makes no such election, the operative date of this subdivision for such company shall be January 1, 1968.

SEC. 3. Section 10482 of the Insurance Code is amended to read:

10482. Except as provided in Sections 10484 and 10485, and except as provided in Section 10489.7 for benefits purchased under group annuity and pure endowment contracts subject to this article, valuations of life policies must be based on the standards set forth in Section 986.

SEC. 4. Section 10489.1 of the Insurance Code is amended to read:

10489.1 This article and Sections 10479, 10480, 10481, 10483, 10484, 10486 and 10489 shall apply to the valuation of policies and contracts issued on or after the operative date as to such policies or contracts of Article 3a (commencing with Section 10159.1), Chapter 1, Part 2, Division 2, and shall also apply as provided in Section 10489.7 to the valuation of benefits purchased under group annuity and pure endowment contracts issued prior to such operative date.

SEC. 5 Section 10489.2 of the Insurance Code is amended to read:

10489.2. Except as otherwise provided in Section 10489.7, the

minimum standard for the valuation of all such policies and contracts shall be the commissioners reserve valuation method defined in Section 10489.3, 3½ percent interest except that the interest specified in subdivisions (c) and (d) of this section may be used for certain annuity and pure endowment contracts and 4 percent may be used for all policies issued and contracts entered into from January 1, 1970, through December 31, 1985, and the following tables:

(a) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies—The Commissioners 1941 Standard Ordinary Mortality Table for such policies issued prior to the operative date of subdivision (a) of Section 10163.5, and the Commissioners 1958 Standard Ordinary Mortality Table for such policies issued on or after such operative date; provided, however, that for any category of such policies issued on female risks modified net premiums and present values, referred to in Section 10489.3, may be calculated, at the option of the insurer, according to an age not more than three years younger than the actual age of the insured.

(b) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies—the 1941 Standard Industrial Mortality Table for such policies issued prior to the operative date of subdivision (b) of Section 10163.5, and the Commissioners 1961 Standard Industrial Mortality Table for such policies issued on or after such operative date.

(c) For individual annuity and pure endowment contracts issued prior to the compliance date of Section 10489.7, excluding any disability and accidental death benefits in such policies—the 1937 Standard Annuity Mortality Table or, at the option of the company, the Annuity Mortality Table for 1949, Ultimate, or any modification of either of these tables approved by the commissioner. However, the minimum standard for such contracts issued from January 1, 1968, through December 31, 1968, with commencement of benefits deferred not more than one year from date of issue, may be, at the option of the company, 4 percent interest, and for contracts issued from January 1, 1969, to the compliance date of Section 10489.7, with commencement of benefits deferred not more than 10 years from date of issue and with premiums payable in one sum may be, at the option of the company, 5 percent interest.

(d) For group annuity and pure endowment contracts excluding any disability and accidental death benefits in such policies—the Group Annuity Mortality Table for 1951, any modification of such table approved by the commissioner, or, at the option of the company, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts. However, the minimum standard for annuities and pure endowments purchased or to be purchased prior to the compliance date of Section 10489.7 under group annuity and pure endowment contracts with considerations received on or after January 1, 1968, through

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December 31, 1968, may be, at the option of the company, 4 percent interest, and for annuities and pure endowments purchased or to be purchased prior to the compliance date of Section 10489 7 under group annuity and pure endowment contracts with considerations received from January 1, 1969, to the compliance date of Section 10489.7, may be, at the option of the company, 5 percent interest.

(e) For total and permanent disability benefits in or supplementary to ordinary policies or contracts—for policies or contracts issued on or after January 1, 1966, the tables of Period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries, with due regard to the type of benefit; for policies or contracts issued on or after January 1, 1961, and prior to January 1, 1966, either such tables or, at the option of the company, the Class (3) Disability Table (1926); and for policies issued prior to January 1, 1961, the Class (3) Disability Table (1926). Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(f) For accidental death benefits in or supplementary to policies—for policies issued on or after January 1, 1966, the 1959 Accidental Death Benefits Table; for policies issued on or after January 1, 1961, and prior to January 1, 1966, either such table or, at the option of the company, the Inter-Company Double Indemnity Mortality Table; and for policies issued prior to January 1, 1961, the Inter-Company Double Indemnity Mortality Table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(g) For group life insurance, life insurance issued on the substandard basis and other special benefits—such tables as may be approved by the commissioner.

SEC. 6. Section 10489.7 of the Insurance Code is amended to read:

10489.7. The minimum standard for the valuation of all individual annuity and pure endowment contracts issued on or after the compliance date of this section, and for all annuities and pure endowments purchased on or after such compliance date under group annuity and pure endowment contracts, shall be the commissioner's reserve valuation method defined in Section 10489.3, 3½ percent interest, except as provided in subdivision (c), and the following provisions:

(a) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such contracts, the individual annuity mortality table for 1971 or any modification of such table approved by the commissioner.

(b) For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such contracts, the group annuity mortality table for 1971 or any modification of such table approved by the commissioner.

(c) Interest rates not exceeding the following may be used for all

individual annuity and pure endowment contracts issued on or after the compliance date of this section, through December 31, 1985, and for all annuities and pure endowment contracts purchased on or after such compliance date, through December 31, 1985, under group annuity and pure endowment contracts:

(1) Six percent for individual annuity and pure endowment contracts with commencement of benefits deferred not more than 10 years from date of issue and with premiums payable in one sum, and for all group annuity and pure endowment contracts.

(2) Four percent for all other individual annuity and pure endowment contracts.

Any insurer may, prior to January 1, 1979, file with the commissioner a written notice that such insurer elects to comply with the provisions of this section on and after a date specified in the notice prior to January 1, 1979, provided that an insurer may elect a different compliance date for group annuity and pure endowment contracts from that elected for individual annuity and pure endowment contracts. On or after January 1, 1979, every insurer shall comply with the provisions of this section.

For the purposes of this section and Section 10489.2, the compliance date of this section (i) as to any insurer prior to January 1, 1979, shall be the date it elects to comply with this section specified in the written notice filed with the commissioner, (ii) and as to any insurer not electing to so comply with this section, January 1, 1979.

CHAPTER 457

An act to repeal Sections 31568 and 31569 of the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor September 11, 1973. Filed with Secretary of State September 11, 1973.]

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

SECTION 1. Section 31568 of the Government Code is repealed.

SEC. 2. Section 31569 of the Government Code is repealed.

CHAPTER 458

An act to amend Section 8655 of, and to repeal Section 6018.6 of, the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 11, 1973. Filed with Secretary of State September 11, 1973.]

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

SECTION 1. Section 6018.6 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 8655 of the Revenue and Taxation Code is amended to read:

8655. (a) This section shall be known and may be cited as the Mills-Hayes Act.

(b) No tax shall be imposed upon fuel used by:

(1) Any transit district, transit authority or city owning and operating a local transit system itself or through a wholly owned nonprofit corporation.

(2) Any passenger stage corporation subject to the jurisdiction of the Public Utilities Commission when the motor vehicles of such passenger stage corporation are exclusively operated in urban or suburban areas or between cities in close proximity for the transportation of persons for hire, compensation, or profit; provided, however, that the exemption is not extended to any line or lines operated by such passenger stage corporation which shall exceed 50 miles of one-way route mileage.

(3) Any common carrier of passengers operating exclusively on any line or lines within the limits of a single city between fixed termini or over a regular route, 98 percent of whose operations, as measured by total route mileage operated, are exclusively within the limits of a single city, and who by reason thereof is not a passenger stage corporation subject to the jurisdiction of the Public Utilities Commission.

(c) Notwithstanding the exemption provided for by subdivision (b), any system, corporation or carrier using fuel exempt under the provisions of subdivision (b) shall, for the privilege of operating vehicles on state highways and freeways, make a payment equal to one cent ($0.01) for each gallon of such exempt fuel used. The payments required by this subdivision shall be paid to the State Board of Equalization in the manner prescribed by the board, and such payments shall be treated as a tax for all purposes of this part

(d) The exemption provided for in subdivision (b) and the payments provided for in subdivision (c) shall not be applicable to fuel used by a charter-party carrier of passengers. The term "charter-party carrier of passengers" has the same meaning as that specified in Section 5360 of the Public Utilities Code and shall further include those transportation services described in subdivisions (a) and (e) of Section 5353 of the Public Utilities Code, if such transportation service is rendered as contract carriage and not as common carriage of passengers.

(e) There are in the State of California many local bus transit operators in need of financial assistance from sources other than the local property tax. These operators are performing essential public transit service as a vital counterpart of the streets and highways. It is the purpose of this section to provide relief from the payment of

use fuel tax for local transit operators and it is the intent of the Legislature that the funds accruing to such operators shall be used for the improvement of their transit operations and to aid in providing better transit service to and from places of employment.

SEC. 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:

Presence in the Revenue and Taxation Code of a provision that an operator of a one-cent vending machine is a consumer for purposes of Sales and Use Tax Law, if certain conditions are met, while such operators are already deemed to be consumers pursuant to broader provisions in such code, tends to create unnecessary confusion and such provision should be eliminated as early as possible to clarify the present state of the law.

Further, since a provision of the Use Fuel Tax Law contains a cross-reference to a provision in the Motor Vehicle Transportation License Tax Law, which will be repealed on July 1, 1973, it is necessary that the Use Fuel Tax Law contain the provisions referred to as soon after July 1, 1973, as possible, to eliminate any undue confusion that may be caused taxpayers. Therefore, it is necessary that this act take effect immediately.

CHAPTER 459

An act to amend Section 1091 of the Government Code, relating to conflict of interest.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 1091 of the Government Code is amended to read:

1091. (a) An officer shall not be deemed to be interested in a contract entered into by a body or board of which he is a member within the meaning of this article if he has only a remote interest in the contract and if the fact of such interest is disclosed to the body or board of which he is a member and noted in its official records, and thereafter the body or board authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest.

(b) As used in this article "remote interest" means:

(1) That of a nonsalaried member or officer of a nonprofit corporation;

(2) That of an employee or agent of the contracting party, if such

contracting party has 10 or more other employees and if the officer was an employee or agent of said contracting party for at least three years prior to his initially accepting his office.

For the purposes of this subsection, time of employment with the contracting party by the officer shall be counted in computing the three-year period specified in this subsection even though such contracting party has been converted from one form of business organization to a different form of business organization within three years of the initial taking of office by such officer. Time of employment in such case shall be counted only if, after the transfer or change in organization, the real or ultimate ownership of the contracting party is the same or substantially similar to that which existed before such transfer or change in organization. For the purposes of this subsection, stockholders, bondholders, partners, or other persons holding an interest in the contracting party are regarded as having the "real or ultimate ownership" of such contracting party.

(3) That of a parent in the earnings of his minor child for personal services;

(4) That of a landlord or tenant of the contracting party;

(5) That of an attorney of the contracting party; or

(6) That of a member of a nonprofit corporation formed under the Agricultural Code or a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products or the supplying of water.

(7) That of a supplier of goods or services when such goods or services had been supplied to the contracting party by the officer for at least five years prior to his election or appointment to office.

(8) That of a person subject to the provisions of Section 1090 in any contract or agreement entered into pursuant to the provisions of the California Land Conservation Act of 1965.

(9) That of an officer, director, or employee of a bank, bank holding company, or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor.

(c) The provisions of this section shall not be applicable to any officer interested in a contract who influences or attempts to influence another member of the body or board of which he is a member to enter into the contract.

(d) The willful failure of an officer to disclose the fact of his interest in a contract pursuant to this section shall be punishable as provided in Section 1097 Such violation shall not void the contract however, unless the contracting party had knowledge of the fact of the remote interest of the officer at the time the contract was executed.

CHAPTER 460

An act to add Section 35117 to the Vehicle Code, relating to vehicles.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 35117 is added to the Vehicle Code, to read.

35117. Safety sheathing or guards, chains, and chain sprockets used to drive the unloading mechanism of a vehicle, may extend two inches on each side of the vehicle, except that the maximum width of body and chains, chain sprockets, and safety sheathing or guards shall not exceed 100 inches.

This section shall have no application to highways which are a part of the national system of interstate and defense highways (as referred to in Section 108 of the Federal-Aid Highway Act of 1956) when such application would prevent this state from receiving any federal funds for highway purposes.

CHAPTER 461

An act to amend Section 22520 of the Vehicle Code, relating to freeways, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 22520 of the Vehicle Code is amended to read:

22520. No person shall stop, park, or leave standing any vehicle upon a freeway which has full control of access and no crossings at grade except:

(a) When necessary to avoid injury or damage to persons or property.

(b) When required by law or in obedience to a peace officer or official traffic control device.

(c) Any person actually engaged in maintenance or construction on freeway property or any employee of a public agency actually engaged in the performance of official duties.

(d) Any vehicle which is so disabled that it is impossible to avoid temporarily stopping and any vehicle which has been summoned to render assistance to a vehicle or person, including a vehicle owned by the donor of free emergency assistance, which has been

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summoned by display upon or within a disabled vehicle of a placard or sign given to the driver of the disabled vehicle by the donor for the specific purpose of summoning assistance, other than towing service, from the donor.

(e) In locations where stopping, standing or parking is specifically permitted; provided, however, that buses may not stop on freeways unless sidewalks are provided with shoulders of sufficient width to permit stopping without interfering with the normal movement of traffic and without the possibility of crossing over fast lanes to reach the bus stop.

(f) Any person reporting a traffic accident or other situation or incident to a peace officer or any person specified in subdivision (c), either directly or by means of an emergency telephone or similar device.

(g) The owner or operator of a tow car operating under an agreement with the Department of the California Highway Patrol for the purpose of rapid removal of impediments to traffic.

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 use of state-owned and operated tow and service trucks within the Freeway Surveillance Project being jointly conducted in the Los Angeles area by the Department of the California Highway Patrol and the Department of Transportation will be discontinued on July 1, 1973. At present these trucks patrol the freeways and provide necessary assistance to disabled vehicles and prompt response to emergency situations. This improved service does much to reduce congestion and prevent freeway accidents. After July 1, 1973, private tow services will perform this function; however, in order to do so, they will be required to stop or park upon a freeway. Therefore, to enable them to do so, it is necessary that this act go into immediate effect.

CHAPTER 462

An act to amend Section 22852 of the Government Code, relating to health benefits.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 22852 of the Government Code is amended to read:

22852. A contracting agency which has elected to be subject to this part shall not maintain any other plan or program offering

prepaid hospital and medical care for its employees except that if a contracting agency was subject to this part on April 1, 1972, such agency contracting for another plan or program on the effective date of the amendment of this section at the 1973–74 Regular Session may continue the contract in such other plan or program except that all employees hired after April 1, 1973, shall be enrolled in plans approved under this part. An election of a contracting agency shall not be effective prior to the termination of any such plan in effect for such employees, and establishment of any such plan thereafter shall terminate participation of the agency and all of its employees under this part as of the end of the contract year.

CHAPTER 463

An act to amend Section 12800.5 of the Vehicle Code, relating to drivers' licenses.

[Approved by Governor September 11, 1973. Filed with Secretary of State September 11, 1973.]

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

SECTION 1. Section 12800.5 of the Vehicle Code is amended to read:

12800.5. A license issued after January 1, 1974, shall bear a fullface photograph of the licensee.

The department may demand proof of age prior to the issuance of a license.

CHAPTER 464

An act to amend Sections 1336 and 1360.1 of the Financial Code, to amend Sections 16522 and 53651 of the Government Code, and to add Section 1171.5 to the Insurance Code, relating to obligations of the United States Postal Service.

[Approved by Governor September 11, 1973. Filed with Secretary of State September 11, 1973.]

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

SECTION 1. Section 1336 of the Financial Code is amended to read:

1336. A nondepartmental bank shall not invest an amount exceeding 10 percent of its capital and surplus in the securities of any one obligor or maker, except:

(a) Obligations of the United States and those for which the faith

and credit of the United States are pledged for the payment of principal and interest;

(b) Bonds, consolidated bonds, collateral trust debentures, or other obligations issued by the United States Postal Service, federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended; in debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended; in bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act; in the bonds of any federal home loan bank established under said act; and in stock, bonds, debentures, participations, and other obligations of or issued by the Federal National Mortgage Association and the Government National Mortgage Association; and

(c) Obligations of the State of California and those for which the credit of the State of California is pledged for the payment of principal and interest.

SEC. 1.2. Section 1336 of the Financial Code is amended to read:

1336. A commercial bank shall not invest an amount exceeding 10 percent of its capital and surplus in the securities of any one obligor or maker, except:

(a) Obligations of the United States and those for which the faith and credit of the United States are pledged for the payment of principal and interest;

(b) Bonds, consolidated bonds, collateral trust debentures, or other obligations issued by the United States Postal Service, federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended; in debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended; in bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act; in the bonds of any federal home loan bank established under said act; and in stock, bonds, debentures, participations, and other obligations of or issued by the Federal National Mortgage Association and the Government National Mortgage Association; and

(c) Obligations of the State of California and those for which the credit of the State of California is pledged for the payment of principal and interest.

SEC. 1.4. Section 1336 of the Financial Code is amended to read:

1336. A nondepartmental bank shall not invest an amount exceeding 10 percent of its capital and surplus in the securities of any one obligor or maker, except.

(a) Obligations of the United States and those for which the faith and credit of the United States are pledged for the payment of principal and interest;

(b) Bonds, consolidated bonds, collateral trust debentures, or

other obligations issued by the United States Postal Service, federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended; in debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended; in consolidated notes, bonds, debentures and other obligations issued by federal land banks, federal intermediate credit banks, and banks for cooperatives under the Farm Credit Act of 1971; in bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act; in the bonds of any federal home loan bank established under said act; and in stock, bonds, debentures, participations, and other obligations of or issued by the Federal National Mortgage Association and the Government National Mortgage Association, and

(c) Obligations of the State of California and those for which the credit of the State of California is pledged for the payment of principal and interest.

SEC. 1.6. Section 1336 of the Financial Code is amended to read:

1336. A commercial bank shall not invest an amount exceeding 10 percent of its capital and surplus in the securities of any one obligor or maker, except:

(a) Obligations of the United States and those for which the faith and credit of the United States are pledged for the payment of principal and interest;

(b) Bonds, consolidated bonds, collateral trust debentures, or other obligations issued by the United States Postal Service, federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended; in debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended; in consolidated notes, bonds, debentures and other obligations issued by federal land banks, federal intermediate credit banks, and banks for cooperatives under the Farm Credit Act of 1971; in bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act; in the bonds of any federal home loan bank established under said act; and in stock, bonds, debentures, participations, and other obligations of or issued by the Federal National Mortgage Association and the Government National Mortgage Association; and

(c) Obligations of the State of California and those for which the credit of the State of California is pledged for the payment of principal and interest.

SEC. 2. Section 1360.1 of the Financial Code is amended to read:

1360.1. An amount not exceeding 25 percent of the paid-up capital and surplus of the savings bank or not exceeding 1 percent of the bank's savings deposits, whichever is lesser, in bonds, notes or other obligations issued by the United States Postal Service, or issued or assumed by the International Bank for Reconstruction and Development, the Tennessee Valley Authority, the Inter-American

Development Bank, the Government Development Bank for Puerto Rico, or the Asian Development Bank.

SEC. 2.5. Section 1360.1 of the Financial Code is amended to read:

1360.1 In bonds, notes or other obligations issued by the United States Postal Service, or issued or assumed by the International Bank for Reconstruction and Development, the Tennessee Valley Authority, the Inter-American Development Bank, the Government Development Bank for Puerto Rico, or the Asian Development Bank.

SEC. 3. Section 16522 of the Government Code is amended to read:

16522. The following securities may be received as security for demand and time deposits:

(a) Bonds, notes, or other obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

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

(c) Bonds of this state or of any county, city, town, metropolitan water district, municipal utility district, municipal water district, bridge and highway district, flood control district, school district, water district, water conservation district or irrigation district within this state, and, in addition, revenue or tax anticipation notes, and revenue bonds payable solely out of the revenues from a revenue-producing property owned, controlled or operated by this state, or such local agency or district, or by a department, board, agency, or authority thereof.

(d) Registered warrants of this state.

(e) Bonds, consolidated bonds, collateral trust debentures, consolidated debentures, or other obligations issued by the United States Postal Service, federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended, debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended, bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act, bonds, debentures and other obligations of the Federal National Mortgage Association established under the National Housing Act as amended, in the bonds of any federal home loan bank established under said act, and in bonds, notes, and other obligations issued by the Tennessee Valley Authority under the Tennessee Valley Authority Act, as amended.

SEC. 4. Section 53651 of the Government Code, as amended by Section 2 of Chapter 756 of the Statutes of 1972, is amended to read:

53651. Eligible securities are any of the following:

(a) United States Treasury notes, bonds, bills or certificates of indebtedness, or obligations for which the faith and credit of the United States are pledged for the payment of principal and interest

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

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

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

(e) Registered warrants of this state.

(f) Bonds, consolidated bonds, collateral trust debentures, consolidated debentures, or other obligations issued by the United States Postal Service, federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended, debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended, bonds, or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act, bonds, debentures and other obligations of the Federal National Mortgage Association or of the Government National Mortgage Association established under the National Housing Act, as amended, bonds of any federal home loan bank established under said act, and obligations of the Tennessee Valley Authority.

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

(h) State of California notes.

(i) Bonds, notes, certificates of indebtedness, warrants or other obligations issued by: (1) any state of the United States (except this state), or the Commonwealth of Puerto Rico, or any local agency thereof having the power to levy taxes, without limit as to rate or amount, to pay the principal and interest of such obligations, or (2) any state of the United States (except this state), or the Commonwealth of Puerto Rico, or a department, board, agency or authority thereof, which are payable solely out of the revenues from a revenue-producing source owned, controlled or operated thereby; provided such obligations issued by an entity described in subsection (1) are rated in one of the three highest grades, and such obligations issued by an entity described in subsection (2) are rated in one of the two highest grades by a nationally recognized investment service organization that has been engaged regularly in rating state and municipal issues for a period of not less than five years.

(j) Obligations issued or guaranteed by the International Bank for Reconstruction and Development, Inter-American Development Bank, and the Government Development Bank of Puerto Rico.

(k) Participation certificates of the Export-Import Bank of the United States.

This section shall become inoperative and is repealed on the operative date of Section 53651 of the Government Code as amended by Section 5 of the chapter amending this section at the 1973–74 Regular Session.

SEC. 5. Section 53651 of the Government Code, as amended by Section 2.5 of Chapter 756 of the Statutes of 1972, is amended to read:

53651. Eligible securities are any of the following:

(a) United States Treasury notes, bonds, bills or certificates of indebtedness, or obligations for which the faith and credit of the United States are pledged for the payment of principal and interest.

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

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

(d) Bonds of any public housing agency (as defined in the United States Housing Act of 1937, as amended) as are secured by a pledge of annual contributions under an annual contribution contract between such public housing agency and the Public Housing Administration if such contract shall contain the covenant by the

Public Housing Administration which is authorized by subsection (b) of Section 22 of the United States Housing Act of 1937, as amended, and if the maximum sum and the maximum period specified in such contract pursuant to said subsection 22(b) shall not be less than the annual amount and the period for payment which are requisite to provide for the payment when due of all installments of principal and interest on such obligations.

(e) Registered warrants of this state.

(f) Bonds, consolidated bonds, collateral trust debentures, consolidated debentures, or other obligations issued by the United States Postal Service, federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended, debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended, bonds, or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act, bonds, debentures and other obligations of the Federal National Mortgage Association or of the Government National Mortgage Association established under the National Housing Act, as amended, bonds of any federal home loan bank established under said act, and obligations of the Tennessee Valley Authority.

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

(h) State of California notes.

(i) Obligations issued or guaranteed by the International Bank for Reconstruction and Development, Inter-American Development Bank, and the Government Development Bank of Puerto Rico.

(j) Participation certificates of the Export-Import Bank of the United States.

SEC. 6. Section 1171.5 is added to the Insurance Code, to read:

1171.5. Such insurers may invest in obligations of the United States Postal Service.

SEC. 7. Section 53651 as set forth in Section 5 of this act shall become operative on January 1, 1976.

SEC. 8. It is the intent of the Legislature that if this bill and Assembly Bill No. 267 or Assembly Bill No. 592, or both, are chaptered, become effective January 1, 1974, and amend Section 1336 of the Financial 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. 267 are both chaptered, become effective January 1, 1974, and amend Section 1336 of the Financial Code, but Assembly Bill No. 592 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 267, the amendments proposed by both bills shall be given effect and incorporated in Section 1336 in the form set

forth in Section 1.2 of this act. Therefore, if Assembly Bill No. 267 is chaptered before this bill and both bills amend Section 1336, and Assembly Bill No. 592 is not chaptered or as chaptered does not amend that section, Section 1.2 of this act shall be operative and Sections 1, 1.4, and 1.6 of this act shall not become operative.

(b) If this bill and Assembly Bill No. 592 are both chaptered, become effective January 1, 1974, and amend Section 1336 of the Financial Code, but Assembly Bill No. 267 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 592, the amendments proposed by both bills shall be given effect and incorporated in Section 1336 in the form set forth in Section 1.4 of this act. Therefore, if Assembly Bill No. 592 is chaptered before this bill and both bills amend Section 1336, and Assembly Bill No. 267 is not chaptered or as chaptered does not amend that section, Section 1.4 shall be operative and Sections 1, 1.2, and 1.6 of this act shall not become operative.

(c) If this bill and Assembly Bill No. 267 and Assembly Bill No. 592 are all chaptered, and all three bills become effective January 1, 1974, and amend Section 1336 of the Financial Code, and this bill is chaptered after Assembly Bill No. 267 and Assembly Bill No. 592, the amendments proposed by all three bills shall be given effect and incorporated in Section 1336 in the form set forth in Section 1.6 of this act. Therefore, if Assembly Bill No 267 and Assembly Bill No. 592 are both chaptered before this bill and all three bills amend Section 1336 of the Financial Code, Section 1.6 of this act shall be operative and Sections 1, 1.2, and 1.4 of this act shall not become operative.

SEC. 9. It is the intent of the Legislature, if this bill and Assembly Bill No. 267 are both chaptered, become effective January 1, 1974, and amend Section 1360.1 of the Financial Code, and this bill is chaptered after Assembly Bill No. 267, that the amendments to Section 1360 1 proposed by both bills be given effect and incorporated in Section 1360.1 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. 267 are both chaptered, both become effective January 1, 1974, and both amend Section 1336, and Assembly Bill No. 267 is chaptered before this bill, in which case Section 2 of this act shall not become operative.

CHAPTER 465

An act to amend Section 25466 of the Government Code, relating to county construction contracts.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 25466 of the Government Code is amended to read:

25466. The board of supervisors may, by board order, authorize the county engineer, or other county officer, to order changes or additions in the work being performed under construction contracts. When so authorized, any change or addition in the work shall be ordered in writing by the county engineer, or other designated officer, and the extra cost to the county for any change or addition to the work so ordered shall not exceed one thousand dollars ($1,000) when the total amount of the original contract does not exceed fifty thousand dollars ($50,000), nor 2 percent of the amount of any original contract which exceeds fifty thousand dollars ($50,000). In no event shall any such change or alteration exceed ten thousand dollars ($10,000).

CHAPTER 466

An act to amend Section 16061.5 of the Education Code, relating to sale or lease of school property.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973.]

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

SECTION 1. Section 16061.5 of the Education Code is amended to read:

16061.5. The governing board by majority vote may adopt a rule delegating to an officer or employee of the district the authority to perform the duties required to be performed by the governing board under Sections 16060 and 16061. If such rule is adopted, the resolution required in Section 16056 shall specify, in lieu of the public meeting of the governing board to be held at its regular place of meeting, the place at which the designated officer or employee will receive and open sealed proposals to purchase or lease and will call for oral bids.

All other provisions of this article not in conflict with the delegation of this authority are applicable. However, the final acceptance of a bid, or rejection of all bids, shall be made by the governing board at a public meeting.

CHAPTER 467

An act to amend Section 2188.2 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973.]

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

SECTION 1. Section 2188.2 of the Revenue and Taxation Code is amended to read:

2188.2. Whenever improvements are owned by a person other than the owner of the land on which they are located, the owner of the improvements or the owner of the land may file with the assessor a written statement before the lien date attesting to their separate ownership, in which event the land and improvements shall not be assessed to the same assessee.

Such written statement shall not be required annually following the year in which it has been filed but shall remain in effect until such time as either, or both, of said separate ownerships shall have been transferred or until such written statement of separate ownership shall have been canceled by either the owner of the land or the owner of the improvements.

CHAPTER 468

An act to amend Section 1638 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 1638 of the Revenue and Taxation Code is amended to read:

1638. The applicant may be represented in the hearing of the application and shall have the right to offer evidence. The assessor may be represented in the hearing by an attorney if the applicant is represented by an attorney and one or more members of his staff, and the assessor and members of his staff shall have the right to offer evidence. The hearing shall be conducted in accordance with Section 1609.2. The hearing and disposition of applications shall be conducted in an informal manner.

CHAPTER 469

An act to amend Section 43006 of the Government Code, and to amend Section 155.1 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973.]

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

SECTION 1 Section 43006 of the Government Code is amended to read:

43006. Notwithstanding any other provision of law, the legislative body of a chartered city which assesses and collects its own property taxes may, in any year, by ordinance, provide that every person who at 12:01 a.m. on the immediately preceding March 1 was the owner of, or had in his possession or under his control, any taxable property, or who acquired such property after such date and is liable for the taxes thereon for the fiscal year commencing the immediately following July 1, which property was thereafter damaged or destroyed, without his fault, by a major misfortune or calamity in an area or region subsequently proclaimed by the Governor to be in a state of disaster, if such property was damaged or destroyed by the major misfortune or calamity which caused the Governor to proclaim the area or region to be in a state of disaster, may, within the time specified in the ordinance, make application for the reassessment of such property and deliver to the assessing official of the city a written statement showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown thereon to be in excess of one thousand dollars ($1,000). The application shall be executed under penalty of perjury or, if executed outside the State of California, verified by affidavit.

Upon receiving a proper application, the assessor shall reassess the property according to its full cash value immediately after the damage or destruction. The assessor shall notify the applicant in writing of the amount of the proposed reassessment. The notice shall state that the applicant may appeal the proposed reassessment to the local board of equalization within 14 days of the date of mailing the notice. If an appeal is requested within the 14-day period, the board shall hear and decide the matter as if the proposed reassessment had been entered on the roll as an assessment made outside the regular assessment period. The decision of the board regarding the damaged value of the property shall be final, provided that a decision of the local board of equalization regarding any reassessment made pursuant to this section shall create no presumption as regards the value of the affected property subsequent to the date of the damage.

If the damaged full cash value of the property as determined above is not at least one thousand dollars ($1,000) less than the full cash value shown on the assessment roll for the year in question, no adjustment shall be made to said roll and no taxes shall be canceled or refunded. Those reassessed values resulting from reductions in full cash value of at least one thousand dollars ($1,000), as determined above, shall be forwarded to the auditor by the assessor or the clerk of the board, as the case may be The auditor shall enter the reassessed values on the roll. After being entered on the roll, said reassessed values shall not be subject to review except by a court of

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competent jurisdiction.

If no such application is made, and within the time specified in the ordinance for filing an application for reassessment, the county assessor determines that the full cash value of such property for the assessment year is reduced by more than one thousand dollars ($1,000) from the full cash value of the property for the immediately preceding assessment year due to the damage or destruction caused by the major misfortune or calamity, the assessor shall notify the property owner that the property will be reassessed. The assessor shall assess the property, or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and the assessor, if he reassesses the property, shall transmit to the local board of equalization a description of the property so reassessed, the name of the person making the application in connection with the property, if any, or the name of the property owner notified of the reassessment, and the value of the property as so reassessed. Upon such notice as it may find to be proper, the local board of equalization shall equalize any such assessment or reassessment.

As used in this section, "damage" includes property which has diminished in value as a result of restricted access to the property where such diminution in value was caused by the major misfortune or calamity.

The tax rate fixed for property on the roll on which the property so assessed appears or the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the equalized assessment or reassessment determined in accordance with this section. In the event that the resulting figure is less than the tax theretofore computed, the tax shall be determined as follows:

(a) With respect to property on the secured roll, a prorated portion of the tax due on the property as originally assessed at the rate established for the property on the secured roll for the current fiscal year, such proration to be determined on the basis of the number of months in the year during which the property was in an undamaged condition plus a proration of the tax due on the property as reassessed in its damaged or destroyed condition at the rate established for property on the secured roll for such fiscal year, such proration to be determined on the basis of the number of months in the year in which the property was in a damaged condition, including the month in which the damage was incurred.

(b) With respect to property on the unsecured roll, a prorated portion of the tax shall be computed on the original assessment of the property and a prorated portion of the tax computed on the reassessment of the property as determined in the preceding paragraph.

Any tax paid in excess of the total tax due shall be refunded to the taxpayer pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of the Revenue and Taxation Code, as an erroneously collected tax.

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SEC. 2. Section 155.1 of the Revenue and Taxation Code is amended to read:

155.1. Notwithstanding any provision of law to the contrary, the board of supervisors may, in any year, by ordinance, provide that every person who at 12.01 a.m. on the immediately preceding March 1 was the owner of, or had in his possession, or under his control, any taxable property, or who acquired such property after such date and is liable for the taxes thereon for the fiscal year commencing the immediately following July 1, which property was thereafter damaged or destroyed, without his fault, by a major misfortune or calamity, in an area or region subsequently proclaimed by the Governor to be in a state of disaster, if such property was damaged or destroyed by the major misfortune or calamity which caused the Governor to proclaim the area or region to be in a state of disaster, may, within the time specified in the ordinance, apply for reassessment of such property by delivering to the assessor a written application showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown therein to be in excess of one thousand dollars ($1,000). The application shall be executed under penalty of perjury, or if executed outside the State of California, verified by affidavit.

Upon receiving a proper application, the assessor shall reassess the property according to its full cash value immediately after the damage or destruction. The assessor shall notify the applicant in writing of the amount of the proposed reassessment. The notice shall state that the applicant may appeal the proposed reassessment to the local board of equalization within 14 days of the date of mailing the notice. If an appeal is requested within the 14-day period, the board shall hear and decide the matter as if the proposed reassessment had been entered on the roll as an assessment made outside the regular assessment period. The decision of the board regarding the damaged value of the property shall be final, provided that a decision of the local board of equalization regarding any reassessment made pursuant to this section shall create no presumption as regards the value of the affected property subsequent to the date of the damage.

If the damaged full cash value of the property as determined above is not at least one thousand dollars ($1,000) less than the full cash value shown on the assessment roll for the year in question, no adjustment shall be made to said roll and no taxes shall be canceled or refunded. Those reassessed values resulting from reductions in full cash value of at least one thousand dollars ($1,000), as determined above, shall be forwarded to the auditor by the assessor or the clerk of the board, as the case may be. The auditor shall enter the reassessed values on the roll. After being entered on the roll, said reassessed values shall not be subject to review except by a court of competent jurisdiction.

If no such application is made, and within the time specified in the ordinance for filing an application for reassessment, the county assessor determines that the full cash value of such property for the

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assessment year is reduced from the full cash value of such property for the immediately preceding assessment year by more than one thousand dollars ($1,000) due to the damage or destruction caused by the major misfortune or calamity, the assessor shall notify the property owner that the property will be reassessed. The assessor shall assess the property, or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and the assessor, if he reassesses the property, shall transmit to the local board of equalization a description of the property so reassessed, the name of the person making the application in connection with the property, if any, or the name of the property owner notified of the reassessment, and the value of the property as so reassessed. Upon such notice as it may find to be proper, the local board of equalization shall equalize any such assessment or reassessment.

As used in this section, "damage" includes property which has diminished in value as a result of restricted access to the property where such diminution in value was caused by the major misfortune or calamity.

The tax rate fixed for property on the roll on which the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the reassessment determined in accordance with this section. In the event that the resulting figure is less than the tax theretofore computed, the tax shall be determined as follows:

(a) With respect to property on the secured roll a prorated portion of the tax due on the property as originally assessed at the rate established for property on the secured roll for the current fiscal year, such proration to be determined on the basis of the number of months in the year during which the property was in an undamaged condition plus a proration of the tax due on the property as reassessed in its damaged or destroyed condition at the rate established for property on the secured roll for such fiscal year, such proration to be determined on the basis of the number of months in the year in which the property was in a damaged condition, including the month in which the damage was incurred.

(b) With respect to property on the unsecured roll, he shall be liable for a prorated portion of the tax computed on the original assessment of the property and a prorated portion of the tax computed on the reassessment of the property as determined in the preceding paragraph.

Any tax paid in excess of the total tax due shall be refunded to the taxpayer pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of this division, as an erroneously collected tax or by order of the board of supervisors without the necessity of a claim being filed pursuant to Chapter 5.

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

CHAPTER 470

An act to amend Section 10807 of the Education Code, relating to school attendance

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 10807 of the Education Code is amended to read:

10807. The provisions of Sections 10801 to 10806, inclusive, do not apply to the attendance of pupils in the seventh and eighth grades of a junior high school which is maintained by a high school district.

CHAPTER 471

An act to amend Sections 148.2 and 245.1 of the Penal Code, relating to fire department personnel.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 148.2 of the Penal Code is amended to read:

148.2. Every person who willfully commits any of the following acts at the burning of a building or at any other time and place where any fireman or firemen or emergency rescue personnel are discharging or attempting to discharge an official duty, is guilty of a misdemeanor:

1. Resists or interferes with the lawful efforts of any fireman or firemen or emergency rescue personnel in the discharge or attempt to discharge an official duty.

2. Disobeys the lawful orders of any fireman or public officer.

3. Engages in any disorderly conduct which delays or prevents a fire from being timely extinguished.

4. Forbids or prevents others from assisting in extinguishing a fire or exhorts another person, as to whom he has no legal right or obligation to protect or control, from assisting in extinguishing a fire.

SEC. 2. Section 245.1 of the Penal Code is amended to read:

245.1. As used in Sections 148.2, 241, 243 and 245, "fireman" includes any person who is an officer, employee or member of a fire department or fire protection or firefighting agency of the federal government, the State of California, a city, county, city and county, district, or other public or municipal corporation or political subdivision of this state, whether such person is a volunteer or partly paid or fully paid, while he is actually engaged in firefighting, fire

supervision, fire suppression, fire prevention, or fire investigation

As used in Section 148.2, "emergency rescue personnel" means any person who is an officer, employee or member of a fire department or fire protection or firefighting agency of the federal government, the State of California, a city, county, city and county, district, or other public or municipal corporation or political subdivision of this state, whether such person is a volunteer or partly paid or fully paid, while he is actually engaged in the on-the-site rescue of persons or property during an emergency as defined by subdivision (c) of Section 148.3.

CHAPTER 472

An act to add Section 3361.5 to the Labor Code, relating to workmen's compensation and insurance

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 3361.5 is added to the Labor Code, to read:

3361.5. Notwithstanding Section 3351 of the Labor Code, a volunteer, unsalaried person authorized by the governing board of a recreation and park district to perform volunteer services for the district shall, upon the adoption of a resolution of the governing board of the district so declaring, be deemed an employee of the district for the purposes of this division and shall be entitled to the workmen's compensation benefits provided by this division for any injury sustained by him while engaged in the performance of any service under the direction and control of the governing board of the recreation and park district.

CHAPTER 473

An act to repeal Section 23621 of the Education Code, relating to California State University and Colleges.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 23621 of the Education Code is repealed.

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CHAPTER 474

An act to amend Section 1468 of the Civil Code, relating to covenants, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 11, 1973. Filed with Secretary of State September 11, 1973.]

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

SECTION 1. Section 1468 of the Civil Code is amended to read:

1468. Each covenant, made by an owner of land with the owner of other land or made by a grantor of land with the grantee of land conveyed, or made by the grantee of land conveyed with the grantor thereof, to do or refrain from doing some act on his own land, which doing or refraining is expressed to be for the benefit of the land of the covenantee, runs with both the land owned by or granted to the covenantor and the land owned by or granted to the covenantee and shall, except as provided by Section 1466, or as specifically provided in the instrument creating such covenant, and notwithstanding the provisions of Section 1465, benefit or be binding upon each successive owner, during his ownership, of any portion of such land affected thereby and upon each person having any interest therein derived through any owner thereof where all of the following requirements are met:

(a) The land of the covenantor which is to be affected by such covenants, and the land of covenantee to be benefited, are particularly described in the instrument containing such covenants;

(b) Such successive owners of the land are in such instrument expressed to be bound thereby for the benefit of the land owned by, granted by, or granted to the covenantee;

(c) Each such act relates to the use, repair, maintenance or improvement of, or payment of taxes and assessments on, such land or some part thereof, or if the land owned by or granted to each consists of undivided interests in the same parcel or parcels, the suspension of the right of partition or sale in lieu of partition for a period which is reasonable in relation to the purpose of the covenant;

(d) The instrument containing such covenants is recorded in the office of the recorder of each county in which such land or some part thereof is situated.

Where several persons are subject to the burden of any such covenant, it shall be apportioned among them pursuant to Section 1467, except that where only a portion of such land is so affected thereby, such apportionment shall be only among the several owners of such portion. This section shall apply to the mortgagee, trustee or beneficiary of a mortgage or deed of trust upon such land or any part thereof while but only while he, in such capacity, is in possession thereof.

SEC. 2. This act does not represent a change in, but is declaratory

of existing law.

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

There is an uncertainty in the law relating to covenants running with the land, and in order to avoid confusion and needless litigation it is necessary that this act take effect immediately.

CHAPTER 475

An act to add Section 32121.2 to the Health and Safety Code, relating to hospital districts.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 32121.2 is added to the Health and Safety Code, to read:

32121.2. By resolution, the board of directors of a local hospital district may authorize the disposition of any surplus personal property of the district which has a value less than one thousand dollars ($1,000) by any method determined appropriate by the board.

CHAPTER 476

An act to amend Section 11823.1 of the Education Code, relating to health examination and treatment.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 11823.1 of the Education Code is amended to read:

11823.1. A physician, dentist, or optometrist who holds a valid, unrevoked certificate to practice his profession in this state, may with the approval of the governing board of the school district perform, within the scope of their license, health examinations of schoolchildren upon school premises with the consent of a parent or guardian, and report findings and recommendations of health needs to the school health officer and parent or guardian.

Such persons conducting health examinations need not be

employees of the district and shall be exempt from credential requirements as specified in Section 11753.

This section is applicable only to a school district with an average daily attendance in excess of 400,000.

CHAPTER 477

An act to add Section 832.3 to the Penal Code, relating to peace officers.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 832.3 is added to the Penal Code, to read:

832.3. Any sheriff, undersheriff, or deputy sheriff of a county, any policeman of a city, and any policeman of a district authorized by statute to maintain a police department, who is first employed after January 1, 1975, for the purposes of the prevention and detection of crime and the general enforcement of the criminal laws of this state, shall successfully complete a course of training approved by the Commission on Peace Officer Standards and Training before exercising the powers of a peace officer, except while participating as a trainee in a supervised field training program approved by the Commission on Peace Officers Standards and Training.

CHAPTER 478

An act to add Section 832.4 to the Penal Code, relating to peace officers.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 832.4 is added to the Penal Code, to read:

832.4. Any undersheriff or deputy sheriff of a county, any policeman of a city, and any policeman of a district authorized by statute to maintain a police department, who is first employed after January 1, 1974, and is responsible for the prevention and detection of crime and the general enforcement of the criminal laws of this state, shall obtain the basic certificate issued by the Commission on Peace Officer Standards and Training within 18 months of his employment in order to continue to exercise the powers of a peace officer after the expiration of such 18-month period.

CHAPTER 479

An act to amend Sections 21363, 21363.3 and 21363.6 of the Government Code, relating to Public Employees' Retirement System.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 21363 of the Government Code is amended to read:

21363. The special death benefit is payable if the deceased was a patrol, prison, state safety or local safety member, if his death was industrial, and if there is a wife or child who qualifies under subdivision (b), Section 21364. The Workmen's Compensation Appeals Board, using the same procedure as in workmen's compensation hearings, shall in disputed cases determine whether the death of a member was industrial.

SEC. 2. Section 21363.3 of the Government Code is amended to read:

21363.3. The special death benefit is also payable if the deceased was a state member appointed by the Governor, the Director of Corrections, or the Adult Authority, if his death occurred as a result of injury or disease arising out of and in the course of his official duties within a state prison or facility of the Department of Corrections, and if there is a child or wife who qualifies under subdivision (b) of Section 21364. The Workmen's Compensation Appeals Board, using the same procedure as in workmen's compensation hearings, shall in disputed cases determine whether the death of the member occurred as a result of such injury or disease.

SEC. 3. Section 21363.6 of the Government Code is amended to read:

21363.6. The special death benefit is also payable if the deceased was the Administrator of the Youth and Adult Corrections Agency, or was a state member appointed by the Administrator of the Youth and Adult Corrections Agency, the Youth Authority, the Board of Trustees of the California Institution for Women or the California Women's Board of Terms and Parole, the Board of Corrections, or was a member of the Board of Corrections or the Youth Authority not already classified as a prison member, provided that his death occurred as a result of misconduct of an inmate of a state prison, correctional school or facility of the Department of Corrections or the Youth Authority, or a parolee therefrom.

The special death benefit provided by this section is not payable unless the death of the member arose out of and was in the course of his official duties and unless there is a child or wife who qualifies under subdivision (b) of Section 21364. The Workmen's Compensation Appeals Board, using the same procedure as in

workmen's compensation hearings, shall in disputed cases determine whether the member's death arose out of and in the course of his official duties

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CHAPTER 480

An act to amend Section 31204 of, and to repeal Section 31205 of, the Education Code, relating to competitive scholarship program.

[Approved by Governor September 11, 1973 Filed with Secretary of State September 11, 1973]

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

SECTION 1. Section 31204 of the Education Code is amended to read:

31204. There shall be available for the fiscal years 1971–1972 and 1972–1973 scholarships in an amount equal to 3 percent of the number of California high school graduates of the previous year, plus such scholarships for all state scholarship winners who meet all standards for renewal of their awards prescribed by the Education Code and by regulations of the State Scholarship and Loan Commission.

There shall be available for the fiscal year 1973–1974 and for each fiscal year thereafter such scholarships in an amount equal to 3.5 percent of the number of California high school graduates of the previous year, plus such scholarships for all state scholarship winners who meet all standards for renewal of their awards prescribed by the Education Code and by regulations of the State Scholarship and Loan Commission.

It is the policy of the Legislature that any funds for scholarships for California college students received from the federal government shall be considered as supplemental and additional to the California state scholarship program.

SEC. 2. Section 31205 of the Education Code is repealed.

CHAPTER 481

An act to amend Sections 25457, 25457.2, 25457.23, and 25457.4 of the Education Code, relating to community colleges

[Approved by Governor September 12, 1973 Filed with Secretary of State September 12, 1973]

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

SECTION 1. Section 25457 of the Education Code is amended to read:

25457. The Legislature hereby declares as its policy that all of the territory of the state shall be included in community college districts, except that of counties the residents of which account for fewer than 250 units of average daily attendance in grades 13 and 14 in community colleges in the state in the preceding fiscal year. However, the territory of such counties may be included in community college districts pursuant to procedures prescribed by law.

SEC. 2. Section 25457.2 of the Education Code is amended to read:

25457.2. On or before September 15, 1973, the county committee on school district organization of each county in which the residents account for 250 or more units of average daily attendance in grades 13 and 14 in community colleges in the state in the 1972–73 fiscal year shall submit to the Board of Governors of the California Community Colleges approvable plans and recommendations for the inclusion of all of the territory of the county in one or more community college districts or for the annexation to existing community college districts of territory not a part of any community college district. The county committee on school district organization of any other county may submit such plans and recommendations at any time.

When, in any fiscal year after the 1972–73 fiscal year, the residents of a county for the first time account for 250 or more units of average daily attendance in grades 13 and 14 in community colleges in the state, the county committee on school district organization shall, in the next succeeding fiscal year, submit such plans and recommendations to the board of governors.

Notwithstanding the provision of Section 25465, if the plan prepared by the county committee proposes the annexation of territory to an existing community college district which maintains not more than two community colleges, an agreement to the annexation by the community college board shall not be required.

Plans and recommendations which are not approved by the board of governors shall be returned to the county committee on school district organization for revision and resubmission to the office of the Chancellor of the California Community Colleges.

SEC. 3. Section 25457.23 of the Education Code is amended to read:

25457.23. Elections to carry out the proposals of a plan approved by the board of governors shall be called and conducted by the county superintendent of schools of the county in which all or the greater portion of the area is situated at the time the plan is recommended by the county committee and shall be held pursuant to the provisions of Section 3294, but in any event within one year after date of notification of original approval or by September 15, 1975, whichever is earlier, for plans required to be submitted on or before September 15, 1973. For plans required to be submitted after

September 15, 1973, the election shall be held within one year after the date of notification of original approval.

SEC. 4. Section 25457.4 of the Education Code is amended to read:

25457.4 If the county committee on school district organization fails to submit plans and recommendations, as provided in Section 25457.2, except when an extension of time has been given under the provisions of Section 25457.3 and this section, the office of the Chancellor of the California Community Colleges, shall prepare a plan or plans and submit them to the Board of Governors of the California Community Colleges on or before September 15 in the fiscal year following the fiscal year in which such plans and recommendations were required to be submitted for its approval. If an extension of time has been given under the provisions of Section 25457.3 and this section, and the county committee fails to submit a plan, the Chancellor of the California Community Colleges shall prepare a plan or plans and submit them to the Board of Governors of the California Community Colleges within one year from the date of expiration of such extension for its approval.

When submitting of plans and recommendations for a territory has become the responsibility of the Chancellor of the California Community Colleges, and such territory may be affected by a study of the feasibility of an interstate junior college district, the board of governors may grant an extension of time for the preparation of plans and recommendations. Such extension shall not extend beyond the last date upon which the county committee on school district organization was required to have submitted its plans and recommendations.

Elections shall be conducted prior to the date specified in Section 25457.23 on all organization plans pursuant to Section 25457.23. If at the end of the above procedures, any territory of the state required to be included in a community college district is not included in a community college district, the board of governors shall adopt a resolution placing such territory in one or more community college districts, and shall notify the proper boards of supervisors to make the necessary orders and shall inform all other agencies concerned of its actions. Such resolution shall be adopted by the board of governors on or before September 15 in the second fiscal year following the fiscal year in which such plans and recommendations were required to have been submitted, and the required notices shall be sent by registered mail to be received by all agencies not later than December 1 in the year of the adoption of the resolution.

CHAPTER 482

An act to amend Section 18711 of the Business and Professions Code, relating to boxing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 12, 1973 Filed with Secretary of State September 12, 1973]

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

SECTION 1. Section 18711 of the Business and Professions Code is amended to read:

18711. (a) Except as provided in Section 18713 and subdivision (b) of this section, every club licensed under this chapter shall, within 72 hours after the determination of every contest, match, or exhibition for which an admission fee is charged and received, furnish to the commission a written report duly verified by one of its officers, showing the number of tickets issued or sold for such contest, match, or exhibition, the amount of the gross receipts or value thereof, and the gross price charged directly or indirectly and no matter by whom received, for the sale, lease, or other exploitation of broadcasting and television rights of such contest, match, or exhibition, and without any deductions whatsoever for commissions, brokerage, distribution fees, advertising, or any other expenses, charges, and recoupments in respect thereto and such other matters as the commission may prescribe. Such club shall also, within the same time, pay to the commission a tax, exclusive of any federal taxes paid thereon, of one cent ($0.01) for each twenty cents ($0.20), or fraction thereof, of the amount paid for admission to such contest, match, or exhibition, and of the gross price as described above for the sale, lease, or other exploitation of broadcasting or television rights thereof, except that in no case shall such tax be less than twenty-five dollars ($25). Said tax shall apply uniformly at the same rate to all clubs subject to the tax. The tax on admissions applies to the amount actually paid for admission, and not to the regular established price No tax is due in the case of a person admitted free of charge.

(b) In the case of a professional boxing contest, there shall be deducted from the amount required to be reported showing the gross price charged directly or indirectly and no matter by whom received for the sale, lease, or other exploitation of television rights of the professional boxing contest, and upon which the tax required by subdivision (a) is applied, the gross price charged directly or indirectly and no matter by whom received, for the sale, lease, or other exploitation of television rights for viewing outside of this state, including viewing out of state by live telecasts, closed circuit telecasts, and delayed tape telecasts. This subdivision shall be operative only until August 16, 1974, and as of such date shall have no force or effect.

SEC. 2. This act is an urgency statute necessary for the

immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to avoid any possibility of double taxation, and to enable the Legislature to study further and resolve the question of taxation of professional boxing contests; this act should have immediate effect.

CHAPTER 483

An act to amend Section 27491.45 of the Government Code, and to amend Section 7151.7 of the Health and Safety Code, relating to human remains.

[Approved by Governor September 12, 1973 Filed with Secretary of State September 12, 1973]

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

SECTION 1. Section 27491.45 of the Government Code is amended to read:

27491.45 (a) The coroner shall have the right to retain tissues of the body removed at the time of autopsy as may, in his opinion, be necessary or advisable for scientific investigation.

Such tissues may, in his discretion, be submitted to hospitals, medical educational research institutions, and law enforcement agencies for training, educational, and research purposes.

(b) The coroner may, in his discretion, remove and provide parts of the body to a licensed physician and surgeon for transplantation or therapy pursuant to Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7 of the Health and Safety Code if the following conditions are met:

(1) The provision of the part will not disfigure the body or interfere with the autopsy.

(2) The decedent or other person, as specified in Section 7151.5 of the Health and Safety Code, has consented to the provision of the part, as prescribed by Section 7154 of the Health and Safety Code. If the decedent has not made such a gift of a part of his body, the coroner, or a person designated by him, shall make diligent efforts to locate and secure such gift within 24 hours of the decedent's death from an appropriate person specified in Section 7151.5 of the Health and Safety Code. In obtaining such gift, the coroner shall notify the donor of the specific part or parts requested and shall obtain the donor's informed consent, as provided in subdivision (e) of Section 7154.

(c) Nothing in this section shall be construed as limiting any right provided for in Section 7151.7 of the Health and Safety Code.

SEC. 2. Section 7151.7 of the Health and Safety Code is amended to read:

7151.7 Notwithstanding any other provision of law, only the decedent shall have the authority to donate his body or any part thereof, if it is made known that the deceased at the time of his death was a member of a religion, church, sect, or denomination which relies solely upon prayer for the healing of disease or which has religious tenets that would be violated by the disposition of the human body or parts thereof for any of the purposes specified in this chapter.

CHAPTER 484

An act to amend Section 702 of the Military and Veterans Code, relating to the Farm and Home Building Fund of 1943.

[Approved by Governor September 12, 1973 Filed with Secretary of State September 12, 1973]

The people of the State of California do enact as follows

SECTION 1. Section 702 of the Military and Veterans Code is amended to read:

702. All salaries and expenses of the Division of Farm and Home Purchases shall be paid out of the Farm and Home Building Fund of 1943 and no part thereof shall be paid from the General Fund.

CHAPTER 485

An act to add Section 10053 7 to the Welfare and Institutions Code, relating to mentally retarded persons

[Approved by Governor September 12, 1973 Filed with Secretary of State September 12, 1973]

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

SECTION 1. Section 10053.7 is added to the Welfare and Institutions Code, to read:

10053.7. The Department of Health shall establish within its certified family care program respite care services for the mentally retarded. Such respite care services shall be available to both certified family home caretakers and to persons referred by the regional mental retardation centers. For purposes of this section, respite care means temporary and intermittent care provided for short periods of time.

The rate of reimbursement for such respite care service shall be established by the department after it conducts a study to determine

if there are increased costs inherent in the provision of an intermittent and irregular service

By March 1, 1974, the Department of Health shall report to the Legislature the number of certified family care beds designated for respite care, their location, and the rate of reimbursement established.

CHAPTER 486

An act to add Sections 18753.5 and 18753.6 to the Business and Professions Code, relating to boxing.

[Approved by Governor September 12, 1973 Filed with Secretary of State September 12, 1973]

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

SECTION 1. Section 18753.5 is added to the Business and Professions Code, to read:

18753.5. Any person who throws any object or thing at the ring during a boxing contest or match is guilty of a misdemeanor.

SEC. 2. Section 18753.6 is added to the Business and Professions Code, to read:

18753.6. There shall be posted in public view at every place that a boxing contest or match is held a notice in English and Spanish, that it is unlawful to throw any object or thing at the ring during a boxing contest or match.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 487

An act making an appropriation for development of Old Sacramento State Historic Park and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 14, 1973 Filed with Secretary of State September 14, 1973]

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

SECTION 1. All moneys received from the sale of used brick from the Old Sacramento State Historic Park shall be deposited in the State Park Contingent Fund. The sum of one hundred thousand

dollars ($100,000) is hereby appropriated from moneys so deposited in the State Park Contingent Fund to the Department of Parks and Recreation for expenditure, without regard to fiscal years, for the reconstruction of the Old Eagle Theater in Old Sacramento State Historic Park and, if moneys from such appropriation are still available after such expenditure, for restoration and interpretive exhibits in Old Sacramento State Historic Park. The Department of Parks and Recreation may make arrangements with nonprofit or volunteer groups or organizations for the sale of such used brick. Moneys deposited in the State Park Contingent Fund pursuant to this act in excess of a total of one hundred thousand dollars ($100,000) shall be available for expenditure only upon appropriation by the Legislature.

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

This act would provide the funding for the greatly needed reconstruction of the Old Eagle Theater in Old Sacramento State Historic Park, a unique structure of significant historical value, from moneys to be received in the very near future from the sale of used brick at the park by volunteer workers. It is therefore necessary that this act take immediate effect.

CHAPTER 488

An act to add Sections 36512.1, 36512.2, and 36512.3 to the Government Code, relating to city councilmen.

[Approved by Governor September 17, 1973. Filed with Secretary of State September 17, 1973.]

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

SECTION 1. Section 36512.1 is added to the Government Code, to read:

36512.1. Notwithstanding the provisions of Section 36512, a city may enact an ordinance requiring that a special election be held to fill every city council vacancy or requiring that a special election be held to fill a city council vacancy when petitions bearing a specified number of verified signatures are filed.

SEC. 2. Section 36512.2 is added to the Government Code, to read:

36512.2. Notwithstanding the provisions of Section 36512, a city may enact an ordinance providing that a person appointed to fill a vacancy on the city council holds office only until the next regularly scheduled election for city council members, whereupon a special election shall be held to fill the vacancy for the remainder of the unexpired term

SEC. 3. Section 36512.3 is added to the Government Code, to read:

36512.3. No person appointed as a successor to serve during the remainder of a term in which a vacancy occurs shall be designated as an incumbent, a member of the city council, a city councilman, or other designation indicating incumbency, for purposes of the next election for such office.

CHAPTER 489

An act to amend Sections 13132, 13134, 13140, 13147, 13157, and 13158 of the Education Code, to amend Section 11591 of the Health and Safety Code, and to amend Section 291 of the Penal Code, relating to teacher certification.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 13132 of the Education Code is amended to read·

13132. The minimum requirements for the designated subjects teaching credential shall be adequate, successful, and recent experience in the technical skill, trade or vocation named on the credential with a minimum equivalent to five years experience; a program of personalized in-service training to provide professional preparation as approved by the commission; and possession of a high school diploma or the passage of an equivalency examination as designated by the commission. If in the judgment of the commission an examination in the subject to be taught is necessary or desirable, such an examination may also be required.

This credential shall authorize the holder to teach in such subject or trade at such grade level approved by the commission and designated on the credential.

SEC. 1.5. Section 13134 of the Education Code is amended to read:

13134. Until June 30, 1975, a teacher licensed pursuant to the provisions of this article may be assigned, with his consent, to teach any single subject class in which he has 18 semester hours of coursework or nine semester hours of upper division or graduate coursework or a multiple subject class if he holds at least 60 semester hours equally distributed among the four areas of a diversified major set forth in Section 13157.4. A three-semester-unit variance in any of the required four areas may be allowed. The governing board of the school district by resolution shall provide specific authorization for such assignment. The authorization of the governing board shall

remain valid for one year and may be renewed annually.

SEC. 2. Section 13140 of the Education Code is amended to read:

13140. The commission may issue a services credential authorizing service as a librarian upon completion of specialized preparation as required by the commission.

The standards for such credentials are a baccalaureate degree or higher degree from an institution approved by the commission, a valid teaching credential, a fifth year or its equivalent in college or university education to be completed within five years of the first employment under this credential, and such specialized and professional preparation as the commission may require.

SEC. 3. Section 13147 of the Education Code is amended to read:

13147. Subject matter examinations authorizing single subject instruction shall be required for all subjects taught in California public schools, such subjects to be subsumed, as directed by the commission, under the following categories: English, physical science, life science, mathematics, social science, industrial arts, physical education, business, music, art, home economics, and languages, including, but not limited to, French, Spanish, Russian, German, and Chinese. The commission shall list subject matter degrees.

A general subject matter examination authorizing teaching multiple subjects shall include an examination of the candidate's knowledge of the following areas: English, social science, fine arts, general science, and mathematics.

SEC. 3.5. Section 13147 of the Education Code is amended to read:

13147. Subject matter examinations authorizing single subject instruction shall be required for all subjects taught in California public schools, such subjects to be subsumed, as directed by the commission, under the following categories: English, physical science, life science, mathematics, social science, history, government, industrial arts, physical education, business, music, art, home economics, and languages, including, but not limited to, French, Spanish, Russian, German, and Chinese. The commission shall list subject matter degrees. A general subject matter examination authorizing teaching multiple subjects shall include an examination of the candidate's knowledge of the following areas: English, social science, fine arts, general science, and mathematics.

SEC. 4. Section 13157 of the Education Code is amended to read:

13157. The commission shall waive the subject matter examination requirement for graduates of accredited public and private institutions of higher education who hold subject matter degrees specified by the commission.

Eligibility for an examination waiver can only be achieved when the subject matter degree is one which is listed by the commission under Section 13147, and the degree has been conferred by an approved institution of higher learning.

The commission may require that the approved examination be

taken by candidates, who are otherwise eligible for an examination waiver, for informational purposes only.

SEC. 5. Section 13158 of the Education Code, as added by Chapter 557 of the Statutes of 1970 and as amended by Chapter 1465 of the Statutes of 1971, is amended to read:

13158. The general subject matter knowledge examination defined in Section 13147 as required for the services credential with a specialization in administrative services may be waived for applicants who meet the "diversified" degree requirements as provided in Section 13157.4.

SEC. 6. Section 11591 of the Health and Safety Code is amended to read:

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 Commission for Teacher Preparation and Licensing 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.

SEC. 7. Section 291 of the Penal Code is amended to read:

291. Every sheriff or chief of police, upon the arrest for any of the offenses enumerated in Section 290 or in subdivision 1 of Section 261 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 Commission for Teacher Preparation and Licensing 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.

SEC. 8. It is the intent of the Legislature, if this bill and Assembly Bill No. 724 are both chaptered and amend Section 13147 of the Education Code, and this bill is chaptered after Assembly Bill No. 724, that the amendments to Section 13147 proposed by both bills be given effect and incorporated in Section 13147 in the form set forth in Section 3.5 of this act. Therefore, Section 3.5 of this act shall become operative only if this bill and Assembly Bill No. 724 are both chaptered, both amend Section 13147, and Assembly Bill No. 724 is chaptered before this bill, in which case Section 3 of this act shall not become operative.

CHAPTER 490

An act to amend Section 18507 of the Health and Safety Code, relating to mobilehome parks.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 18507 of the Health and Safety Code is amended to read:

18507. (a) The enforcement agency shall be notified by the new owner or operator of any mobilehome park of any change in the name or ownership or possession thereof. The notice shall be in written form and shall be furnished within 30 days from and after any such change in name or transfer of ownership or possession. The notice shall be accompanied by the appropriate fees to the enforcement agency. Following receipt of the notice and fee, the enforcement agency shall record the change of ownership or possession and shall issue an amended permit to operate, except as provided in Section 18506.

(b) In case of any change in name or transfer of ownership or possession prior to completion of construction, no additional fee for a construction permit is required, provided the new owner completes construction in accordance with prior enforcement agency approved plans and specifications. However, if there is any substantial deviation from the approved plans and specifications, a new application for a permit to construct shall be submitted, accompanied by revised plans and specifications and the appropriate fees.

CHAPTER 491

An act to amend Section 2393 of the Business and Professions Code, relating to podiatry.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973.]

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

SECTION 1. Section 2393 of the Business and Professions Code is amended to read:

2393. The use of any fictitious, false or assumed name, or any name other than his own, by the holder of any certificate, either alone or in conjunction with a partnership group, in any sign or advertisement in connection with his practice, or in any advertisement or announcement of his practice, or in any public announcement of his practice, except as hereinafter expressly permitted, constitutes unprofessional conduct within the meaning of this chapter. Holders of physicians' and surgeons' certificates and holders of certificates to practice podiatry issued under this chapter may practice, within the scope of their respective certificates, in partnerships or groups of physicians and surgeons or of podiatrists, respectively.

Any physician and surgeon or partnership or group of physicians and surgeons, or any podiatrist or partnership or group of podiatrists, engaging in practice under any name that would otherwise be a violation of this section may practice under such name if, and only if, such individual, partnership or group holds an outstanding unexpired, unsuspended, and unrevoked permit issued by the board under the provisions of this section.

The board shall issue written permits authorizing the holder to use a name specified in the permit in connection with his or their practice if, and only if, the board finds to its satisfaction that:

(a) The applicant or applicants are either duly licensed physicians and surgeons or podiatrists, as the case may be;

(b) The place or establishment, or the portion thereof, in which the applicant or applicants practice, is owned or leased by the applicant or applicants, and the practice conducted at such place or establishment, or portion thereof, is wholly owned and entirely controlled by the applicant or applicants.

(c) The name under which the applicant or applicants propose to operate contains at least one of the following designations: "Medical Group," "Medical Clinic," "Podiatrists' Group," "Podiatry Group," "Podiatrists' Clinic," or "Podiatry Clinic";

(d) All licensed persons practicing at the location designated in the application hold valid and outstanding licenses and that no charges of unprofessional conduct are pending against any person practicing at such location.

Permits issued under this section by the Board of Medical

Examiners shall expire and become invalid unless renewed at the times and in the manner provided in Article 15 for the renewal of certificates issued under this chapter. Permits issued under this section by the Board of Osteopathic Examiners shall expire on December 31st of each year, and may be renewed by the board on payment of the fee equal to the annual tax and registration fee payable by licentiates of the Board of Osteopathic Examiners

Any permit issued under this section may be revoked or suspended at any time that the board finds that any one of the requirements for original issuance of a permit is no longer being fulfilled by the individual or group to whom the permit was issued. Proceedings for revocation or suspension shall be governed by the Administrative Procedure Act.

In the event charges of unprofessional conduct are filed against the holder of a permit issued under this section, or a partnership or a member of a group to whom a permit has been issued under this section, proceedings shall not be commenced for revocation or suspension of the permit until final determination of such charges of unprofessional conduct and unless such charges have resulted in revocation of license

The amendments to this section enacted at the 1955 Regular Session of the Legislature shall not be applicable to establishments licensed under Chapter 1 of Division 2 of the Health and Safety Code.

CHAPTER 492

An act to amend Section 14.8 of, and to add Sections 14.12a, 14.12b, and 14.12c to, the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), relating to the Kern County Water Agency.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 14.8 of the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961) is amended to read:

Sec. 14.8. In all matters referred to in Section 14.7, the last equalized assessment roll of the county shall be prima facie evidence as to the ownership of taxable property, the names and numbers of the persons who are holders of title, or assessable rights therein, and as to the assessed valuation of taxable property within the proposed improvement district Holders of title to undivided interests in taxable property may sign such protests and undivided interests shall be counted as though they were separate interests. If the assessment rolls fail to indicate the extent of any undivided interest, the holders of title whose undivided interests are not specifically defined, shall

have, for purposes of protests referred to in Section 14.7, equal shares therein. No person, entity, or group of multiple owners, owning two or more properties or interests, shall qualify more than once as a holder of title.

SEC. 2. Section 14.12a is added to the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), to read:

Sec. 14.12a. Except as provided in Section 14.12b, the resolution declaring the improvement district to be formed shall become effective 30 days after its adoption.

SEC. 3. Section 14.12b is added to the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), to read:

Sec. 14.12b. If a petition protesting against the adoption of the resolution declaring the improvement district to be formed is presented to the board prior to the effective date of the resolution, the resolution shall be suspended and the board shall reconsider it. The petition shall be signed by not less than 10 percent of the registered voters within the proposed improvement district on the date of adoption of the resolution. If the board does not repeal the resolution against which a petition is filed, the board shall submit the resolution to the voters within such improvement district at a regular election or a special election for the purpose. The resolution shall not become effective unless and until a majority of the voters voting at such election vote in favor thereof.

The board shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing the resolution calling the election pursuant to Section 6066 of the Government Code prior to the date of the proposed election, in at least one newspaper of general circulation within the proposed improvement district, but if there is no such newspaper, then one within the agency. Such resolution shall also be posted in three public places in the proposed improvement district not less than two weeks prior to the date of the proposed election. No other notice of such election need be given.

The returns of such election shall be made, the votes canvassed by the board within seven days following the election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code so far as they may be applicable, except as in this act otherwise provided. The secretary of the board, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

The provisions of this section shall not apply in either of the following situations:

(1) The board of directors, by five-sevenths vote, finds and declares, in the resolution declaring the improvement district formed, that the proposed project consists of emergency work

necessary in order to protect life or property from impending flood damage, in which event the resolution declaring the improvement district formed shall become effective immediately upon its adoption.

(2) The resolution declaring the improvement district formed states that all or a portion of the proposed project is to be financed by general obligation bonds to be authorized pursuant to Section 15 of this act.

SEC. 4. Section 14.12c is added to the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), to read:

Sec. 14.12c. After the formation of an improvement district, additional lands may be included therein upon the written petition of the owners thereof and a resolution of the board.

SEC. 5. There are no state-mandated costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code

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CHAPTER 493

An act to amend Sections 1729.5, 12280.2, and 12931 of the Insurance Code, relating to insurance.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 1729.5 of the Insurance Code is amended to read:

1729.5. An insurance agent, broker or life agent who has a service contract with a corporation licensed under this code or who is a stockholder or member of any incorporated association or corporation organized under the Corporations Code for the purpose of providing services to insurance agents, brokers or life agents may use the name of such a corporation or association on any stationery or advertisements and other written or printed matter used to identify the business of the insurance agent, broker or life agent provided that the name of the insurance agent, broker or life agent is clearly identified as bearing only such relationship to the corporation or association in one of the following ways:

"Representing ——;"

"A stockholder of ——;"

"Placing business through ——;"

"Using services of ——."

The use of such corporation or association name in the manner provided in this section shall not constitute such use as would mislead the public within the meaning of Section 1724.5.

SEC. 2 Section 12280.2 of the Insurance Code is amended to read as follows:

12280.2. The fee for filing application for license as motor club agent is the same as that for filing application for license as insurance agent and the provisions of Chapter 5 (commencing with Section 1621), Part 2, Division 1, applicable to insurance agents are applicable to motor club agents and their licenses.

Insurance agents, brokers, and solicitors licensed under Chapter 5 (commencing with Section 1621), Part 2, Division 1, need not be licensed to act as motor club agents under this article.

This section shall not permit a motor club agent to have a certificate of convenience nor a nonresident license, but shall require only club appointments, and shall not require the keeping of records or fiduciary accounts. Appropriate licenses and license applications may be prescribed by the commissioner.

SEC. 3. Section 12931 of the Insurance Code, as amended by Chapter 190 of the Statutes of 1972, is amended to read:

12931. (a) Service of legal process, notices or other papers described in or referred to by Section 1452, 1605, 1610, 1612, 1659, 1660, 11104 or 11105 may be made upon the commissioner in the instances enumerated in this section and under the circumstances prescribed in this section by delivering to the commissioner or his deputy two copies thereof for each person or party defendant so served accompanied by payment of ten dollars ($10) for each such person or party, and by complying with the other provisions of this section.

(b) The situations under which such service may be so made and the circumstances under which these provisions apply are:

(1) Where for any reason the person desiring to have service so made elects to serve the commissioner instead of the attorney in fact, as stipulated pursuant to Section 1323, of a reciprocal or interinsurance exchange, domestic, foreign, admitted or nonadmitted.

(2) Where service is to be made on an admitted foreign or alien insurer, when service cannot be made on the principal statutory agent of such insurer duly appointed pursuant to Article 3 (commencing with Section 1600) of Chapter 4 of Part 2 of Division 1 for reasons specified in Section 1604 or otherwise recognized by law.

(3) In actions against nonadmitted insurers, including nonadmitted fraternal benefit societies and reciprocals, under the circumstances described in Article 4 (commencing with Section 1610) of Chapter 4 of Part 2 of Division 1. This provision shall not apply to actions brought under insurance policies or certificates issued by nonadmitted insurers placed by surplus line brokers or special lines surplus line brokers where such insurance contract names a resident of this state as agent for service of process.

(4) In the instances described by Section 1659 relating to nonresident California-licensed insurance agents, brokers and life agents.

(5) In actions involving admitted and formerly admitted fraternal benefit societies as described in Section 11104.

(c) Upon receipt of two copies of the process, notice or papers to be served and the fee above prescribed, the commissioner shall promptly mail one of the copies by certified mail (or by registered mail if it is addressed to an area outside of the United States where certified mail service is not available) to the defendant or person to be served at his last principal place of business known to the commissioner by his official records in the case of a licensee; otherwise, in the case of a nonadmitted insurer, to its last principal place of business known to the commissioner from national directories or reference books or other reliable information available in the commissioner's office. He shall keep a record of all services made upon him pursuant to this section. The other copy of such process, notice or papers shall be retained among his official public records for a period not to exceed two years, absent special circumstances which in his judgment compel longer retention.

(d) Such service made in the manner provided for in this section is valid and sufficient and gives jurisdiction over the person of a nonadmitted or unauthorized defendant, provided notice of such service and a copy of the process, notice or papers being served are sent within 10 days thereafter by certified mail (or by registered mail if it is addressed to an area outside of the United States where certified mail service is not available) by plaintiff or plaintiff's attorney to the defendant at its last known principal place of business, and the receipt or the receipt of defendant's agent for such copy, showing the name of the sender and the name and address of the addressee-defendant thereon, and the affidavit of plaintiff or plaintiff's attorney showing compliance with this section, are filed with the clerk of the court in which such action is pending on or before the date the defendant is required to appear, or within such further time as the court may allow.

In case of service made pursuant to this section upon a licensee of the commissioner required by law to keep his or its current business address or that of its agent for service of process on file with the commissioner, such service shall be valid if the commissioner mailed, postage prepaid, a copy of the process, notice or papers to the defendant or licensee intended to be served to his current address as shown by the commissioner's records, or in the case of an insurer, to its manager, president or secretary, and an affidavit of compliance by plaintiff or plaintiff's attorney at law is made and filed at the place and within the time mentioned in this subdivision.

(e) No plaintiff or complainant shall be entitled to a judgment by default in any such action, suit or proceeding in which service of process is effected in the manner provided in this section until the expiration of 30 days from the date on which the affidavit of compliance is filed.

(f) Nothing in this section shall limit or abridge the right to serve any process, notice, papers or demand upon any insurer in any other

manner now or hereafter permitted by law.

CHAPTER 494

An act to add Section 644.5 to the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 644.5 is added to the Unemployment Insurance Code, to read:

644.5. "Employment" does not include services performed in the employ of an international organization.

CHAPTER 495

An act to amend Section 21805 of the Vehicle Code, relating to horseback riders.

[Approved by Governor September 17, 1973. Filed with Secretary of State September 17, 1973.]

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

SECTION 1. Section 21805 of the Vehicle Code is amended to read:

21805. (a) The Department of Transportation, and local authorities, with respect to highways under their jurisdiction may designate any intersection of a highway and a bridle path or equestrian crossing by erecting on the highway at or near the approach to the intersection appropriate signs of a type approved by the Department of Transportation indicating the crossing and the crossmarks, safety devices or signals as the authorities may deem necessary to safeguard both the vehicular traffic and any equestrian at the crossing.

(b) The driver of a vehicle shall yield the right-of-way to any horseback rider crossing a roadway at an equestrian crossing designated by signs giving notice thereof as provided in this section.

(c) The provisions of subdivision (b) shall not relieve any horseback rider from the duty of using due care for his safety. No horseback rider shall suddenly leave a curb or other place of safety and proceed into the path of a vehicle which is so close as to constitute an immediate hazard.

SEC. 2. Notwithstanding the state-mandated local costs

contained in this act, there shall be no reimbursement pursuant to Section 2164.3 of the Revenue and Taxation Code, nor shall any appropriation be made by this act, because the duties, obligations, or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 496

An act to amend Section 3271 of the Unemployment Insurance Code, relating to unemployment compensation disability insurance.

[Approved by Governor September 17, 1973. Filed with Secretary of State September 17, 1973.]

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

SECTION 1. Section 3271 of the Unemployment Insurance Code is amended to read:

3271. (a) Until January 1, 1976, the director shall approve any amendment to a voluntary plan adjusting the provisions thereof as to periods after the effective date of the amendment as to which he finds that the plan, as amended, will conform to the standards set forth in Section 3254, and that any of the following exist:

(1) A majority of the employees covered by the plan have consented in writing to the amendment.

(2) All of the employees covered by the plan who are adversely affected by the amendment have consented in writing to the amendment.

(3) The insurer of such plan, if any, has certified to the director that notice of the amendment either separately or as a part of a new certificate or statement of coverage, has, at least 10 days prior to the effective date of the proposed amendment, been delivered to the employer for distribution to his employees within 10 days thereafter and has further certified that such notice specifically included notification to the employees covered by the plan of their right to withdraw from the plan.

(b) Nothing contained in this section is intended to deny or limit the right of the director to make regulations supplementary thereto, nor on the general subject of requirements for amendments of voluntary plans subsequent to January 1, 1976.

CHAPTER 497

An act to add Section 2800.1 to the Labor Code, relating to obligations of employer.

[Approved by Governor September 17, 1973. Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 2800.1 is added to the Labor Code, to read:

2800.1. An employer shall in all cases take reasonable and necessary precautions to safeguard musical instruments and equipment, belonging to an employed musician, located on premises under the employer's control. In the event such equipment is damaged or stolen as a result of the employer's failure or refusal to take such reasonable and necessary precautions, the employer shall be liable to the owner for repair or replacement thereof if the employed musician has taken reasonable and necessary precautions to safeguard the musical instruments and equipment.

For the purposes of this section: (a) "employer" includes a purchaser of services and the owner of premises upon which an employed musician is working, and (b) "employee" is any employed musician working on premises which are under an employer's control.

CHAPTER 498

An act to add Sections 11023 and 11023.1 to, and to repeal Sections 11023, 11023.1, and 12162 of, the Welfare and Institutions Code, and to repeal Sections 1 and 3 of Chapter 1368 of the Statutes of 1972, relating to public social services, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 11023 is added to the Welfare and Institutions Code, to read:

11023. The amount of any property tax imposed on the home of a 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, either 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 installments in such amounts as, and no later than the dates by which, taxes must be paid to avoid delinquency. Recipients shall elect the method of

payment at the time the special need for property taxes is first established and may change methods only by notifying the county prior to June 1 for July 1 effectiveness or December 1 for January 1 effectiveness. Assistance under this section shall be determined on a monthly basis by apportioning the annual tax bill, and shall be disallowed for any month in which the payee does not qualify as a recipient. The total amount of assistance under this section allowed to a recipient shall not exceed five hundred dollars ($500) in any fiscal year. The additional grants provided by this section shall not be considered in computing grants payable to the recipient under Sections 12150, 12151, 12650, 12651, 13100, 13101, and 13700, or any other federal or state payment under Title XVI of the Social Security Act; and shall not be subject to the monetary limits set forth in those sections.

All county departments shall inform affected recipients of their rights under this section.

The state shall pay the nonfederal share of aid granted pursuant to this section.

This section shall remain in effect only until July 1, 1975, and on such date is repealed but if Section 19524 of the Revenue and Taxation Code is repealed and such repeal is applied to senior citizens property tax assistance claims for the 1973–74 fiscal year, this section is repealed on July 1, 1974.

SEC. 2. Section 11023.1 is added to the Welfare and Institutions Code, to read:

11023.1. (a) "Recipient," for purposes of Section 11023 means an individual who would have been eligible for property tax assistance under Part 10.5 (commencing with Section 19501) of Division 1 of the Revenue and Taxation Code, except for the effect of Section 19524 of the Revenue and Taxation Code, and who is also receiving adult public assistance payments or payments under Title XVI of the Social Security Act at the time of payment under Section 11023 without regard to Section 11023 assistance.

(b) In the case of a married couple, either one of whom would qualify as a recipient, the couple is a recipient for purposes of Section 11023. The assistance provided in Section 11023 shall be apportioned, and the election shall be made jointly.

(c) This section shall remain in effect only until July 1, 1975, and on such date is repealed but if Section 19524 of the Revenue and Taxation Code is repealed and such repeal is applied to senior citizens property tax assistance claims for the 1973–74 fiscal year, this section is repealed on July 1, 1974.

SEC. 3. Section 12162 of the Welfare and Institutions Code is repealed.

SEC. 4. Section 1 of Chapter 1368 of the Statutes of 1972 is repealed.

SEC. 5. Section 3 of Chapter 1368 of the Statutes of 1972 is repealed.

SEC. 6. There is hereby appropriated an amount allocated in the

Budget Act of 1973 for the purposes of Chapter 1368 of the Statutes of 1972 to the Department of Social Welfare for the purposes of this act in the 1973–74 fiscal year. In addition there is hereby appropriated from the General Fund the sum of four hundred twenty-four thousand dollars ($424,000) to the Department of Social Welfare for the purposes of this act in the 1973–74 fiscal year.

SEC 7. Sections 1, 2, 3, 4, 5, and 6 of this act shall become operative on July 1, 1973. If the effective date of this act is after July 1, 1973, the act shall nevertheless take effect as if effective on July 1, 1973, without loss of benefits

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:

It is the purpose of this act to provide for certain elderly recipients of public assistance the same benefits which are being provided to recipients of public assistance under the Old Age Security Law pursuant to Chapter 1368 of the 1972 Regular Session. To minimize the period of unequal treatment of elderly homeowner recipients, it is necessary that this act take effect immediately.

CHAPTER 499

An act to add Section 5093.65 to the Public Resources Code, relating to wild and scenic rivers.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 5093.65 is added to the Public Resources Code, to read:

5093.65. No construction of any dam, reservoir or other water impoundment facility shall be commenced prior to January 1, 1979, on the following portion of Kings River: The South (Main) Fork of the Kings River west of the western boundary of the Kings Canyon National Park (Cedar Grove area), and the Middle Fork of the Kings River west of the western boundary of the Kings Canyon National Park (Wilderness area), downstream to their confluence, and thence downstream to the entrance of their waters into Pine Flat Reservoir. It is not the intent of the Legislature by enactment of this section to designate any portion of the Kings River as a component of the system, and hydrologic, evironmental, economic and engineering studies, surface and subsurface geologic exploration, and any other technical studies for the purpose of determining the feasibility of a multipurpose flood control, water conservation and hydroelectric project on such portion of Kings River may be undertaken by any

local agency or private organization.

CHAPTER 500

An act to add Section 190.5 to the Education Code, relating to cooperative education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 190.5 is added to the Education Code, to read:

190 5. The office of the Chancellor of the California Community Colleges shall conduct a pilot program of up to three years' duration in cooperative education for not more than five community college districts. For the purposes of this act, "cooperative education" means on-the-job experience directly related to the student's educational goals. Cooperative education requires the supervision of an appropriately credentialed faculty member and is not limited to vocational education.

In order to enroll in a cooperative education program, a student must have earned at least 12 semester units or 18 quarter units at the community college at which he seeks to enroll in the program.

A student enrolled in a cooperative education program may not receive more than one semester unit for each five hours of fieldwork per week or one quarter unit for each 3⅓ hours of fieldwork per week.

No student may receive more than 16 units of semester credit or 24 units of quarter credit for cooperative education classes. No student may enroll in a cooperative education program for more than eight units per semester or 12 units per quarter.

No student may enroll jointly in a cooperative education program and a work experience education program. Any credit for work experience education which had been earned by a student prior to his enrollment in a cooperative education program shall be deducted from the maximum number of units for cooperative education allowable under the fourth paragraph of this section.

Average daily attendance in cooperative education shall be computed pursuant to Section 11484. The Chancellor of the California Community Colleges shall approve cooperative education programs which comply with existing regulations for new educational program approval and the other provisions of this section.

Followup evaluations and recommendations for new cooperative education programs, based upon the findings of the three-year study,

4 642 36 10 420 1380

shall be made by the office of the Chancellor of the California Community Colleges.

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

In order to permit cooperative education programs to begin operation at the beginning of the 1973–1974 fiscal year, or as soon thereafter as possible, and so facilitate the orderly administration of this act, it is necessary that this act take effect immediately.

CHAPTER 501

An act to amend Section 186.3 of the Streets and Highways Code, relating to highway funds.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 186.3 of the Streets and Highways Code is amended to read:

186.3 (a) Funds apportioned pursuant to Section 2106 shall be expended exclusively for acquisition of rights-of-way for and construction of routes on the select system of county roads and city streets for such county or city established as provided in this section or for maintenance purposes thereon, or for highway-oriented transportation studies requested by a state or federal agency; provided, however, that any expenditure of funds apportioned pursuant to Section 2106 or 2107 for acquisition of rights-of-way or construction upon a state highway, or upon a select system road or street in a county or city, including any select system road or street outside the boundaries of the county or city that complements the select system of the county or city, shall be deemed an expenditure upon the select system of the county or city making such expenditure.

(b) Each county and city, to be eligible for allocation and apportionment of funds pursuant to Section 2106 or 2107, shall file a report and map or maps with the department indicating its select system of county roads or city streets, and thereafter each eligible county and city may submit a supplemental report with map or maps recommending proposed additions or deletions to the system where such additions or deletions are warranted by changes brought about by annexations or changes in traffic or land-use patterns or by other causes. Such submittals shall be reviewed and approved or modified by the department and shall constitute the select system upon which funds may thereafter be expended.

(c) All select systems and their modifications or revisions heretofore approved by the commission shall be effective upon the date of such approval.

(d) Notwithstanding subdivision (a), funds received pursuant to Sections 2106 and 2107 and expended for the acquisition of rights-of-way for, and the construction of, city streets shall be considered expenditures on the select system of the city, if the city legislative body finds that 90 percent or more of either its select system or its entire system of city streets has been constructed. For purposes of this subdivision, the select system of city streets shall include all city streets which meet, or substantially meet, all three criteria set forth in subdivision (b) of Section 186.4. In the event that the total mileage of streets in the city has increased by more than 10 percent since the findings were made by the city legislative body, it shall reevaluate its findings.

CHAPTER 502

An act to amend Section 31680.2 of the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 31680.2 of the Government Code is amended to read:

31680.2. This section shall apply in any county having a population of less than 5,000,000 as ascertained and determined in Section 28020. Any person who has retired and who has not attained the age of compulsory retirement for the position from which he retired may be employed in a position requiring special skills or knowledge, as determined by the county or district employing him, for not to exceed 90 working days in any one fiscal year and may be paid for such employment. Such employment shall not operate to reinstate the person as a member of this system or to terminate or suspend his retirement allowance, and no deductions shall be made from his salary as contributions to this system.

CHAPTER 503

An act to amend Section 2630 of the Business and Professions Code, relating to physical therapy.

[Approved by Governor September 17, 1973. Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 2630 of the Business and Professions Code is amended to read:

2630. It is unlawful for any person or persons to practice, or offer to practice, physical therapy in this state for compensation received or expected, or to hold himself out as a physical therapist, unless at the time of so doing such person holds a valid unexpired and unrevoked license issued under this chapter.

Nothing in this section shall restrict the activities authorized by their licenses on the part of any persons licensed under this code or any initiative act, or the activities authorized to be performed pursuant to the provisions of Article 4.5 (commencing with Section 2655) of this chapter or Article 18 (commencing with Section 2510) of Chapter 5 of this division.

A person licensed pursuant to this chapter may utilize the services of an aide to assist the licentiate in his practice of physical therapy Such aide shall at all times be under the orders, direction, and immediate supervision of the licentiate. Nothing in this section shall authorize such an aide to independently perform physical therapy or any physical therapy procedure.

The administration of massage, external baths or normal exercise not a part of a physical therapy treatment shall not be prohibited by this section.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 504

An act to amend Sections 2106, 2191, and 2286 of the Business and Professions Code, relating to the practice of medicine.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 2106 of the Business and Professions Code is amended to read:

2106. The board shall hold one regular meeting annually during the month of October in the City of Sacramento and at least two additional regular meetings annually, one of which shall be held in the City of Los Angeles and the other in the City of San Francisco. The board may adjourn from time to time until its business is concluded. Special meetings of the board may be held at such time and place as the board may designate.

SEC. 2. Section 2191 of the Business and Professions Code is

amended to read:

2191. Each applicant shall present evidence satisfactory to the board that he has completed a two-year resident course of college grade, or its equivalent, including the subjects of physics, chemistry, and biology, or their equivalent, before completing the study of medicine. An applicant matriculating in a medical school after January 1, 1954, shall present evidence satisfactory to the board of having completed a three-year resident course of college grade, or its equivalent, including the subjects of physics, chemistry, and biology, or their equivalent, before completing the study of medicine.

SEC. 3. Section 2286 of the Business and Professions Code is amended to read:

2286. There shall be at least 10 questions on each subject included in the examination for each certificate. The answers to the questions shall be marked on a scale of 0 to 100. Each applicant shall obtain not less than a general average of 75 percent.

CHAPTER 505

An act to amend Section 34274 of the Health and Safety Code, relating to housing authorities.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 34274 of the Health and Safety Code is amended to read:

34274. A commissioner shall not be regularly employed by the authority to which he is appointed during his tenure of office, but may receive per diem payment for attendance at not more than four meetings per month of the authority, which shall not exceed thirty dollars ($30) per day, and shall receive necessary traveling and subsistence expenses incurred in the discharge of his duties.

CHAPTER 506

An act to amend Section 1138.1 of, and to add Section 1120.6 to, the Probate Code, and to add Section 2279.1 to the Civil Code, relating to trusts.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 2279.1 is added to the Civil Code, to read:

2279.1. (a) If the superior court shall at any time determine that the fair market value of the principal of a trust has become so low, in relation to the costs of administration thereof, that continuance of the trust pursuant to its existing terms will defeat or substantially impair the accomplishment of the purposes of the trust, the court may, in its discretion in a manner which conforms as nearly as possible to the intention of the trustor, order that the trustee be changed, that the terms of the trust be modified, or that the trust be terminated, in whole or in part.

(b) If the court orders termination of the trust, in whole or in part, it shall direct that the principal and undistributed income be distributed to the beneficiaries in a manner which conforms as nearly as possible to the intention of the trustor; and may make such other and further orders as it deems necessary or appropriate to protect the interests of the beneficiaries.

(c) Nothing in this section shall limit any power of the court to permit modification or termination of any trust, as such power existed before the adoption of this section.

(d) The existence of a spendthrift or similar protective provision in the trust, shall not make this section inapplicable.

SEC. 2 Section 1120.6 is added to the Probate Code, to read:

1120.6. (a) If upon petition of the trustee or any beneficiary of a trust, the superior court shall at any time determine that the fair market value of the principal of a trust has become so low, in relation to the costs of administration thereof, that continuance of the trust pursuant to its existing terms will defeat or substantially impair the accomplishment of the purposes of the trust, the court may, in its discretion in a manner which conforms as nearly as possible to the intention of the trustor, order that the trustee be changed, that the terms of the trust be modified, or that the trust be terminated, in whole or in part.

(b) If the court orders termination of the trust, in whole or in part, it shall direct that the principal and undistributed income be distributed to the beneficiaries in a manner which conforms as nearly as possible to the intention of the trustor; and may make such other and further orders as it deems necessary or appropriate to protect the interests of the beneficiaries.

(c) Nothing in this section shall limit any power of the court to permit modification or termination of any trust, as such power existed before the adoption of this section.

(d) The existence of a spendthrift or similar protective provision in the trust shall not make this section inapplicable to such trust.

SEC. 3. Section 1138.1 of the Probate Code is amended to read:

1138.1. (a) A trustee, beneficiary, or remainderman may petition the superior court for any of the following purposes:

(1) Determining to whom the property shall pass or be delivered upon final or partial termination of the trust, to the extent such determination is not concluded by the trust instrument.

(2) Settling the accounts and passing upon the acts of the trustee

(3) Authorizing the trustee to accept additions to the trust when the trust instrument does not prohibit such additions.

(4) Instructing the trustee.

(5) Compelling the trustee to submit his accounts and report his acts as trustee to a beneficiary or remainderman when it appears that the trustee has failed to submit an accounting and report within 60 days after written request of a beneficiary or remainderman and no accounting and report has been made within six months preceding such request.

(6) Granting to the trustee powers not expressly contained in the trust instrument to the extent provided in Section 1120.2.

(7) Fixing, directing, or allowing payment of compensation to the trustee in accordance with Section 2274 of the Civil Code.

(8) Appointing a trustee.

(9) Accepting the resignation of a trustee.

(10) Removing a trustee.

(11) Authorizing or directing removal of the trusts or assets of the trust to another jurisdiction pursuant to the procedure provided in Article 3 (commencing with Section 1139), Chapter 19, Division 3.

(12) Directing the relief provided in Section 2279.1 of the Civil Code.

(b) The terms of a trust subject to this article may expressly or by necessary implication limit or eliminate the authority of any trustee, beneficiary, remainderman or other person to petition the court under this article for any one or more of the purposes enumerated in subdivision (a).

SEC. 4. Notwithstanding the state-mandated local costs contained in this act, there shall be no reimbursement pursuant to Section 2164.3 of the Revenue and Taxation Code, nor shall any appropriation be made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

SEC. 5. This act shall apply to all trusts in effect on the effective date of this act, and to all trusts created thereafter.

CHAPTER 507

An act to amend Section 2203 of the Public Resources Code, relating to the State Geologist.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 2203 of the Public Resources Code is amended to read:

2203. The State Geologist shall make an annual report to the director for transmission to the Governor on or before the 15th day of September of each year Such report shall include a section reviewing the status of measures taken in the state to counter geologic hazards and a section reviewing the economic utilization and conservation of the state's mineral resources and problems related thereto pursuant to Chapter 7.5 (commencing with Section 2650) of this division.

CHAPTER 508

An act to amend Section 3600 3 of the Labor Code, relating to workmen's compensation.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 3600.3 of the Labor Code is amended to read:

3600 3. (a) For the purposes of Section 3600, an off-duty peace officer who is performing, within the jurisdiction of his employing agency, a service he would, in the course of his employment, have been required to perform if he were on duty, is performing a service growing out of and incidental to his employment and is acting within the course of his employment if, as a condition of his employment, he is required to be on call within such jurisdiction during his off-duty hours.

(b) As used in this section, "peace officer" means active law enforcement officers and fire suppression personnel who are full-time employees of a city, county, police or fire protection district, or of any other district furnishing police protection or fire suppression services.

(c) This section shall not apply to any off-duty peace officer while he is engaged, either as an employee or as an independent contractor, in any capacity other than as a peace officer.

(d) This section shall not preclude a peace officer from any recovery of benefits under this division to which he might be entitled pursuant to Section 50921 of the Government Code.

CHAPTER 509

An act to amend Section 3960 of the Fish and Game Code, relating to mammals

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 3960 of the Fish and Game Code is amended to read:

3960. It is unlawful to permit or allow any dog to pursue any big game mammal during the closed season on such mammal, to pursue any fully protected, rare, or endangered mammal at any time, or to pursue any mammal in a game refuge or ecological reserve if hunting within such refuge or ecological reserve is unlawful.

Employees of the department may capture any dog not under the reasonable control of its owner or handler, when such uncontrolled dog is pursuing, in violation of this section, any big game, fully protected, rare, or endangered mammal.

Employees of the department may capture or dispatch any dog inflicting injury or immediately threatening to inflict injury to any big game mammal during the closed season on such mammal, and they may capture or dispatch any dog inflicting injury or immediately threatening to inflict injury on any fully protected, rare, or endangered mammal at any time.

Employees of the department may capture or dispatch any dog inflicting injury or immediately threatening to inflict injury to any mammal in a game refuge or ecological reserve if hunting within such refuge or ecological reserve is unlawful.

No criminal or civil liability shall accrue to any department employee as a result of enforcement of this section. For the purpose of this section, "pursue" means pursue, run, or chase.

Owners of dogs with identification, that have been captured or dispatched, shall be notified within 72 hours after capture or dispatch.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 510

An act to amend Sections 74702, 74702.5, 74703, 74705, and 74708 of the Government Code, relating to courts.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 74702 of the Government Code is amended to read:

74702. There shall be one clerk who shall receive a minimum salary of one thousand seventy-four dollars ($1,074) monthly with a six-month increment of fifty-three dollars ($53), with annual increments thereafter of fifty-seven dollars ($57), fifty-nine dollars ($59) and sixty-three dollars ($63) to a maximum of one thousand three hundred and six dollars ($1,306) monthly.

SEC. 2. Section 74702.5 of the Government Code is amended to read:

74702.5. The judges of the municipal court may appoint a court administrator who shall assume and discharge the clerk's administrative responsibilities and personnel appointive powers. The court administrator shall receive a minimum salary of one thousand one hundred twenty-seven dollars ($1,127) monthly with a six-month increment of fifty-seven dollars ($57), with annual increments thereafter of fifty-nine dollars ($59), sixty-three dollars ($63), and sixty-five dollars ($65) to a maximum of one thousand three hundred seventy-one dollars ($1,371) monthly.

SEC. 3. Section 74703 of the Government Code is amended to read:

74703. Assistant clerks and other municipal court clerical employees shall receive salaries as follows.

(a) Assistant clerks and executive secretaries shall receive a minimum salary of six hundred ninety-three dollars ($693) monthly with a six-month increment of thirty-four dollars ($34), with annual increments thereafter of thirty-six dollars ($36), thirty-eight dollars ($38) and forty dollars ($40) to a maximum of eight hundred forty-one dollars ($841) monthly.

(b) Deputy clerks, grade IV, and clerk-typist, grade IV, shall receive a minimum salary of six hundred thirteen dollars ($613) monthly with a six-month increment of thirty-one dollars ($31), with annual increments thereafter of thirty-two dollars ($32), thirty-four dollars ($34), and thirty-five dollars ($35) to a maximum of seven hundred forty-five dollars ($745) monthly.

(c) Deputy clerks, grade III, and clerk-typists, grade III (municipal court), shall receive a minimum salary of five hundred forty-three dollars ($543) monthly with a six-month increment of twenty-seven dollars ($27), with annual increments thereafter of twenty-eight dollars ($28), thirty dollars ($30), and thirty-two dollars ($32) to a maximum of six hundred sixty dollars ($660) monthly

(d) Deputy clerks, grade II, and clerk-typist, grade II, shall receive a minimum salary of four hundred sixty-nine dollars ($469) monthly with a six-month increment of twenty-four dollars ($24), with annual increments thereafter of twenty-four dollars ($24), twenty-six dollars ($26) and twenty-seven dollars ($27), to a maximum of five hundred seventy dollars ($570) monthly.

(e) Deputy clerks, grade I, and clerk-typist, grade I, shall receive a minimum salary of four hundred twenty-five dollars ($425) monthly with a six-month increment of twenty-two dollars ($22), with annual increments thereafter of twenty-two dollars ($22), twenty-four dollars ($24), and twenty-four dollars ($24) with a maximum of five hundred seventeen dollars ($517) monthly.

(f) Account clerk, grade II, shall receive a minimum salary of five hundred fifty-six dollars ($556) monthly, with a six-month increment of twenty-eight dollars ($28), with annual increments thereafter of twenty-nine dollars ($29), thirty-one dollars ($31) and thirty-two dollars ($32), to a maximum of six hundred seventy-six dollars ($676) monthly.

SEC. 4. Section 74705 of the Government Code is amended to read:

74705. Certain classes of employment in the municipal courts are deemed to be equivalent in job and salary level to certain classes in the service of the County of Sonoma, or in some instances, to such classes plus or minus a specified number of salary ranges. Whenever the salary of those classes in the service of the County of Sonoma is adjusted by the board of supervisors, the salary of the comparable classes in the municipal courts shall be adjusted to a like extent plus or minus the number of of salary ranges specified in this section, if applicable. Such adjustment shall be effective on the same date as the effective date of the action by the board of supervisors, as it applies to the classes in the service of the county, but such adjustments shall be effective only until the 61st day after the adjournment of the next regular session of the Legislature which commences thereafter. Whenever references to salary ranges are made in this section, the salary range schedule found in the salary ordinance of the County of Sonoma shall apply.

(a) The class of clerk of the municipal court is equivalent in job and salary level, plus one-half range, to the class of assistant county clerk.

(b) The classes of assistant clerk, municipal court, and executive secretary, municipal court, are equivalent in job and salary level to the class of executive secretary.

(c) The class of deputy clerk IV, and the class of clerk-typist, grade IV (municipal court), is equivalent in job and salary level to the class of clerk-typist IV.

(d) The class of deputy clerk, grade III, and the class of clerk-typist, grade III (municipal court), is equivalent in job and salary level to the class of clerk-typist III.

(e) The class of deputy clerk II, and the class of clerk-typist, grade II (municipal court), is equivalent in job and salary level to the class of clerk-typist II.

(f) The class of deputy clerk I, and the class of clerk-typist, grade I (municipal court), is the equivalent in job and salary level to the class of clerk-typist I.

(g) The class of court administrator is the equivalent in job and

salary level to the class of administrative assistant, grade III.

(h) The class of account clerk, grade II (municipal court) is equivalent in job and salary level to the class of account clerk grade II.

SEC. 5. Section 74708 of the Government Code is amended to read:

74708. In the municipal court in the district which includes all the territory in the County of Sonoma, there shall be the following personnel:

(a) There shall be four judges who may appoint one executive secretary and one clerk-typist, grade IV (municipal court).

(b) There shall be one clerk, who may appoint:

(1) Two assistant clerks.

(2) Six deputy clerks, grade IV.

(3) Eleven deputy clerks, grade III:

(4) Ten deputy clerks, grade II.

(5) One account clerk, grade II.

(6) One clerk-typist, grade II (municipal court).

SEC. 6. Notwithstanding the state-mandated local costs contained in this act, there shall be no reimbursement pursuant to Sec. 2164.3 of the Revenue and Taxation Code, nor shall any appropriation be made by this act because the affected local agency has requested the Legislature to revise state law, in accordance with the provisions of this act and that the agency desires to bear the expense of any increased costs resulting from such revision without reimbursement by the state.

CHAPTER 511

An act to add Section 14115.1 to the Welfare and Institutions Code, relating to Medi-Cal.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 14115.1 is added to the Welfare and Institutions Code, to read:

Section 14115.1. The department may not require that any hospital based physician submit a combined charge, which includes the physician and hospital charge, if it is not the customary practice of such physician to submit a combined charge. The physician's right to bill independently shall be respected by the department; provided, however, this shall not prevent the department from enacting reasonable regulations to insure that the total charges, when a hospital and physician bill separately, do not exceed the total charge when both bill for the same services in a combined charge.

CHAPTER 512

An act to add Section 1203.14 to the Penal Code, and to add Section 536.5 to the Welfare and Institutions Code, relating to probation departments.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 1203.14 is added to the Penal Code, to read:

1203.14 Notwithstanding any other provision of law, probation departments may engage in activities designed to prevent adult delinquency. These activities include rendering direct and indirect services to persons in the community. Probation departments shall not be limited to providing services only to those persons on probation being supervised under Section 1203.10, but may provide services to any adults in the community

SEC. 2. Section 536.5 is added to the Welfare and Institutions Code, to read:

536.5. Notwithstanding any other provision of law, probation departments may engage in activities designed to prevent juvenile delinquency. These activities include rendering direct and indirect services to persons in the community. Probation departments shall not be limited to providing services only to those persons on probation being supervised under Section 654, but may provide services to any juveniles in the community.

CHAPTER 513

An act to add Chapter 8.5 (commencing with Section 12944.5) to Part 6 of Division 6 of the Water Code, relating to water facilities.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Chapter 8.5 (commencing with Section 12944 5) is added to Part 6 of Division 6 of the Water Code, to read:

CHAPTER 8.5. LOCAL DISTRIBUTION FACILITIES

12944.5 Notwithstanding any other provision of law to the contrary, any local public agency other than a city or county which has executed a contract with the state for a water supply pursuant to Section 12937 shall satisfy any requirement for the approval by the voters of the agency to secure authorization for the issuance of

general obligation bonds to fund the acquisition and construction of works and facilities to enable such local public agency to utilize the water for which it has contracted, if a majority of the voters voting on the proposition to incur the bonded indebtedness vote in favor of such proposition. The provisions of law governing the issuance of general obligation bonds by the local public agency, including the provisions of the principal act of the local public agency, shall govern all matters relating to the issuance of such general obligation bonds, including the authorization, issuance, sale or retirement thereof, except only that a majority of the voters voting on the proposition to incur the bonded indebtedness need vote in favor of such proposition in order to authorize the issuance of such bonds. The provisions of this chapter shall be applicable only to general obligation bonds approved at a statewide primary or general election.

CHAPTER 514

An act to add Sections 6546.2, 6546.3, 6546.4 and 6546.5 to the Government Code, relating to joint exercise of powers.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 6546.2 is added to the Government Code, to read:

6546.2. In addition to other powers, any agency, commission or board provided for by joint powers agreement pursuant to Article 1 (commencing with Section 6500) of this chapter and created in a county of the third class as determined by Sec. 28020 may, by ordinance, authorize the issuance of revenue bonds pursuant to this article to pay the cost and expenses of acquiring or improving a regional public park or regional public recreation area and all facilities and improvements related thereto.

SEC. 2. Section 6545.3 is added to the Government Code, to read:

6546.3. Notwithstanding any other provision of law, any local agency entering into a lease or rental contract or agreement with a joint powers entity formed for the purposes specified in Section 6546.2 shall do so by ordinance adopted by the governing body of the local agency. Any ordinance adopted pursuant to this section shall not take effect until and unless it shall first have been approved by a majority of the voters of the local agency. The ordinance submitted to the voters shall, in general terms:

(a) Describe the property or facilities to be leased or rented.

(b) State the terms and conditions of the lease or rental contract or agreement.

(c) State the time period for which the lease or rental contract or agreement will run.

(d) State the total estimated amount to be paid by the local agency to the joint powers entity under the lease or rental contract or agreement and the yearly or monthly payments to be made thereon.

For purposes of this section "lease or rental contract or agreement" means any lease, sublease, contract or other agreement involving land or buildings, structures or other facilities which are permanently attached to land, where the contract or agreement is made directly or indirectly between a local agency and a joint powers entity, if the proceeds of the contract or agreement provided by the local agency will be used in whole or in part by such joint powers entity for payment of principal or interest on any bonds issued by it pursuant to Section 6546.2.

SEC. 3. Section 6546.4 is added to the Government Code, to read:

6546.4. The governing body of any local agency adopting an ordinance pursuant to Section 6546.3 shall call an election for purposes of submitting to the qualified electors of the agency the question of whether the ordinance shall be adopted. Such election shall be called, held, conducted and the votes canvassed in the same manner, or as near thereto as is possible, as an election at which the local agency submits a general obligation bond proposal to its voters.

For purposes of this section the voters of the local agency shall be the voters entitled to vote at elections for members of the governing board of the agency, if the agency has an elected governing board, and the vote of each such voter shall be given the same weight as it would be given in an election for members of the governing board. If a local agency does not have an elected governing board, the voters of the agency shall be the voters residing within the boundaries of the agency who would be qualified to vote for candidates for Governor at any gubernatorial election. If a majority of the votes cast within a local agency are for adoption of the ordinance, the ordinance shall be deemed adopted; provided, however, that the ordinance shall not take effect until a certified copy of the record of the final canvass of votes is filed with the Secretary of State.

If a local agency does not have statutory power to introduce an ordinance and submit it to the voters of the agency, the governing body of such local agency may introduce and submit such ordinance at any regular meeting by the approving votes of a majority of all of its members.

SEC. 4. Section 6546.5 is added to the Government Code, to read:

6546.5. In the event that two-thirds of the votes cast in an election called pursuant to Section 6546.4 are against adoption of the ordinance, no ordinance authorizing the local agency to enter into a lease or rental contract or agreement for the same or substantially the same purpose shall be submitted to the voters of that local agency for a period of one year from the date of the election.

CHAPTER 515

An act to amend Section 25210 4a of the Government Code, relating to local planning.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 25210.4a of the Government Code is amended to read:

25210.4a. The term "miscellaneous extended services" as used in this chapter shall include, but shall not be limited to, the following:

(1) Water service including the acquisition, construction, operation, replacement, maintenance and repair of water supply and distribution systems, including land, easements and rights-of-way and water rights.

(2) Sewer service, including the acquisition, construction, operation, replacement, maintenance and repair of sewage collection, transportation and disposal systems, including land, easements and rights-of-way.

(3) Pest or rodent control.

(4) Street and highway sweeping.

(5) Street and highway lighting including the acquisition, construction, replacement, maintenance and repair of a street or highway lighting system, including land, easements and rights-of-way.

(6) Refuse collection.

(7) Garbage collection.

(8) Ambulance service.

(9) Area planning by an area planning commission established pursuant to Article 11 (commencing with Section 65600) of Chapter 3 of Title 7.

(10) Soil conservation and drainage control.

(11) Animal control.

CHAPTER 516

An act to amend Sections 11215 and 11216 of the Health and Safety Code, relating to controlled substances.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 11215 of the Health and Safety Code is amended to read:

11215. Except as otherwise provided in this section, 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. When acting under the direction of a physician, any psychiatric technician licensed pursuant to Chapter 10 (commencing with Section 4500) of Division 2 of the Business and Professions Code or any vocational nurse licensed pursuant to Chapter 6.5 (commencing with Section 2840) of Division 2 of the Business and Professions Code may administer methadone or other controlled substances orally in the treatment of an addict for addiction to a controlled substance.

SEC. 2. Section 11216 of the Health and Safety Code is amended to read:

11216. Except as otherwise provided in Section 11215, 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.

CHAPTER 517

An act to amend Section 31584 of the Government Code, relating to county employees' retirement.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 31584 of the Government Code is amended to read:

31584. The board of supervisors shall make the appropriations, and if it fails or neglects to make the appropriations, the county auditor shall transfer from any money available in any fund in the county treasury the sums specified by this chapter and this transfer shall have the same force and effect as it would have had if the required appropriation had been made by the board of supervisors

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CHAPTER 518

An act to add Section 18253.5 of the Education Code, relating to driver education.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 18253.5 is added to the Education Code, to read:

18253.5. The Department of Education may grant waivers of automobile driver training education provisions of the Education Code for the purpose of establishing experimental driver education programs directed toward improving cost effectiveness in the reduction of traffic crashes. Waivers under this section shall not increase program reimbursements authorized pursuant to Sections 17305 and 17305.7.

SEC. 2. The Department of Education shall conduct a pilot program in which 12 school districts are exempted from the time requirements specified in Section 18252.4 of the Education Code for the laboratory phase of driver education and are required to observe the time requirements set forth in this act.

The pilot program shall be directed to determining the feasibility and cost effectiveness of modifying the time requirements set forth in Section 18252.4.

SEC. 3. (a) The Department of Education shall permit 12 school districts, upon application, to observe the following schedule for the laboratory phase of driver education:

	Minimum number of hours per individual pupil	Minimum average number of hours per total of pupils trained
Plan I		
Behind-the-wheel practice	3	6
Observation	6	6
Plan II		
Behind-the-wheel practice	2	3
Observation	6	6
Simulation	12	12
Plan III		
Behind-the-wheel practice	2	3
Observation	6	6
Multiple-car driving range	12	12
Plan IV		
Behind-the-wheel practice	2	2
Observation	6	6
Simulation and multiple-car driving range	8	16

(b) For purposes of subdivision (a):

(1) "Behind-the-wheel practice" means onstreet behind-the-wheel practice driving instruction in a dual-control automobile with a qualified instructor.

(2) "Observation" means time in a dual-control automobile with a qualified instructor for the purposes of observation. Practice driving on an offstreet multiple-car driving range approved by the department under the supervision of a qualified instructor may be substituted for all or part of the observation time.

(3) "Simulation" means instruction by a qualified instructor in a driving simulator approved by the department.

(4) "Multiple-car driving range" means instruction by a qualified instructor on an offstreet multiple-car driving range.

(c) For purposes of this section, one hour means 60 minutes including passing time.

(d) Any deviation from the standard use of a simulator or offstreet multiple-car driving range, or both, shall have prior approval by the Department of Education before the school district can be reimbursed for the students trained.

SEC. 4. The Department of Education shall report to the Legislature on or before June 30, 1976, regarding the pilot program required by this act, and shall make recommendations to the Legislature regarding the possible modification of the time requirements specified in Section 18252.4 of the Education Code.

CHAPTER 519

An act to amend Sections 5258, 6005, 6702, 7154, 11706 and 11707 of, and repeal Section 7173, of the Financial Code, relating to savings and loan associations.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 5258 of the Financial Code is amended to read:

5258. Every order, decision, approval, certificate, license, permit, or the denial of any approval, certificate, license or permit, or other official act of the commissioner provided for in Articles 1 (commencing with Section 5500), 2 (commencing with Section 5550), and 4 (commencing with Section 5650) of Chapter 3, Chapter 5 (commencing with Section 6000), Sections 6450 to 6455, inclusive, Section 7616, and Article 1 (commencing with Section 9200) of Chapter 18, of Part 1 of this division, or in Part 4 (commencing with Section 11500) of this division is subject to judicial review in accordance with law. Except for review of proceedings conducted in

accordance with Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code, an action or proceeding for judicial review pursuant to this section must be commenced within 60 days after the issuance of such order, decision, approval, certificate, license or permit, or within 60 days after such denial, or other official act.

SEC. 2. Section 6005 of the Financial Code is amended to read:

6005. (a) Before issuing a branch license, the commissioner shall hold a hearing at the time and place specified in the notice required by Section 6004. Any person may appear at such hearing in person or by agent or attorney, and orally or in writing show cause why the branch license should not be issued upon any relevant ground.

(b) This section does not apply to a branch license issued for an existing facility acquired pursuant to a merger, consolidation, conversion or transfer of assets.

(c) The commissioner may approve an office or offices for an association as its executive or administrative headquarters even though the association may not transact a savings business at such office.

SEC. 3. Section 6702 of the Financial Code is amended to read:

6702. An association may invest in, hold, buy, and sell the following:

(a) Real property used or to be used primarily as the principal office or branch of the association, and real property used or to be used primarily as a service office or office of the service corporation of the association or an undivided interest in real property used or to be used primarily as a service office or office of the association or its service corporation and of other associations owning the other undivided interests in such real property. As used in this subdivision the term real property includes (1) real property in reasonably close proximity to a principal, branch, or service office used or to be used primarily as a parking lot in connection with the operations of such office and (2) structures or buildings located on land owned in fee or held under a lease or sublease by the association with an unexpired term of 25 years at the date of execution by the association of such lease or sublease. Except as provided in Section 6703 no association shall invest in such real property or in such structures or buildings more than one-half of the sum of its statutory net worth.

(b) Furniture, fixtures, furnishings, equipment and leasehold improvements necessary or proper for the business of the association, or for use in connection with properties owned by or securing loans of the association. Leasehold improvements as used herein shall not include structures or buildings referred to in subdivision (a) of this section. Except as provided in Section 6703 no association shall invest in furniture, fixtures, furnishings, equipment, and leasehold improvements as defined herein for its offices more than 30 percent of the sum of its statutory net worth.

(c) United States government bonds and treasury certificates, or any bonds, debentures, notes, or other obligations guaranteed by the United States of America, and obligations issued or guaranteed by

the Government National Mortgage Association.

(d) Bonds, debentures, notes, and other securities issued or guaranteed in whole or in part by any federal home loan bank, or the Federal Savings and Loan Insurance Corporation, or other similar federal agency.

(e) Consolidated Federal Home Loan Bank bonds, debentures, or notes.

(f) Bonds of this state or of any flood control and water conservation districts or any zone thereof having an assessed valuation on taxable real property of not less than one million dollars ($1,000,000), county, city and county, city, metropolitan water district, municipal utility district, any special district established by and within any municipal utility district, transit district, rapid transit district, metropolitan transit authority, flood control district, or school district of the State of California.

(g) Bonds and other securities which are expressly authorized as legal investments for or purchase by savings banks in this state, bankers' acceptances of the kind, character, and maturity eligible for rediscount with a Federal Reserve bank, and such other securities as the commissioner may authorize by rules and regulations.

(h) Bonds issued by any railroad corporation or any public utility corporation substantially all of the properties of which are located in the United States of America. Railway corporations and public utility corporations, as used in this subdivision, do not include street railway corporations.

(i) Stock, shares, debentures and bonds of any international home loan bank which may hereafter be incorporated by authority of an act of Congress.

(j) California street improvement bonds. No association at any one time shall have invested pursuant to the sole authority of this subdivision an aggregate amount in excess of 2 percent of the then total assets of the association.

(k) Stock issued by any federal home loan bank or other similar federal agency of which the association is eligible to be a member.

(*l*) Bonds and other securities as provided in Division 11 of this code.

(m) Stocks, bonds, debentures, participations, and other obligations of or issued by the Federal National Mortgage Association and the Small Business Administration. No association at any one time shall have invested pursuant to the sole authority of this subdivision an aggregate amount in excess of 5 percent of the then total assets of the association.

(n) Loans and interests in loans on the security of real property located in foreign countries guaranteed by an agency of the federal or state government; and capital stock, obligations, notes, and other securities of any thrift institution organized under the laws of a foreign country and engaged in the business of making loans on the security of real estate in such country subject to regulations of the commissioner. No association shall make any investment pursuant to

this subdivision if its aggregate outstanding investment under this subdivision would thereupon exceed 1 percent of the then total assets of the association.

(o) Subject to the rules and regulations of the commissioner, stock issued by a corporation authorized to be created pursuant to Title IX of the Housing and Urban Development Act of 1968, and may make investments in a partnership, limited partnership, or joint venture formed pursuant to Section 907(a) or 907(c) of such act.

SEC. 3.5. Section 6702 of the Financial Code is amended to read:

6702. An association may invest in, hold, buy, and sell the following:

(a) Real property used or to be used primarily as the principal office or branch of the association, and real property used or to be used primarily as a service office or office of the service corporation of the association or an undivided interest in real property used or to be used primarily as a service office or office of the association or its service corporation and of other associations owning the other undivided interests in such real property. As used in this subdivision the term real property includes (1) real property in reasonably close proximity to a principal, branch, or service office used or to be used primarily as a parking lot in connection with the operations of such office and (2) structures or buildings located on land owned in fee or held under a lease or sublease by the association with an unexpired term of 25 years at the date of execution by the association of such lease or sublease. Except as provided in Section 6703 no association shall invest in such real property or in such structures or buildings more than one-half of the sum of its statutory net worth.

(b) Furniture, fixtures, furnishings, equipment and leasehold improvements necessary or proper for the business of the association, or for use in connection with properties owned by or securing loans of the association. Leasehold improvements as used herein shall not include structures or buildings referred to in subdivision (a) of this section. Except as provided in Section 6703 no association shall invest in furniture, fixtures, furnishings, equipment, and leasehold improvements as defined herein for its offices more than 30 percent of the sum of its statutory net worth.

(c) United States government bonds and Treasury certificates, or any bonds, debentures, notes, or other obligations guaranteed by the United States of America, and obligations issued or guaranteed by the Government National Mortgage Association.

(d) Bonds, debentures, notes, and other securities issued or guaranteed in whole or in part by any federal home loan bank, or the Federal Savings and Loan Insurance Corporation, or other similar federal agency.

(e) Consolidated federal home loan bank bonds, debentures, or notes.

(f) Bonds of this state or of any flood control and water conservation districts or any zone thereof having an assessed valuation on taxable real property of not less than one million dollars

($1,000,000), county, city and county, city, metropolitan water district, municipal utility district, any special district established by and within any municipal utility district, transit district, rapid transit district, metropolitan transit authority, flood control district, or school district of the State of California.

(g) Bonds and other securities which are expressly authorized as legal investments for or purchase by savings banks in this state, bankers' acceptances of a kind, character, and maturity eligible for rediscount with a Federal Reserve bank, and such other securities as the commissioner may authorize by rules and regulations.

(h) Bonds issued by any railroad corporation or any public utility corporation substantially all of the properties of which are located in the United States of America. Railway corporations and public utility corporations, as used in this subdivision, do not include street railway corporations.

(i) Stock, shares, debentures and bonds of any international home loan bank which may hereafter be incorporated by authority of an act of Congress.

(j) California street improvement bonds. No association at any one time shall have invested pursuant to the sole authority of this subdivision an aggregate amount in excess of 2 percent of the then total assets of the association

(k) Stock issued by any federal home loan bank or other similar federal agency of which the association is eligible to be a member.

(*l*) Bonds and other securities as provided in Division 11 of this code.

(m) Stocks, bonds, debentures, participations, and other obligations of or issued by the Federal National Mortgage Association and the Small Business Administration. No association at any one time shall have invested pursuant to the sole authority of this subdivision an aggregate amount in excess of 5 percent of the then total assets of the association.

(n) Loans and interests in loans on the security of real property located in foreign countries guaranteed by an agency of the federal or state government; and capital stock, obligations, notes, and other securities of any thrift institution organized under the laws of a foreign country and engaged in the business of making loans on the security of real estate in such country subject to regulations of the commissioner. No association shall make any investment pursuant to this subdivision if its aggregate outstanding investment under this subdivision would thereupon exceed 1 percent of the then total assets of the association.

(o) Subject to the rules and regulations of the commissioner, stock issued by a corporation authorized to be created pursuant to Title IX of the Housing and Urban Development Act of 1968, and may make investments in a partnership, limited partnership, or joint venture formed pursuant to Section 907(a) or 907(c) of such act.

SEC. 4 Section 7154 of the Financial Code is amended to read:

7154 An association may make unamortized loans upon the

security of improved real property on the following terms:

a. In an amount not exceeding 60 percent of the appraised value of such property if the terms of such loans do not exceed three years, after which the loan may not be extended and may be refinanced only with an amortized loan in accordance with the provisions of Section 7150.

b. In an amount not exceeding 70 percent of the appraised value of such property if the terms of such loans do not exceed two years, after which the loan may not be extended and may be refinanced only with an amortized loan in accordance with the provisions of Section 7150.

SEC. 5. Section 7173 of the Financial Code is repealed.

SEC. 6. Section 11706 of the Financial Code, as amended by Chapter 590 of the Statutes of 1972, is amended to read:

11706. (a) It is unlawful for any acquiring party to acquire control of a savings and loan association or savings and loan holding company or to acquire all the assets, or substantially all the assets, of a savings and loan holding company by the process of merger, consolidation or purchase of assets of such savings and loan holding company until 30 days after the date of filing with the commissioner of a complete application in accordance with regulations of the commissioner containing the following information and any additional information that the commissioner may prescribe as necessary or appropriate in the public interest or for the protection of savings account holders, borrowers or stockholders:

(1) The identity, character and experience of each acquiring party by whom or on whose behalf acquisition is to be made.

(2) The financial and managerial resources and future prospects of each acquiring party involved in the acquisition.

(3) The terms and conditions of any proposed acquisition and the manner in which such acquisition is to be made.

(4) The source and amount of the funds or other consideration used or to be used in making the acquisition, and, if any part of these funds or other consideration has been or is to be borrowed or otherwise obtained for the purpose of making the acquisition, a description of the transaction and the names of the parties. However, where a source of funds is a loan made in the lender's ordinary course of business, if the person filing such statement so requests, the commissioner shall not disclose the name of the lender to the public.

(5) Any plans or proposals which any acquiring party making the acquisition may have to liquidate such savings and loan association or savings and loan holding company, to sell its assets or merge it with any company or to make any other major changes in its business or corporate structure or management.

(6) The identification of any persons employed, retained or to be compensated by the acquiring party, or by any person on his behalf, to make solicitations or recommendations to stockholders for the purpose of assisting in the acquisition, and brief description of the terms of such employment, retainer or arrangements for

compensation.

(7) Copies of all invitations for tenders or advertisements making a tender offer to stockholders for purchase of their stock to be used in connection with the proposed acquisition.

(b) When an unincorporated company is required to file the statements under paragraphs (1), (2) and (6) of subdivision (a), the commissioner may require that the information be given with respect to each partner of a partnership or limited partnership; by each member of a syndicate or group; and by each person who controls a partner or member. When an incorporated company is required to file the statements under paragraphs (1), (2) and (6) of subdivision (a), the commissioner may require that the information be given for the corporation and for each officer and director of the corporation and for each person who is directly or indirectly the beneficial owner of 25 percent or more of the outstanding voting securities of the corporation.

(c) If any tender offer, request or invitation for tenders or other agreement to acquire control is proposed to be made by means of a registration statement under the Federal Securities Act of 1933, as amended, or in circumstances requiring the disclosure of similar information under the Federal Securities Exchange Act of 1934, as amended, or in an application filed with the Federal Home Loan Bank Board requiring similar disclosure, such registration statement or application may be filed with the commissioner in lieu of the requirements of this section.

SEC. 7. Section 11707 of the Financial Code is amended to read:

11707. The commissioner may within 30 days after the date of filing of the complete application referred to in Section 11706, file an action or proceeding in the superior court to prevent the pending acquisition of control if he finds any of the following:

(a) The acquisition would substantially lessen competition or would in any manner be in restraint of trade or would result in a monopoly, or would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the savings and loan business in any part of the State of California, unless he also finds that the anticompetitive effects of the proposed acquisition are clearly outweighed in the public interest by the probable effect of the acquisition in meeting the convenience and needs of the community to be served.

(b) The poor financial condition of any acquiring party might jeopardize the financial stability of the savings and loan association or the savings and loan holding company being acquired or might prejudice the interests of the savings account holders, borrowers, or stockholders of the savings and loan association or is not in the public interest.

(c) The plan or proposal under which the acquiring party intends to liquidate the savings and loan association or the savings and loan holding company, to sell its assets or to merge it with any person or company, or to make any other major change in its business or

corporate structure or management, is not fair and reasonable to the association's savings account holders, borrowers, or stockholders or is not in the public interest.

(d) The competence, experience, and integrity of any acquiring party who would control the operation of the savings and loan association or savings and loan holding company indicate that approval would not be in the interest of the association's savings account holders, borrowers, or stockholders or in the public interest.

SEC. 8. It is the intent of the Legislature, if both this bill and Assembly Bill No. 267 are chaptered, become effective January 1, 1974, and amend Section 6702 of the Financial Code, and this bill is chaptered after Assembly Bill No. 267, that the amendments to Section 6702 proposed by both bills be given effect and incorporated in Section 6702 in the form set forth in Section 3.5 of this act. Therefore, Section 3.5 of this act shall become operative only if this bill and Assembly Bill No. 267 are both chaptered, both become effective January 1, 1974, and both amend Section 6702, and Assembly Bill No. 267 is chaptered before this bill, in which case Section 3 of this act shall not become operative.

CHAPTER 520

An act to amend Sections 5201, 13656, and 13656.2 of the Education Code, and to amend Sections 6700, 6701, and 18025 of the Government Code, relating to state holidays.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 5201 of the Education Code is amended to read:

5201. Except as otherwise provided the public schools shall close on Saturdays and Sundays, and shall continue in session or close on specified holidays as follows:

(a) The public schools shall close on January 1st, February 12th known as "Lincoln Day," the third Monday in February known as "Washington Day," the last Monday in May known as "Memorial Day," July 4th, the first Monday in September known as "Labor Day," September 9th known as "Admission Day," November 11th known as "Veterans Day," that Thursday in November proclaimed by the President as "Thanksgiving Day," and December 25th.

(b) The Governor in appointing any other day for a public fast, thanksgiving, or holiday may provide whether the public schools shall close on the day. If the Governor does not provide whether the public schools shall close, they shall continue in session on all special or limited holidays appointed by the Governor, but shall close on all

other days appointed by the Governor for a public fast, thanksgiving, or holiday.

(c) The public schools shall close on every day appointed by the President as a public fast, thanksgiving, or holiday, unless it is a special or limited holiday.

(d) The public schools shall continue in session on all legal holidays other than those designated by or pursuant to this section and shall hold proper exercises commemorating the day.

(e) When any of the holidays on which the schools would be closed fall on Sunday, the public schools shall close on the Monday following.

(f) When any of the holidays on which the schools would be closed fall on Saturday, the public schools shall close on the preceding Friday, and such Friday shall be declared a state holiday.

(g) Nothing in this section is to be interpreted as authorizing a school district governing board to maintain schools in its district for a lesser number of days during the school year than the minimum established by law.

SEC. 2. Section 13656 of the Education Code is amended to read:

13656. All employees a part of the classified service shall be entitled to the following paid holidays provided they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday: January 1, February 12 known as "Lincoln Day," the third Monday in February known as "Washington Day," the last Monday in May known as "Memorial Day," July 4, the first Monday in September known as "Labor Day," September 9 known as "Admission Day," November 11 known as "Veterans Day," that Thursday in November proclaimed by the President as "Thanksgiving Day," December 25, every day appointed by the President, or the Governor of this state, as provided for in subdivisions (b) and (c) of Section 5201 for a public fast, thanksgiving or holiday, or any day declared a holiday under Section 877 or 5202 which the board specifies shall be a holiday for classified or certificated employees.

Regular employees of the district who are not normally assigned to duty during the school holidays of December 25 and January 1 shall be paid for those two holidays provided that they were in a paid status during any portion of the working day of their normal assignment immediately preceding or succeeding the holiday period.

When a holiday herein listed falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. When a holiday herein listed falls on a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day observed. When a classified employee is required to work on any of said holidays, he shall be paid compensation, or given compensating time off, for such work, in addition to the regular pay received for the holiday, at the rate of time and one-half his regular rate of pay.

The provisions of Article 3 (commencing with Section 5201) of

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Chapter 2 of Division 6 shall not be construed to in any way limit the provisions of this section, nor shall anything in this section be construed to prohibit the governing board from providing holiday pay for employees who have not been in paid status on the days specified herein.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

SEC. 3. Section 13656.2 of the Education Code is amended to read:

13656.2. Prior to July 1 of any school year, the governing board of any school district may designate other days during such year as the holidays to which classified employees are entitled in lieu of the holidays on February 12 known as "Lincoln Day," the third Monday in February known as "Washington Day," the last Monday in May known as "Memorial Day," September 9 known as "Admission Day," or November 11 known as "Veterans Day" as specified in Section 13656, provided that such designated days will provide for at least a three-day weekend. Classified employees shall be required to work on the regular holiday for which another day is designated pursuant to this section, and for work of eight hours or less, shall be paid compensation at their regular rate of pay.

If any classified employee would be entitled to the regular paid holiday but would not be in a paid status during any portion of the working day immediately preceding or succeeding the day so designated in lieu of such holiday and therefore would not be entitled to such day in lieu of the holiday, he shall be entitled to the regular holiday; however, if he is required to work on such holiday, he shall be paid compensation at the rate of time and one-half of his regular rate of pay in addition to the regular pay received for the holiday.

This section shall not be construed to authorize the maintenance of schools on holidays other than as provided in Article 3 (commencing with Section 5201) of Chapter 2 of Division 6.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

SEC. 4. Section 6700 of the Government Code is amended to read:

6700. The holidays in this state are:

(a) Every Sunday.
(b) January 1st.
(c) February 12th, known as "Lincoln Day."
(d) The third Monday in February.
(e) The last Monday in May.
(f) July 4th.
(g) First Monday in September.
(h) September 9th, known as "Admission Day."
(i) The second Monday in October, known as "Columbus Day."

(j) November 11th, known as "Veterans Day."
(k) December 25th.
(*l*) Good Friday from 12 noon until 3 p.m.
(m) Every day on which an election is held throughout the state.
(n) Every day appointed by the President or Governor for a public fast, thanksgiving, or holiday.

Except for the Thursday in November appointed as Thanksgiving Day, this subdivision shall not apply to a city, county or district unless made applicable by charter, or by ordinance or resolution of the governing body thereof.

SEC. 5. Section 6701 of the Government Code is amended to read:

6701 If January 1st, February 12th, July 4th, September 9th, November 11th, or December 25th falls upon a Sunday, the Monday following is a holiday. If November 11th falls upon a Saturday, the preceding Friday is a holiday.

SEC. 6. Section 18025 of the Government Code is amended to read·

18025. All employees shall be entitled to the following holidays: the first day of January, the 12th day of February, the third Monday in February, the last Monday in May, the fourth day of July, the first Monday in September, the ninth day of September, the second Monday in October, the 11th day of November, the 25th day of December, every day on which an election is held throughout the state, and every day appointed by the Governor of this state for a public fast, thanksgiving, or holiday.

When a day herein listed falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. If November 11th falls upon a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day observed. Any employee who may be required to work on any of the holidays herein mentioned, and who does work on any of said holidays, shall be entitled to be paid compensation or given compensating time off for such work within the meaning of this article. For the purpose of computing the number of hours worked, time during which an employee is excused from work because of holidays, sick leave, vacation, or compensating time off, shall be considered as time worked by the employee.

CHAPTER 521

An act to amend and renumber Section 28730 of, to add Section 28730 to, and to add Article 2.2 (commencing with Section 28745), and Article 2.4 (commencing with Section 28750), and Article 2.6 (commencing with Section 28752) to, Chapter 3 of Part 2 of Division 10 of, the Public Utilities Code, relating to the San Francisco Bay Area Rapid Transit District, and making an appropriation therefor.

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[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 28730 of the Public Utilities Code is amended and renumbered to read:

28730.5. The government of the district shall be vested in a board of directors.

SEC. 2. Section 28730 is added to the Public Utilities Code, to read:

28730. This article shall remain operative until November 29, 1974, and shall have no force and effect after such date, unless a majority of the votes cast on the proposition submitted pursuant to Section 28752.2 are not in favor of the proposition. In such case, this article shall remain operative.

SEC. 3. Article 2.2 (commencing with Section 28745) is added to Chapter 3 of Part 2 of Division 10 of the Public Utilities Code, to read:

Article 2.2. District Board of Directors

28745. On and after November 29, 1974, the governing body of the district shall be a board of directors consisting of nine members elected by election districts, except as provided in Section 28752.6.

The nine election districts shall be established within the district as provided in this article by resolution adopted by the board.

28745.2. A resolution establishing the election districts shall be adopted by a majority of the members of the board not later than March 1, 1974.

28745.4. The board, in dividing the district into election districts, shall establish and define the boundaries of the nine election districts within the territory of the district, and shall number the election districts from 1 to 9, inclusive. The boundaries of the election districts shall be defined so that the districts shall be as nearly equal in population as possible.

28745.6. In establishing the election districts, consideration shall be given to the following factors:

(a) Community of interest of the population within an election district.

(b) Cohesiveness, contiguity, integrity, and compactness of territory.

(c) Topography.

(d) Geography.

Boundaries of the election districts need not conform to the boundaries of counties, cities, cities and counties, or districts, or of wards or election districts established for the nomination or election of any officers thereof, or of Assembly, Senate, or congressional districts.

28745.8. The establishment of election districts shall be made on the basis of the population in the district as shown or estimated from

the most recent of any of the following: the last federal decennial census; any census of a county, taken as provided in Section 26203 of the Government Code, or census of a city, taken as provided in Chapter 17 (commencing with Section 40200), Part 2, Division 3, Title 4 of the Government Code; any census or population estimate of a city or of a city and county, taken or made as provided in Section 2107 1 or 2107.2 of the Streets and Highways Code; or population estimates contained in any official document prepared by the Department of Finance and issued to the public.

28746. The resolution establishing the election districts shall describe the boundaries of the election districts by reference to a map or maps on file with the district secretary. Immediately upon adoption of the resolution, the secretary shall file a certified copy of the map or maps describing all nine election districts with the Secretary of State and with the county clerk of each county with territory within the boundaries of the district.

28746.2. All cities, counties, and cities and counties within the district shall provide the board with such information, services, and facilities as may be required in the performance of its duties relating to apportioning the district into the nine election districts.

28746.4. Until the election and qualification of the first elected board, the members of the board in office on January 1, 1974, shall remain in office, shall receive the compensation and expenses prescribed in this part for the office, and shall be the governing body of the district. The term of office of the nonelected board shall end at noon on November 29, 1974.

28746.6. The election to elect the members of the first elected board shall be conducted on November 5, 1974, and, notwithstanding any other provision of law, where possible, the election shall be consolidated with any general district election held on that date pursuant to the Uniform District Election Law (Part 3 (commencing with Section 23500) of Division 12 of the Elections Code).

Thereafter, a general district election for the election of directors whose terms are to expire in that year shall be held and conducted on the first Tuesday after the first Monday in November of each even-numbered year and shall be consolidated, where possible, with the general election held on such date.

28746.8. Except as otherwise provided in this article, candidates for the board shall be nominated, the election held and conducted, and the ballots canvassed in accordance with the provisions of the Uniform District Election Law.

28747. Each candidate for the board shall file nomination papers in the form and manner prescribed in the Uniform District Election Law with the county clerk of the county or principal county in which the geographical area making up the election district from which he is seeking election is located.

28747.2. A candidate for election from any of the election districts shall be nominated and elected by the voters residing within the election district from which he is elected.

28747.4. The county clerk of each county within the boundaries of the district shall conduct the election and canvass the returns for those election districts or portions of election districts which are within the county of his jurisdiction as county clerk. After the official canvass has been taken, the county clerk shall report the returns, by election district number, to the board. The board shall declare the results of the election. The secretary of the district shall issue certificates of election, signed by him and duly authenticated, to each candidate declared elected, immediately following determination of the results of the election by the board.

28747.6. Members of the board shall be residents and voters of the district and of the geographical area making up the election district from which they are elected. The office shall be deemed to be vacant if a member ceases to meet these requirements.

28747.8. The candidate from each election district receiving the highest number of votes cast for the board in that election district shall be declared elected.

28748. If a tie vote makes it impossible to determine which of two or more candidates has been elected, the existing board shall resolve the tie by lot and declare the results thereof as provided in Section 23554 of the Elections Code.

28748 2. Each member of the first elected board shall take office at noon on November 29, 1974. The term of office of the elected directors shall be four years, except that the term of office of the first elected board shall be either two years or four years. At the first regular meeting of the first elected board, the board shall determine, by lot, whether the directors elected from the even- or odd-numbered election districts shall have terms of office expiring at noon on the last Friday in November 1976 or November 1978, as the case may be.

28748 4. Until November 29, 1974, any vacancy on the board shall be filled for the remainder of the unexpired term in the same manner as the vacating member was appointed. Thereafter, any vacancy on the board shall be filled by appointment for the remainder of the unexpired term by the remaining members of the board. Any person so appointed shall meet the requirements set forth in Section 28747.6.

28748.8. Each director shall be paid the sum of fifty dollars ($50) for each district meeting that he attends, whether a full board meeting or a meeting of a committee of the board, but he shall not be paid more than two hundred fifty dollars ($250) in any one calendar month, nor shall he be paid for more than one meeting which he attends on the same day. Each director shall be allowed such necessary traveling and personal expenses incurred in the performance of his duties as may be authorized by the board.

SEC. 4. Article 2 4 (commencing with Section 28750) is added to Chapter 3 of Part 2 of Division 10 of the Public Utilities Code, to read:

Article 2.4. Redistricting of Election Districts

28750. Following each federal decennial census and using the census as a basis, the board shall, by resolution, adjust the boundaries of the election districts so that the districts shall be as nearly equal in population as possible. In reestablishing the boundaries of the districts, the board shall give consideration to the factors specified in Section 28745.6.

28750.2. 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.

Notwithstanding Section 28745, if the board fails to adjust election district boundaries pursuant to this article before the 90th day prior to the final date for registration of electors for an election of directors, each director to be elected at that election shall have the qualifications required in Section 28747.6, but shall be elected at large. Directors shall continue to be so elected until the board adjusts the election district boundaries.

28750.4. The resolution reestablishing the election districts shall describe the new boundaries of the election districts by reference to a map or maps on file with the secretary of the district. Immediately upon adoption of the resolution, the secretary shall file a certified copy of the resolution and the map or maps describing all election districts with the Secretary of State and with the county clerk of each county with territory within the boundaries of the district.

28750.6. If, at any time between each federal decennial census, the district annexes territory, pursuant to Chapter 9 (commencing with Section 29500), the board, within 90 days after completion of the annexation proceedings, shall, by resolution, adjust the boundaries of the election districts so that the districts shall be as nearly equal in population as possible.

28750.8. (a) The term of office of any director who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the election district from which he was elected.

(b) At the first election for directors following adjustment of the boundaries of the election districts, a director shall be elected for each election district under the readjusted election district plan that has the same number as an election district whose incumbent's term is due to expire.

(c) Notwithstanding any other provision of this article, a change in the boundaries of an election district shall not be made within 90 days prior to the final date of voter registration for an election of directors.

SEC. 5. Article 2.6 (commencing with Section 28752) is added to Chapter 3 of Part 2 of Division 10 of the Public Utilities Code, to read:

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Article 2.6. Board Selection Election

28752. Not later than January 31, 1974, the board of supervisors of any county included within the district may adopt a resolution declaring that, in its judgment, the members of the board of directors should be appointed as provided in Article 2 (commencing with Section 28730), rather than elected as provided in Article 2.2 (commencing with Section 28745).

28752.2. (a) If the boards of supervisors of two or more counties included within the district adopt resolutions pursuant to Section 28752, the board of directors shall call a special election which shall be consolidated with the direct primary election to be held on June 4, 1974.

(b) The board of directors shall provide for the publication of notice of the election pursuant to Section 6066 of the Government Code. The first publication of notice shall be made between May 1 and May 15, 1974.

(c) The ballot for the election shall contain substantially the instructions required to be printed on ballots for use at general elections and the following proposition substantially as follows:

Shall the members of the Board of Directors of the San Francisco Bay Area Rapid Transit District be elected?	YES	
	NO	

28752.4. If a majority of the votes cast in the district on the proposition are in favor of the proposition, the members of the board of directors from that county shall be elected and shall serve as provided in Article 2.2 (commencing with Section 28745).

28752.6. If a majority of the votes cast in the district on the proposition are not in favor of the proposition, the members of the board of directors shall be appointed and shall serve as provided in Article 2 (commencing with Section 28730).

28752.8. The results of the election shall be entered into the minutes of the board of directors.

SEC. 6. The sum of forty-three thousand two hundred dollars ($43,200) is hereby appropriated from the General Fund to the State Controller for allocation and disbursement to local agencies pursuant to Section 2164.3 of the Revenue and Taxation Code to reimburse such agencies for costs incurred by them pursuant to this act. This appropriation shall be available until June 30, 1975.

Payments shall be made to local agencies in accordance with the following provisions:

Each local agency to which the mandate is applicable shall submit to the State Controller, within 45 days of the operative date of the mandate, a claim for reimbursement based upon its estimate of the units of work to be performed during either the 1973–74 or 1974–75 fiscal year.

Computation of amounts claimed for units of work shall be on the

basis of a unit cost in the amount of forty-three thousand two hundred dollars ($43,200) per election dealing with the Board of Directors of the San Francisco Bay Area Rapid Transit District which shall be the unit of work. The State Controller shall pay each claimant as reimbursement for units of work an amount determined by multiplying (1) the unit cost of work as specified herein by (2) the number of units of work estimated to be performed by the claimant.

Any payment, adjustment, or audit of claims by the State Controller shall be on the basis of units of work, rounded to the nearest whole unit, and the unit costs specified herein rather than actual costs. The State Controller (1) may reduce any claim which he determines is excessive or unreasonable, (2) may audit the records of any local agency to verify the actual units of work performed, and (3) shall make any adjustments necessary to correct for underpayments or overpayments which occurred in either the 1973–74 or 1974–75 fiscal year.

Claims for reimbursement shall be prepared in the form, and payments made at the time, specified by the State Controller. No claim or amendment to a claim shall be accepted by the State Controller after the time prescribed herein for filing of claims.

In the event that the amount appropriated for reimbursement purposes pursuant to this act is not sufficient to pay all claims filed timely, the State Controller shall pay such claims on a pro rata basis and shall notify the Director of Finance of the deficiency.

CHAPTER 522

An act to amend Section 41103 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 17, 1973. Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 41103 of the Vehicle Code is amended to read.

41103. The method of giving notice for the purposes of the provisions of Section 41102 is as follows:

(1) During the time of the violation a notice thereof shall be securely attached to the vehicle setting forth the violation including reference to the section of this code or of such ordinance so violated, the approximate time thereof and the location where such violation occurred and fixing a time and place for appearance by the registered owner or the lessee or renter in answer to such notice.

Such notice shall be attached to such vehicle either on the steering post or front door handle thereof or in such other conspicuous place upon the vehicle as to be easily observed by the person in charge of

such vehicle upon his return thereto.

(2) Before any warrant of arrest shall issue following the filing of a complaint charging such a violation, a notice of the violation shall be given to the person so charged. Such notice shall contain the information required in paragraph (1) above and shall also inform such registered owner or the lessee or renter that unless he appears in the court to be designated in such notice within 10 days after service of such notice and answers such charge, or completes and files an affidavit of nonownership, a warrant or citation to appear will be issued against him

Such notice shall contain or be accompanied by an affidavit of nonownership. In addition to any other required information, such notice shall also provide information as to what constitutes nonownership, information as to the effect of executing such affidavit, and instructions for mailing or returning the affidavit to the court. Upon receipt of evidence satisfactory to the court that the person charged with violating Section 41102 has made a bona fide sale or transfer of the vehicle and has delivered possession thereof to the purchaser prior to the date of the alleged violation, the court shall obtain verification from the department that the person charged has complied with the requirements of subdivision (a) or (b) of Section 5602, and, if the person has complied with subdivision (a) or (b) of Section 5602, the charges against the person under Section 41102 shall be dismissed.

Such notice shall be given, either by personal delivery thereof to such owner, lessee or renter, or by deposit in the United States mail of an envelope with postage prepaid which envelope shall contain such notice and shall be addressed to such owner, lessee or renter at his address as shown by the records of the department or the leasing or renting agency. The giving of notice by personal delivery is complete upon delivery of a copy of such notice to such person. The giving of notice by mail is complete upon the expiration of 10 days after the deposit of such notice.

Proof of giving such notice may be made by the certificate of any traffic or police officer or affidavit of any person over 18 years of age naming the person to whom such notice was given and specifying the time, place and manner of the giving thereof.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act, since such costs will be minimal on a statewide basis in relation to the effect on local tax rates.

CHAPTER 523

An act to amend Section 5358 of the Welfare and Institutions Code, relating to mental health.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 5358 of Welfare and Institutions Code, as amended by Chapter 1593 of the Statutes of 1971, is amended to read:

5358. A conservator appointed pursuant to this chapter shall have the right, if specified in the court order, to place his conservatee in a medical, psychiatric, nursing, or other state-licensed facility, or a state hospital, county hospital, hospital operated by the Regents of the University of California, a United States government hospital, or other nonmedical facility approved by the State Department of Health or an agency accredited by the State Department of Health; or in addition to any of the foregoing, in cases of chronic alcoholism, to a county alcoholic treatment center. If the conservatee is not to be placed in his own home or the home of a relative, first priority shall be to placement in a suitable facility as close as possible to his home or the home of a relative.

If requested, the local mental health director shall assist the conservator in selecting a placement facility for the conservatee. When a conservatee who is receiving services from the local mental health program is placed, the conservator shall inform the local mental health director of the facility's location and any movement of the conservatee to another facility.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 524

An act to add Section 12532.4 to the Government Code, and Sections 10125, 10127, and 11512.5 to the Insurance Code, relating to health insurance.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 12532.4 is added to the Government Code, to read:

12532.4. On and after the effective date of this section, every health care service plan which covers hospital, medical, or surgical expenses on a group basis, which does not provide or arrange direct health care services for its members, shall offer coverage for expenses incurred as a result of mental or nervous disorders, under such terms and conditions as may be agreed upon between the health care service plan and the subscriber group. Every health care service plan shall communicate the availability of such coverage to all subscriber groups, and to all prospective subscriber groups with whom they are negotiating.

SEC. 2. Section 10125 is added to the Insurance Code, to read:

10125. On and after the effective date of this section, every insurer issuing group disability insurance which covers hospital, medical, or surgical expenses shall offer coverage for expenses incurred as a result of mental or nervous disorders, under such terms and conditions as may be agreed upon between the group policyholder and the insurer. Every insurer shall communicate the availability of such coverage to all group policyholders and to all prospective group policyholders with whom they are negotiating.

SEC. 3. Section 10127 is added to the Insurance Code, to read:

10127. On and after the effective date of this section, every self-insured employee welfare benefit plan which provides coverage for hospital, medical, or surgical expenses shall offer coverage for expenses incurred as a result of mental or nervous disorders, under such terms and conditions as may be agreed upon between the self-insured welfare benefit plan and the member. Every self-insured welfare benefit plan shall communicate the availability of such coverage to all members and prospective members.

SEC. 4. Section 11512.5 is added to the Insurance Code, to read:

11512.5. On and after the effective date of this section, every nonprofit hospital service plan, including those plans issuing group hospital service contracts, which does not provide or arrange direct health care services for its members, shall offer coverage for expenses incurred as a result of mental or nervous disorders, under such terms and conditions as may be agreed upon between the plan and the group contract holder. Every nonprofit hospital service plan, including those issuing group hospital service contracts, shall communicate the availability of such coverage to all group contract holders, and to all prospective group contract holders with whom they are negotiating.

CHAPTER 525

An act to add Sections 29254 and 29255 to the Elections Code, relating to elections.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 29254 is added to the Elections Code, to read:

29254. Every paid circulator of an initiative, referendum or recall petition is guilty of a misdemeanor and is punishable by a fine not exceeding five hundred dollars ($500), or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment, if he willfully and knowingly refuses to permit each person to whom the petition is presented for signature to read the contents of the petition if the person so requests.

A conviction pursuant to this section shall not invalidate any signature obtained by the defendant which is otherwise valid.

SEC. 2. Section 29255 is added to the Elections Code, to read:

29255. A "paid circulator" includes any person who circulates, as principal or agent, or has charge or control of the circulation of, or obtains signatures to, any initiative, referendum or recall petition, in return for any form of compensation, whether that compensation is received before or after the circulation of the petition.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 526

An act to add Chapter 2 (commencing with Section 511.010) to Title 7 of Part 2 of, and to repeal Chapter 2 (commencing with Section 509) of Title 7 of Part 2 of, the Code of Civil Procedure, relating to claim and delivery.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Chapter 2 (commencing with Section 509) of Title 7 of Part 2 of the Code of Civil Procedure is repealed.

SEC 2. Chapter 2 (commencing with Section 511.010) is added to Title 7 of Part 2 of the Code of Civil Procedure, to read:

CHAPTER 2. CLAIM AND DELIVERY OF PERSONAL PROPERTY

Article 1. Words and Phrases Defined

511.010. Unless the provision or context otherwise requires, the definitions in this article govern the construction of this chapter.

511.020. "Complaint" includes a cross-complaint.

511.030. "Defendant" includes a cross-defendant.

511.040. "Farm products" means crops or livestock or supplies used or produced in farming operations or products of crops or livestock in their unmanufactured states (such as ginned cotton, wool clip, maple syrup, honey, milk, and eggs) while in the possession of a defendant engaged in raising, fattening, grazing, or other farming operations. If tangible personal property is a farm product, it is not inventory.

511.050 "Inventory" means tangible personal property in the possession of a defendant who holds it for sale or lease or to be furnished under contracts of service.

511.060. "Levying officer" means the sheriff, constable, or marshal who is directed to execute a writ of possession issued under this chapter.

511.070. "Person" includes an individual, a corporation, a partnership or other unincorporated association, and a public entity.

511.080. "Plaintiff" means a person who files a complaint or cross-complaint.

511.090. A claim has "probable validity" where it is more likely than not that the plaintiff will obtain a judgment against the defendant on that claim.

511 100. "Public entity" includes the state, the Regents of the University of California, a county, city, district, public authority, public agency, and any other political subdivision or public corporation in the state.

Article 2. Writ of Possession

512.010. (a) Upon the filing of the complaint or at any time thereafter, the plaintiff may apply pursuant to this chapter for a writ of possession by filing a written application for the writ with the court in which the action is brought.

(b) The application shall be executed under oath and shall include all of the following:

(1) A showing of the basis of the plaintiff's claim and that the plaintiff is entitled to possession of the property claimed. If the basis of the plaintiff's claim is a written instrument, a copy of the instrument shall be attached.

(2) A showing that the property is wrongfully detained by the defendant, of the manner in which the defendant came into possession of the property, and, according to the best knowledge,

information, and belief of the plaintiff, of the reason for the detention.

(3) A particular description of the property and a statement of its value.

(4) A statement, according to the best knowledge, information, and belief of the plaintiff, of the location of the property and, if the property, or some part of it, is within a private place which may have to be entered to take possession, a showing that there is probable cause to believe that such property is located there.

(5) A statement 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.

(c) The requirements of subdivision (b) may be satisfied by one or more affidavits filed with the application.

512.020. (a) Except as otherwise provided in this section, no writ shall be issued under this chapter except after a hearing on a noticed motion.

(b) A writ of possession may be issued ex parte pursuant to this subdivision if probable cause appears that any of the following conditions exists:

(1) The defendant gained possession of the property by feloniously taking the property from the plaintiff. This subdivision shall not apply where the defendant has fraudulently appropriated property entrusted to him or obtained possession by false or fraudulent representation or pretense or by embezzlement.

(2) The property is a credit card.

(3) The defendant acquired possession of the property in the ordinary course of his trade or business for commercial purposes and:

(i) The property is not necessary for the support of the defendant or his family; and

(ii) There is an immediate danger that the property will become unavailable to levy by reason of being transferred, concealed, or removed from the state or will become substantially impaired in value by acts of destruction or by failure to take care of the property in a reasonable manner; and

(iii) The ex parte issuance of a writ of possession is necessary to protect the property.

The plaintiff's application for the writ shall satisfy the requirements of Section 512.010 and, in addition, shall include a showing that the conditions required by this subdivision exist. A writ of possession may issue if the court finds that the conditions required by this subdivision exist and the requirements of Section 512.060 are met. Where a writ of possession has been issued pursuant to this subdivision, a copy of the summons and complaint, a copy of the application and any affidavit in support thereof, and a notice which satisfies the requirements of subdivisions (c) and (d) of Section 512.040 and informs the defendant of his rights under this subdivision shall be served upon the defendant and any other person required

by Section 514.020 to be served with a writ of possession. Any defendant whose property has been taken pursuant to a writ of possession issued under this subdivision may apply for an order that the writ be quashed and any property levied on pursuant to the writ be released. Such application shall be made by noticed motion, and the provisions of Section 512.050 shall apply. Pending the hearing on the defendant's application, the court may order that delivery pursuant to Section 514.030 of any property previously levied upon be stayed. If the court determines that the plaintiff is not entitled to a writ of possession, the court shall quash the writ of possession and order the release and redelivery of any property previously levied upon, and shall award the defendant any damages sustained by him which were proximately caused by the levy of the writ of possession and the loss of possession of the property pursuant to such levy.

512.030. Prior to the hearing required by subdivision (a) of Section 512.020, the defendant shall be served with all of the following:

(a) A copy of the summons and complaint.

(b) A Notice of Application and Hearing.

(c) A copy of the application and any affidavit in support thereof.

512.040. The "Notice of Application and Hearing" shall inform the defendant of all of the following.

(a) A hearing will be held at a place and at a time, to be specified in the notice, on plaintiff's application for a writ of possession.

(b) The writ will be issued if the court finds that the plaintiff's claim is probably valid and the other requirements for issuing the writ are established. The hearing is not for the purpose of determining whether the claim is actually valid. The determination of the actual validity of the claim will be made in subsequent proceedings in the action and will not be affected by the decision at the hearing on the application for the writ.

(c) If the defendant desires to oppose the issuance of the writ, he shall file with the court either an affidavit providing evidence sufficient to defeat the plaintiff's right to issuance of the writ or an undertaking to stay the delivery of the property in accordance with Section 515.020.

(d) The notice shall contain the following statement: "If you believe the plaintiff may not be entitled to possession of the property claimed, you may wish to seek the advice of an attorney. Such attorney should be consulted promptly so that he may assist you before the time set for the hearing."

512.050. Each party shall file with the court and serve upon the other party within the time prescribed by rule any affidavits and points and authorities intended to be relied upon at the hearing. At the hearing, the court shall make its determinations upon the basis of the pleadings and other papers in the record; but, upon good cause shown, the court may receive and consider additional evidence and authority produced at the hearing or may continue the hearing for the production of such additional evidence, oral or documentary, or

the filing of other affidavits or points and authorities.

512.060. (a) At the hearing, a writ of possession shall issue if both of the following are found:

(1) The plaintiff has established the probable validity of his claim to possession of the property.

(2) The plaintiff has provided an undertaking as required by Section 515.010.

(b) No writ directing the levying officer to enter a private place to take possession of any property shall be issued unless the plaintiff has established that there is probable cause to believe that such property is located there.

512.070. If a writ of possession is issued, the court may also issue an order directing the defendant to transfer possession of the property to the plaintiff. Such order shall contain a notice to the defendant or the party in possession of such property, that failure to turn over possession of such property to plaintiff may subject the defendant, or person in possession of such property, to being held in contempt of court or arrest.

512.080. The writ of possession shall meet all of the following requirements:

(a) Be directed to the levying officer within whose jurisdiction the property is located.

(b) Describe the specific property to be seized.

(c) Specify any private place that may be entered to take possession of the property or some part of it.

(d) Direct the levying officer to levy on the property pursuant to Section 514.010 if found and to retain it in his custody until released or sold pursuant to Section 514.030.

(e) Inform the defendant that he has the right to except to the sureties upon the plaintiff's undertaking, a copy of which shall be attached to the writ, or to obtain redelivery of the property by filing an undertaking as prescribed by Section 515.020.

512.090. (a) The plaintiff may apply ex parte in writing to the court in which the action was brought for an endorsement on the writ directing the levying officer to seize the property at a private place not specified in the writ.

(b) The court shall make the endorsement if the plaintiff establishes by affidavit that there is probable cause to believe that the property or some part of it may be found at that place.

512.100. Neither the failure of the defendant to oppose the issuance of a writ of possession under this chapter nor his failure to rebut any evidence produced by the plaintiff in connection with proceedings under this chapter shall constitute a waiver of any defense to plaintiff's claim in the action or any other action or have any effect on the right of the defendant to produce or exclude evidence at the trial of any such action.

512.110. The determinations of the court under this chapter shall have no effect on the determination of any issues in the action other than the issues relevant to proceedings under this chapter, nor shall

they affect the rights of any party in any other action arising out of the same claim. The determinations of the court under this chapter shall not be given in evidence nor referred to in the trial of any such action.

512.120. If the plaintiff fails to recover judgment in the action, he shall redeliver the property to the defendant and be liable for all damages sustained by the defendant which are proximately caused by operation of the temporary restraining order and preliminary injunction, if any, the levy of the writ of possession, and the loss of possession of the property pursuant to levy of the writ of possession or in compliance with an order issued under Section 512.070.

Article 3. Temporary Restraining Order

513.010. (a) Except as otherwise provided by this chapter, the provisions of Chapter 3 (commencing with Section 525) of this title relating to the issuance of a temporary restraining order apply. At or after the time he files his application for writ of possession, the plaintiff may apply for a temporary restraining order by setting forth in the application a statement of grounds justifying the issuance of such order.

(b) A temporary restraining order may issue ex parte if all of the following are found:

(1) The plaintiff has established the probable validity of his claim to possession of the property.

(2) The plaintiff has provided an undertaking as required by Section 515.010.

(3) The plaintiff has established the probability that there is an immediate danger that the property claimed may become unavailable to levy by reason of being transferred, concealed, or removed or may become substantially impaired in value.

(c) If at the hearing on issuance of the writ of possession the court determines that the plaintiff is not entitled to a writ of possession, the court shall dissolve any temporary restraining order; otherwise, the court may issue a preliminary injunction to remain in effect until the property claimed is seized pursuant to the writ of possession.

513.020. In the discretion of the court, the temporary restraining order may prohibit the defendant from doing any or all of the following:

(a) Transferring any interest in the property by sale, pledge, or grant of security interest, or otherwise disposing of, or encumbering, the property. If the property is farm products held for sale or lease or is inventory, the order may not prohibit the defendant from transferring the property in the ordinary course of business, but the order may impose appropriate restrictions on the disposition of the proceeds from such transfer.

(b) Concealing or otherwise removing the property in such a manner as to make it less available to seizure by the levying officer.

(c) Impairing the value of the property either by acts of

destruction or by failure to care for the property in a reasonable manner.

Article 4 Levy and Custody

514.010. (a) Except as otherwise provided in this section, upon receipt of the writ of possession the levying officer shall search for and take custody of the specified property, if it be in the possession of the defendant or his agent, either by removing the property to a place of safekeeping or by installing a keeper.

(b) If the specified property is used as a dwelling, such as a mobilehome or boat, levy shall be made by placing a keeper in charge of the property for two days, at the plaintiff's expense, after which period the levying officer shall remove the occupants and any contents not specified in the writ and shall take exclusive possession of the property.

(c) If the specified property or any part of it is in a private place, the levying officer shall at the time he demands possession of the property announce his identity, purpose, and authority. If the property is not voluntarily delivered, the levying officer may cause any building or enclosure where the property may be located to be broken open in such a manner as he reasonably believes will cause the least damage and 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 promptly make a return to the court from which the writ issued setting forth the reasons for his belief that the risk exists. In such case, the court shall make such orders as may be appropriate.

(d) Nothing in this section authorizes the levying officer to enter or search any private place not specified in the writ of possession or other order of the court.

514.020. (a) At the time of levy, the levying officer shall deliver to the person in possession of the property a copy of the writ of possession with a copy of the plaintiff's undertaking attached.

(b) If no one is in possession of the property at the time of levy, the levying officer shall subsequently serve the writ and attached undertaking on the defendant. If the defendant has appeared in the action, service shall be accomplished in the manner provided by Chapter 5 (commencing with Section 1010) of Title 14 of this part. If the defendant has not appeared in the action, service shall be accomplished in the manner provided for the service of summons and complaint by Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of this part.

514.030. (a) After the levying officer takes possession pursuant to a writ of possession, he shall keep the property in a secure place. Except as otherwise provided by Sections 512.020 and 514.050:

(1) If notice of the filing of an undertaking for redelivery or notice of exception to the plaintiff's sureties is not received by the levying

officer within 10 days after levy of the writ of possession, the levying officer shall deliver the property to plaintiff, upon receiving his fees for taking and necessary expenses for keeping the property.

(2) If notice of the filing of an undertaking for redelivery is received by the levying officer within 10 days after levy of the writ of possession and defendant's sureties are not excepted to, the levying officer shall redeliver the property to defendant upon expiration of the time to so except, upon receiving his fees for taking and necessary expenses for keeping the property not already paid or advanced by the plaintiff.

(3) If notice of exception to the plaintiff's sureties or notice of the filing of an undertaking for redelivery is received within 10 days after levy of the writ of possession and defendant's sureties are excepted to, the levying officer shall not deliver or redeliver the property until the time provided in Section 515.030.

(b) Notwithstanding subdivision (a), where not otherwise provided by contract and where an undertaking for redelivery has not been filed, upon a showing that the property is perishable or will greatly deteriorate or depreciate in value or for some other reason that the interests of the parties will be best served thereby, the court may order that the property be sold and the proceeds deposited in the court to abide the judgment in the action.

514.040. The levying officer shall return the writ of possession, with his proceedings thereon, to the court in which the action is pending within 30 days after levy but in no event more than 60 days after the writ is issued.

514.050. Where the property taken is claimed by one other than the defendant or his agent, the rules and proceedings applicable in cases of third-party claims after levy under execution shall apply.

Article 5. Undertakings

515.010. The court shall not issue a temporary restraining order or a writ of possession until the plaintiff has filed with the court a written undertaking. The undertaking shall provide that the sureties are bound to the defendant in the amount of the undertaking for the return of the property to the defendant, if return thereof be ordered, and for the payment to him of any sum he may recover against plaintiff. The undertaking shall be executed by two or more sufficient sureties in an amount not less than twice the value of the property as determined by the court.

515.020. (a) The defendant may prevent the plaintiff from taking possession of property pursuant to a writ of possession or regain possession of property so taken by filing with the court in which the action was brought a written undertaking executed by two or more sufficient sureties in an amount equal to either the amount of the plaintiff's undertaking required by Section 515.010 or, if there has been no judicial determination, the value of the property stated in the plaintiff's application for a writ of possession. The undertaking

shall state that, if the plaintiff recovers judgment on the action, the defendant shall pay all costs awarded to the plaintiff and all damages that the plaintiff may sustain by reason of the loss of possession of the property, not exceeding the amount of the undertaking. The damages recoverable by the plaintiff pursuant to this section shall include all damages proximately caused by the plaintiff's failure to gain or retain possession.

(b) The defendant's undertaking may be filed at any time before or after levy of the writ of possession. A copy of the undertaking shall be mailed to the levying officer and to the plaintiff. An affidavit stating that such copies have been mailed shall be filed with the court at the time the undertaking is filed.

(c) The defendant's undertaking shall state the address to which a copy of the notice of exception to sureties may be sent.

(d) If an undertaking for redelivery is filed and defendant's sureties are not excepted to, the levying officer shall deliver the property to the defendant, or, if the plaintiff has previously been given possession of the property, the plaintiff shall deliver such property to the defendant. If an undertaking for redelivery is filed and defendant's sureties are excepted to, the provisions of Section 515.030 shall apply.

515.030. (a) The defendant may except to the plaintiff's sureties not later than 10 days after levy of the writ of possession by filing with the court in which the action was brought a notice of exception to sureties and mailing a copy of the notice to the levying officer and to the plaintiff. An affidavit stating that such copies have been mailed shall be filed with the court at the time the notice is filed.

(b) The plaintiff may except to the defendant's sureties not later than 10 days after the defendant's undertaking is filed by filing with the court in which the action was brought a notice of exception to sureties and mailing a copy of the notice to the levying officer and to the defendant at the address set out in his undertaking. An affidavit stating that such copies have been mailed shall be filed with the court at the time the notice is filed.

(c) If the plaintiff or the defendant does not except to the sureties of the other as provided in this section, he waives all objection to them.

(d) When excepted to, the sureties shall justify in the manner provided in Chapter 7 (commencing with Section 830) of Title 10 of this part before the court in which the action was brought at a time specified by the excepting party.

(e) If the plaintiff's sureties, or others in their place, fail to justify at the time and place appointed or do not qualify, the court shall vacate the temporary restraining order or preliminary injunction, if any, and the writ of possession and, if levy has occurred, order the levying officer or the plaintiff to return the property to the defendant. If the plaintiff's sureties do qualify, the court shall order the levying officer to deliver the property to the plaintiff.

(f) If the defendant's sureties, or others in their place, fail to justify

at the time and place appointed or do not qualify, the court shall order the levying officer to deliver the property to the plaintiff, or, if the plaintiff has previously been given possession of the property, he shall retain such possession. If the defendant's sureties do qualify, the court shall order the levying officer or the plaintiff to deliver the property to the defendant.

Article 6. Miscellaneous Provisions

516.010. The Judicial Council may provide by rule for the practice and procedure in proceedings under this chapter.

516.020. The Judicial Council shall prescribe the form of the applications, notices, orders, and other documents required by this chapter.

516.030. The facts stated in each affidavit filed pursuant to this chapter shall be set forth with particularity. Except where matters are specifically permitted by this chapter to be shown by information and belief, each affidavit shall show affirmatively that the affiant, if sworn as a witness, can testify competently to the facts stated therein. The affiant may be any person, whether or not a party to the action, who has knowledge of the facts. A verified complaint that satisfies the requirements of this section may be used in lieu of or in addition to an ordinary affidavit.

516.040. The judicial duties to be performed under this chapter are "subordinate judicial duties" within the meaning of Section 22 of Article VI of the California Constitution and may be performed by appointed officers such as court commissioners.

516.050. Nothing in this chapter shall preclude the granting of relief pursuant to Chapter 3 (commencing with Section 525) of this title.

SEC. 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 4. (a) This act becomes operative on July 1, 1974.

(b) Except as otherwise provided by rules adopted by the Judicial Council effective on or after July 1, 1974, this act shall not apply to any writ of possession issued prior to July 1, 1974, and such writs of possession shall continue to be governed in all respects by the provisions of Chapter 2 (commencing with Section 509) of Title 7 of Part 2 of the Code of Civil Procedure in effect on June 30, 1974.

CHAPTER 527

An act to add Sections 19571.3, 19571.4, 19571.5, and 19571.6 to the Education Code, relating to state school building aid, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 19571.3 is added to the Education Code, to read:

19571.3. Notwithstanding any other provisions of this chapter, any school district whose governing board has adopted and put into effect a year-round school operation plan or continuous school program, as defined in Section 19571.6, or has adopted such a plan or program for operation in the following school year, may apply to the board and the board may provide financial assistance in furnishing and installing an air cooling system in those facilities which will be so operated, so long as the construction of any such facility was commenced prior to December 31, 1972. Financial assistance provided by the board may be in the form of (a) an apportionment pursuant to Section 19571, (b) an authorization to use proceeds from the sale of district bonds, or (c) an authorization to use the net proceeds derived from the sale of unused school sites whether or not there are unpaid apportionments outstanding against such sites.

The board shall establish cost standards applicable to the furnishing and installing of air cooling systems in existing schools. No apportionment or authorization shall be made by the board in excess of the standard established for such apportionment.

SEC. 2. Section 19571.4 is added to the Education Code, to read:

19571.4. In any fiscal year in which the school district is conducting a year-round school operation or continuous school program, as defined in Section 19571.6, utilizing a facility for which financial assistance was provided by the board under Section 19571.3, the Director of General Services shall add to the amount which he is required to certify to the Controller under Sections 19602, 19615, and 19615.5 an amount equal to the debt service for retirement of bonds authorized for use under Section 19571.3.

SEC. 3. Section 19571.5 is added to the Education Code, to read:

19571.5. Any authorization of the proceeds derived from the sale of an unused site pursuant to Section 19571.3 shall constitute a conversion of the unpaid portion of the apportionment to the application for an air cooling system as if an apportionment had originally been made therefor. Such converted apportionment shall be repaid pursuant to Section 19600 irrespective of Section 19632. Notwithstanding any other provisions of this chapter, in any year in which the school district fails to conduct a year-round school operation or continuous school program, as defined in Section

19571.6, in the facility for which the authorization was made, the Director of General Services shall notify the State Controller and the State Controller shall add one-twentieth (1/20) of the unpaid amount of the apportionment, if any, to the annual repayment amount deducted pursuant to Section 19611.

SEC. 4. Section 19571.6 is added to the Education Code, to read:

19571.6. A year-round school operation or continuous school program consists of a school schedule in which students in any one school are divided into groups of pupils who attend school in rotating shifts of sessions. A year-round school schedule or continuous school schedule shall consist of not less than 240 days per year in which the school is open. For purposes of state school support a pupil shall attend school for not less than 175 days.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the apportionments of state school building aid which this act authorizes may be made without undue delay and in order that financial assistance may be made in helping to install desperately needed air cooling systems in existing school buildings at the earliest time, so that such buildings may be used more conveniently throughout the year, it is necessary that this act take effect immediately.

CHAPTER 528

An act to amend Sections 14451, 14600, 14601, 14904, 15650 and 15802 of, to add Sections 14008.1 and 14455 to, the Financial Code, relating to credit unions.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973.]

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

SECTION 1. Section 14008.1 is added to the Financial Code, to read:

14008.1. (a) A central credit union may, with the approval of the commissioner and under such regulations as he shall prescribe, admit to membership, groups of employees of a common employer, of at least 25 in number and whose place of employment is located within 25 miles of the principal office of the central credit union upon application made by the employer and approval of the board of directors of the central credit union.

(b) Whenever the employee group exceeds 100 in number, or the outstanding share balances of the group exceed in the aggregate one hundred thousand dollars ($100,000), such employees will be no

longer eligible for membership in the central credit union and may organize a separate credit union. The central credit union, upon a plan approved by the commissioner, shall transfer the member accounts of such employees to any credit union formed by them.

SEC. 2. Section 14451 of the Financial Code is amended to read:

14451. The supervisory committee may:

(a) Suspend at any time by unanimous vote, at a meeting called for that purpose, the credit committee, or any member thereof, or any member of the board of directors, or any officer.

(b) By a majority vote call a meeting of the shareholders to consider any violation of this division or the bylaws, or any practices of the credit union which, in the opinion of the committee, are unsafe or unauthorized.

(c) Inspect the securities, cash and accounts of the credit union and supervise the acts of its board of directors, officers and credit committee.

(d) Fill vacancies in the supervisory committee until the next annual meeting of the shareholders.

(e) Declare vacant any office of a member of the supervisory committee if such member is absent from three consecutive regular meetings of the supervisory committee unless excused therefrom or is completely inactive as a member of the supervisory committee for a consecutive 12 months' period.

SEC. 3. Section 14455 is added to the Financial Code, to read:

14455. The commissioner may, after investigation and finding that the supervisory committee is not performing in conformance with this article, declare all offices of the supervisory committee of a credit union vacant and shall direct the board of directors of the credit union to call a special meeting of the shareholders for the purpose of electing a new supervisory committee to serve until the next regular annual meeting.

SEC. 4. Section 14600 of the Financial Code is amended to read:

14600. Any officer, director, member of a committee of a credit union, or loan officer appointed pursuant to Section 14502 who knowingly permits a loan to be made or participates in a loan to a nonmember of the corporation, is guilty of a misdemeanor.

SEC. 5. Section 14601 of the Financial Code is amended to read:

14601. Any officer, director, member of a committee, or loan officer appointed pursuant to Section 14502 who violates Section 14600 is primarily liable to the corporation for the amount of the loan. The illegality of the loan is no defense in an action by the corporation to recover the amount of the loan.

SEC. 6. Section 14904 of the Financial Code is amended to read:

14904. (a) No credit union shall make a loan in excess of one thousand dollars ($1,000) to any person under 18 years of age, unless such loan is secured in the manner provided for in subdivision (b) or (c) of Section 14907.

(b) No credit union shall make a loan which will result in any member being obligated to the credit union in excess of three

thousand dollars ($3,000) or 10 percent of its paid-in and unimpaired capital and surplus, whichever is greater, but not to exceed ten thousand dollars ($10,000) plus the then unpledged shares, except that credit unions with assets of one million dollars ($1,000,000) or more may make loans to members resulting in the member being obligated to the credit union up to but not exceeding the amounts indicated in the following schedule:

Paid-in and unimpaired capital and surplus	Maximum obligation to credit union per member
$1,000,000 but less than $2,000,000	$12,000 plus the amount secured by shares of the credit union or certificates for funds
$2,000,000 but less than $3,000,000	$15,000 plus the amount secured by shares of the credit union or certificates for funds
$3,000,000 or more	$20,000 plus the amount secured by shares of the credit union or certificates for funds

(c) Notwithstanding the provisions of subdivision (b), no credit union shall make loans to any one family whereby total liability of the family to the credit union would be greater than double the amount permitted by the above schedule. "Family" as used in this section shall mean persons related by blood or marriage and residing in the same household.

(d) If a loan is made for educational purposes and such loan would cause the aggregate of loans to any one family to exceed the limitations imposed by subdivision (c), such educational loan shall not be included in computing the aggregate of loans pursuant to subdivision (c), provided (1) that such educational loan is secured in accordance with subdivision (b) or (c) of Section 14907 and (2) that the aggregate amount of such educational loan exempted by this subdivision from subdivision (c) shall not exceed ten thousand dollars ($10,000).

SEC. 7. Section 15802 of the Financial Code is amended to read:

15802. On or before 45 days after the 31st day of December of each year every credit union shall make a written report to the commissioner which shall contain a statement of its condition as of December 31st of that year. The report shall be in the form and contain the matters prescribed by the commissioner. Every such report shall be verified by the oath of the president and secretary of

the credit union. The verification shall state that the report is true and correct in all respects to the best of the knowledge and belief of the persons verifying it.

SEC. 8. Section 15650 of the Financial Code is amended to read:

15650. (a) Whenever the members of the board of directors by a three-fourths majority vote recommend the dissolution of any credit union, the members of the credit union, at any meeting specially called to consider the subject may elect to dissolve the credit union, by the vote or written consent of a majority of members.

(b) The commissioner may approve a dissolution according to the recommendation of a three-fourths majority vote by the board of directors of any credit union if approved by less than a majority of the entire membership as provided in this section if he finds, upon the written and verified application filed by the board of directors that (1) notice of the meeting called to consider the dissolution was mailed to each member entitled to vote upon the question, (2) such notice disclosed the purpose of the meeting and properly informed the membership that approval of the dissolution might be sought pursuant to this section and (3) a majority of the votes cast upon the question were in favor of the dissolution.

(c) Whenever the members of the board of directors vote to recommend the dissolution of any credit union, the credit union shall not make any loans, withdrawal of shares, or withdrawal of certificates for funds until such time that the members either approve or disapprove the recommendation of the board of directors.

SEC. 10. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 529

An act to add Section 13468.6 to the Education Code, relating to certificated employees.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 13468.6 is added to the Education Code, to read:

13468.6. Any person employed by a school district or by a county superintendent of schools in a position requiring certification

qualifications who accepts a professional education position in the Department of Education or the chancellor's office of the California Community Colleges, the appointment to which is, or is intended to become, permanent, shall have transferred with him to the Department of Education or the chancellor's office of the California Community Colleges his accumulated leave of absence for illness or injury. The amount of such leave to be transferred shall be determined in the same manner as provided in Section 13468.1, except in no case may the transferred accumulated sick leave exceed that amount of accumulated sick leave that the person would have earned as an employee in the system to which he is transferring. All other provisions of Section 13468.1 shall also apply to the employees and employers described in this section.

CHAPTER 530

An act relating to the establishment of the Sir Francis Drake Commission, and making an appropriation therefor.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. There is created the Sir Francis Drake Commission hereinafter referred to as the commission.

SEC. 2. The commission shall serve for a period of eight years, from 1973 to 1980, inclusive, after which time the commission shall be dissolved.

SEC. 3. The purpose of the commission is to plan and execute suitable commemorative activities for international celebration of the 400th anniversary of Sir Francis Drake's historic circumnavigation of the earth in the years 1577 to 1580.

SEC. 4. The commission shall consist of a president appointed by the Governor and 24 members, of which 12 shall be appointed by the Governor, six shall be appointed by the Committee on Rules of the Senate, and six shall be appointed by the Speaker of the Assembly. Membership on the commission shall consist of representatives of any governmental or private agency or institution that has an historical interest in Sir Francis Drake, and shall include men and women of good reputation, who are civic, business, and government leaders, academicians, cognoscenti, literati, and others who have an avid interest in Sir Francis Drake and who subscribe to the great good appertaining from his accomplishments. In addition to the 24 members of the commission, men and women of the government or private sector both here and abroad, who have a genuine interest in the historic feat of the voyage of circumnavigation, and who may bring special knowledge or serve as resource persons to the

commission may be appointed by the Governor as ex officio, scholar, or honorary members who shall not have a vote in the affairs of the commission.

SEC. 5. The commission shall elect from its membership a vice president, a secretary, and a treasurer.

SEC. 6. The commission shall have the power to plan and execute publications, including books, maps, broadsides, pamphlets, and other documents, and to plan and execute plays, parades, pageants, programs, and other public events. The commission may propose and execute exhibitions and displays, voyages, and radio and television programs, and may commission writings and works of art. The commission shall execute publicity and promotion in celebration and commemoration of the voyage with particular reference to its significance in world history and with special reference to the role of Sir Francis Drake in California. Its powers shall include all of the foregoing but shall not necessarily be limited to the same. The commission, however, shall not itself engage in commercial ventures. Further, the commission shall not by any of its actions or activities, or by activities commissioned by it, designate or attempt to designate any single site as the actual location of the landing of Sir Francis Drake in California, unless and until such site is designated by the Historical Landmarks Advisory Committee

SEC. 7. The commission may work with international members of its own group or with other groups in Great Britain and elsewhere, presently in existence or to be organized, when mutual interests dictate such cooperation.

SEC. 8. The commission may establish honors for scholars, writers, artists, and others whose accomplishments have brought credit to the memory of Sir Francis Drake and to the general purposes for which the commission was constituted.

SEC. 8.5. The commission may appoint advisory or honorary committees.

SEC. 9. The commission shall hold an annual affair from 1973 to 1980, eight in all, for the members of the commission and other interested persons. These annual celebrations may include, but are not limited to, publication of books, documents, and other works, lectures, a banquet, or other suitable events.

SEC. 10. The Legislature in enacting this act, and in reliance on the representations of organizations and citizens who are its sponsors, declares an intent that the commission which is created hereby shall operate without the appropriation of state funds for its purposes, but that expenditures of the commission shall be financed from donations, gifts, and grants from private or other public sources; and, further, since the commission will perform its function as an agency of state government and in the name of the people of the state, that its operations shall be subject to such fiscal and other controls as limit and control other state agencies, except as provided in this act.

SEC. 11. The commission is authorized to accept donations or

grants of money, property, or personal services.

SEC. 12. The funds received by the commission pursuant to this act shall be paid into the Special Deposit Fund subject to the provisions of Article 2 (commencing with Section 16370) of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code. The State Controller shall designate, by name, a separate account within the Special Deposit Fund covering the accountability for each class of grant or donation deposited under the provisions of this section.

All moneys deposited in the Special Deposit Fund under the provisions of this section are appropriated, without regard to fiscal years, for expenditure for the purposes for which such moneys were made available to the commission.

CHAPTER 531

An act to amend Section 13034 of, and to add Section 13034.5 to, the Public Resources Code, relating to resort improvement districts.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 13034 of the Public Resources Code is amended to read:

13034. The district board shall consist either of five members, four of which shall be elected from the district and the fifth which shall be the supervisor who represents the area in which the district or major portion thereof is located; or, if the district so elects, by unanimous vote of the directors, the district board shall consist of five members who shall be elected from the district.

SEC. 2. Section 13034.5 is added to the Public Resources Code, to read:

13034.5. If a district elects pursuant to Section 13034 to have the district board consist of five members elected from the district, the district board may call a special election for the purpose of electing a district board member to succeed the supervisorial member on the district board. A special election called pursuant to this section shall be called and conducted in accordance with the provisions of Chapter 4 (commencing with Section 13050) of this division. A person elected to a district board at a special election pursuant to this section shall hold office until the next succeeding general district election and until the election and qualification of his successor. Thereafter, the term of office of such elected board member shall be four years.

If a special election is not called, the successor to the supervisorial member shall be elected at the next general district election.

Any supervisor serving as a district board member when an

election is held pursuant to this section shall remain in office until the election and qualification of his successor.

Any district electing to call a special election pursuant to the provisions of this section shall reimburse any local government for any costs incurred by such local government by reason of the provisions of this section.

CHAPTER 532

An act to add Section 9357.47 to the Government Code, relating to the Legislators' Retirement System.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 9357.47 is added to the Government Code, to read:

9357.47. Any person who was a member and entitled to be credited with four or more but less than six years of service as a Member of the Legislature and who withdrew his accumulated contributions prior to October 1, 1961, and after discontinuance of service may at any time redeposit in the fund in one sum an amount equal to the accumulated contributions withdrawn plus the interest which would have been credited to such accumulated contributions had they not been withdrawn, using the rate of interest in effect at the time of redeposit.

Upon such redeposit, the person shall become a member with the rights provided under this chapter to a member who elected under Section 9355.2 to allow his contributions to remain in the fund.

CHAPTER 533

An act to add Section 11006.5 to the Education Code, relating to elementary schools.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 11006.5 is added to the Education Code, to read:

11006.5. (a) The minimum schoolday in grades 1, 2, and 3 in elementary schools may be computed by determining the number of minutes of attendance in any 10 consecutive schooldays and

dividing that number by 10. If the resulting quotient is 230 or more, the pupils shall be deemed to have complied with Section 11005, even if the number of minutes attended in any one schoolday is less than 230, but not less than 170.

(b) The minimum schoolday in grades 4, 5, 6, 7, and 8 in elementary schools may be computed by determining the number of minutes of attendance in any 10 consecutive schooldays and dividing that number by 10. If the resulting quotient is 240 or more, the pupils shall be deemed to have complied with Section 11006, even if the number of minutes attended in any one schoolday is less than 240, but not less than 180.

No computation authorized by this section shall result in any increase in state apportionments.

SEC. 2. Section 11006.5 of the Education Code shall become operative at the commencement of the first school year occurring after the effective date of this act.

CHAPTER 534

An act to add and repeal Section 23755 to the Education Code, relating to state university and college tuition.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 23755 is added to the Education Code, to read:

23755. The trustees may not charge a student the nonresident tuition fee if the student meets all of the following criteria:

(a) He is a citizen of a foreign country.

(b) He has been graduated from a high school located in this state.

(c) He has lived continuously in this state for at least three years.

(d) He is not receiving assistance from any public or private agency or a foreign government.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

CHAPTER 535

An act to add Section 18063 to the Health and Safety Code, relating to mobilehomes.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 18063 is added to the Health and Safety Code, to read:

18063. Nothing in this part or any other provision of law shall be construed to prohibit the installation of fireplaces in mobilehomes. The commission, no later than July 1, 1974, shall adopt any regulations for the installation of fireplaces in mobilehomes which it may determine are reasonably necessary in order to protect the health and safety of the occupants and to assure that any such installation does not impair the efficiency of the primary heating or cooling system of the mobilehome.

CHAPTER 536

An act to add Chapter 6.5 (commencing with Section 1425) to Part 2 of Division 2 of the Water Code, relating to water rights.

[Approved by Governor September 17, 1973. Filed with Secretary of State September 17, 1973]

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

SECTION 1. Chapter 6.5 (commencing with Section 1425) is added to Part 2 of Division 2 of the Water Code, to read as follows:

CHAPTER 6.5. TEMPORARY PERMITS

1425. When the board finds that an applicant has an urgent but only temporary need to appropriate water for a period not to exceed six months, and that such water may be appropriated without injury to any lawful user of water, and without unreasonable effect upon fish, wildlife, or other instream beneficial uses, the board may issue to the applicant a conditional, temporary permit, without requiring compliance with other procedures or provisions of this division, but subject to all requirements of this chapter; provided, that no temporary or emergency permit may be issued pursuant to the provisions of this chapter unless it is first determined that unappropriated water is available and that the appropriation could not adversely affect the rights of downstream users. The board may delegate to any employee of the board all or any of its functions under this chapter; provided, that the board shall, at its next regular meeting, review and validate any temporary or emergency permit issued by an employee.

1426. The application for a temporary permit shall be completed in accordance with the provisions of Section 1260 and shall be accompanied by such maps, drawings, and other data as may be required by the board, and the applicant shall pay an application fee,

and a permit fee if a temporary permit is issued, both computed in accordance with the provisions of Chapter 8 (commencing with Section 1525) of this part.

1427. Before making the findings required by Section 1425, the board shall review available records, files, and decisions which relate to the availability of unappropriated water from the source at the proposed point of diversion, shall consult with representatives of the Department of Fish and Game, and shall make a field investigation, if necessary or desirable in the opinion of the board.

1428. The board may issue a temporary permit in advance of the notice required by this section. In all cases, whether or not a temporary permit has been issued, the board shall, as soon as practicable after the receipt of an application, issue and deliver to the applicant or permittee a notice of the application or permit, which includes the information required by Section 1301. Publication or posting of the notice shall be as follows:

(a) If the application or permit is for more than three cubic feet per second or for more than 200 acre-feet of storage, and if the permit is to remain in effect for more than 30 days, the notice shall be published by and at the expense of the applicant or permittee at the earliest practicable time, not to exceed 20 days from the date of issuance of the notice, in a newspaper having a general circulation and published within the county wherein the point of diversion lies. Proof of publication shall be by copy of the notice as published and made part of an affidavit filed with the board within 10 days of publication.

(b) In all other cases, unless the permit is to be in effect less than 10 days:

(1) The applicant or permittee shall post the notice in at least two conspicuous places in the locality to be affected by the appropriation. Notices shall be posted not later than two days after receipt of the notice by the applicant or permittee. An affidavit containing proof of posting shall be filed with the board within seven days of the date of notice.

(2) The board shall send a copy of the notice by registered mail to each person who, in the judgment of the board, could be adversely affected by the temporary appropriation.

(c) Regardless of the rate of diversion or the amount of storage, if the permit is to be in effect less than 10 days, the board shall exercise its discretion with respect to requiring notice, both before and after issuance of the temporary permit, and may require such proof of notice as it deems appropriate.

(d) Any interested person may file objection to the temporary appropriation with the board and shall send a copy to the applicant or permittee.

(e) The board shall give prompt consideration to any objection, and may hold a hearing thereon, after notice to all interested persons.

(f) Failure of the permittee to comply with any requirement of

this section shall result in the automatic termination of the temporary permit.

1429. The board shall supervise appropriation of water under the temporary permit for the protection of vested rights and instream beneficial uses and for compliance with permit conditions.

1430. Any temporary permit issued under this chapter shall not result in creation of a vested right, even of a temporary nature, but shall be subject at all times to modification or revocation in the discretion of the board. Any temporary permit shall automatically expire 180 days after the date of its issuance, unless an earlier date is specified or it has been revoked, and any such permit may be renewed not more than one time.

CHAPTER 537

An act to add Chapter 3.5 (commencing with Section 12840) to Part 6 of Division 6 of the Water Code, relating to water development projects.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Chapter 3.5 (commencing with Section 12840) is added to Part 6 of Division 6 of the Water Code, to read:

CHAPTER 3.5. FISH, WILDLIFE, AND RECREATION IN CONNECTION WITH FLOOD CONTROL AND WATERSHED PROTECTION PROJECTS

Article 1. State Policy

12840. Notwithstanding any other provisions of Chapter 2 (commencing with Section 12639) and Chapter 3 (commencing with Section 12800) of this part, the policy set forth in this chapter shall apply to watershed protection and flood prevention projects under Chapter 4 (commencing with Section 12850) of this part, to small watershed projects approved by the State Conservationist of the United States Department of Agriculture, to small flood control projects authorized by Section 12750, and to flood control projects authorized by Congress and adopted and authorized by the Legislature pursuant to Chapter 2 (commencing with Section 12639) of this part, except that such policy shall not apply to any facility for which flood control operation and maintenance costs are a federal responsibility. It is not the intent of this chapter to affect the responsibility for the maintenance and operation of such projects pursuant to the applicable provisions of law.

12841. The Legislature finds and declares that in order to protect

the general health and welfare of the public it is necessary to provide for the preservation and enhancement of the state's fish and wildlife resources in connection with flood control and watershed protection projects and to realize the full potential of such projects to provide recreational opportunities to the general public.

The Legislature further finds and declares that in order to enhance the general public health and welfare it is necessary that all flood control and watershed protection projects be designed, constructed, and operated so as to realize their full potential for the enhancement of the state's fish and wildlife resources and to provide recreational opportunities to the general public. The Legislature further finds and declares that the realization of fish and wildlife enhancement opportunities and the provision of recreational opportunities is of benefit to all of the people of California and that a portion of the costs of realizing these benefits from federal flood control and watershed protection projects should be borne by them.

The Legislature further finds and declares that fish and wildlife enhancement and recreational development should be among the purposes of all federal flood control and watershed protection projects and that opportunities to attain these benefits should be realized concurrently with the realization of benefits from other project purposes.

12842. The Legislature further finds and declares that it is the intent of the Legislature that the planning and construction of all flood control and watershed protection projects shall include such features as may be determined to be necessary and desirable to preserve and enhance the state's fish and wildlife resources and to achieve the full utilization of such projects for recreational purposes consistent with the construction and operation of such projects to protect life and property.

Article 2. Responsibilities of State Agencies

12843. In order to achieve the goals set forth in this chapter, all state agencies exercising resource management responsibilities shall review reconnaissance and feasibility reports submitted for state review and comment by federal agencies relating to any project or project feature affecting their responsibilities and shall submit their comments in accordance with the requirements of federal and state law and this chapter.

12844. In order to guide state agencies in their review of proposed flood control and watershed protection projects, it is the intent of the Legislature that recreational purposes shall include, but be not limited to, those recreational activities normally and usually associated with the out-of-doors which make project land and water areas available for use by the general public and are consistent with the operation of the project for other purposes.

12845. In order to realize the full potential of such projects for fish and wildlife enhancement and for recreational development, state

agencies having resource management responsibilities affected by the project are authorized to cooperate with federal and local sponsoring agencies through all stages of the project formulation and planning process, and to develop such data as, in their judgment, may be necessary to carry out the intent and purpose of this chapter. Such physical features as may be necessary to permit full public utilization of the completed project for recreational purposes shall be constructed and such lands as may be necessary for recreational purposes and for fish and wildlife enhancement shall be acquired at the same time and in the same manner as lands for other project purposes.

12846. The Department of Fish and Game shall be responsible for the management of all fish and wildlife resources at any project subject to the provisions of this chapter, including operation and maintenance costs.

Article 3. State Financial Assistance

12847. Where recreation and fish and wildlife enhancement features are contained in a flood control or watershed protection project, and where such payment is specifically authorized by the Legislature, the state shall pay 50 percent of the nonfederal capital costs of the recreation and fish and wildlife enhancement features of the project; provided, however, if the project is subject to the provisions of Public Law 89-72, the state may cooperate in the attainment of such benefits in accordance with the provisions of subdivision (c) of Section 5094.3 of the Public Resources Code.

The department or the Reclamation Board, as to projects under their respective jurisdictions, shall obtain assurances from the local agency sponsoring the project guaranteeing public access to project land and water areas prior to state participation in any costs pursuant to this chapter.

12848. The Legislature hereby declares that there shall be included in the budget of the department for flood control subventions or for direct acquisitions by the state for each fiscal year an appropriation of funds from the General Fund in an amount sufficient to pay all costs required by this chapter.

Article 4. Powers and Duties of Local Agencies

12849. Any local agency sponsoring a project subject to the provisions of this chapter is hereby authorized to design, construct, operate, and maintain public recreational facilities at such project and shall have such powers as may be necessary or convenient to carry out the provisions of this chapter. Local sponsoring agencies are authorized to contract with the United States, the State of California, and with other local agencies or entities in order to realize the full potential of flood control and watershed protection projects for recreational development and for fish and wildlife enhancement.

CHAPTER 538

An act to amend Section 18102.8 of the Education Code, relating to special education.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 18102.8 of the Education Code is amended to read:

18102.8. The governing board of a school district during the current fiscal year, or a county superintendent of schools, may apply to the Superintendent of Public Instruction whenever sparsity of population or transportation distances make it impossible to maintain classes of the maximum size as prescribed by this code or by the State Board of Education. If the Superintendent of Public Instruction, upon review, finds that it is impossible to maintain classes of the maximum size as prescribed by this code or by the State Board of Education, he may add to the amounts allowed under Sections 18102 to 18102.6, inclusive, an amount sufficient to provide for the needed classes, but not more per special class than the applicable amounts computed in those sections.

It is the intent of the Legislature that the additional allowances authorized by this section be provided primarily for school districts with an average daily attendance of less than 2,000. Allowances for school districts with a current average daily attendance of 2,000 or more shall be provided, in any fiscal year, for no more than 2 percent of the school districts having a current average daily attendance of 2,000 or more.

CHAPTER 539

An act to amend Sections 31114, 31117, 31157, 31211, 31402, and 31403 of, to add Sections 31003.5 and 31113 to, and to repeal Section 31113 of, the Corporations Code, relating to franchises.

[Approved by Governor September 17, 1973 Filed with Secretary of State Septemer 17, 1973]

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

SECTION 1. Section 31003.5 is added to the Corporations Code, to read:

31003.5. "Business days" are all days other than every Saturday, every Sunday, and such other days as are specified or provided for as holidays in the Government Code.

SEC. 2. Section 31113 of the Corporations Code is repealed.

SEC. 3. Section 31113 is added to the Corporations Code, to read:

31113. If the commissioner finds that it is necessary and appropriate for the protection of prospective franchisees or subfranchisors because the applicant has failed to demonstrate that adequate financial arrangements have been made to fulfill the franchisor's obligations to provide real estate, improvements, equipment, inventory, training, or other items included in the offering, the commissioner may by rule or order require the escrow or impound of franchisee fees and other funds paid by the franchisee or subfranchisor until such obligations have been satisfied. At the option of the franchisor, he may furnish an adequate surety bond as provided by rule of the commissioner. In no event shall the aggregate liability of the surety exceed the penal sum of such bond.

SEC. 4. Section 31114 of the Corporations Code is amended to read:

31114. The application for registration shall be accompanied by a proposed offering prospectus, which shall contain the material information set forth in the application for registration, as specified by rule of the commissioner, and such additional disclosures as the commissioner may require. The prospectus shall recite in bold type of not less than 10-point type that registration does not constitute approval, recommendation or endorsement by the commissioner.

SEC. 5 Section 31117 of the Corporations Code is amended to read:

31117. Upon the entry of a stop order under Section 31115 the commissioner shall promptly notify the applicant that it has been entered and of the reasons therefor and that upon receipt of written request the matter will be set down for hearing to commence within 15 business days after such receipt unless the applicant consents to a later date. If no hearing is requested and none is ordered by the commissioner, the order will remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after notice and hearing in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, in connection with which the commissioner shall have all of the powers granted thereunder, may modify or vacate the order or extend it until its final determination.

SEC. 6. Section 31157 of the Corporations Code is amended to read:

31157. No person shall publish any advertisement concerning any franchise in this state after the commissioner finds that the advertisement contains any statement that is false or misleading or omits to make any statement necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading and so notifies the person in writing. Such notification may be given summarily without notice of hearing. At any time after the issuance of a notification under this section, the person desiring to use the advertisement may in writing request that

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the order be rescinded. Upon the receipt of such a written request, the matter shall be set down for hearing to commence within 15 business days after such receipt unless the person making the request consents to a later date. After such hearing, which shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, the commissioner shall determine whether to affirm and continue or to rescind such order, and the commissioner shall have all the powers granted under such act.

SEC. 7. Section 31211 of the Corporations Code is amended to read:

31211. If in the opinion of the commissioner any person is acting in violation of Section 31210, the commissioner may order such person to desist and refrain from further activity. If, after such an order has been made, a request for a hearing is filed in writing by the person to whom such order was directed, a hearing shall be held in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all of the powers granted thereunder; unless such hearing is commenced within 15 business days after the request is made (or the person affected consents to a later date), such order shall be deemed rescinded.

SEC. 8. Section 31402 of the Corporations Code is amended to read:

31402. If in the opinion of the commissioner the offer of any franchise is subject to registration under this law and it is being, or it has been, offered for sale without such offer first being registered, the commissioner may order the franchisor or offeror of such franchise to desist and refrain from the further offer or sale of such franchise unless and until such offer has been duly registered under this law. If, after such an order has been made, a request for a hearing is filed in writing by the person to whom such order was directed, a hearing shall be held in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all of the powers granted thereunder; unless such hearing is commenced within 15 business days after the request is made (or the person affected consents to a later date), such order shall be deemed rescinded.

SEC. 9. Section 31403 of the Corporations Code is amended to read:

31403. If, in the opinion of the commissioner, the offer of any franchise exempt from registration under this law is being or has been offered for sale without complying with the provisions of Section 31101 or 31201, the commissioner may order the franchisor or offeror of such franchise to desist and refrain from the further offer or sale of such franchise unless and until such offer is made in compliance with this law. If, after such an order has been made, a request for a hearing is filed in writing by the person to whom such

order was directed, a hearing shall be held in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and the commissioner shall have all of the powers granted thereunder. Unless such hearing is commenced within 15 business days after the request is made, or the person affected consents to a later date, such order shall be deemed rescinded.

CHAPTER 540

An act relating to freeway noise impacted schools, and making an appropriation.

[Approved by Governor September 17, 1973. Filed with Secretary of State September 17, 1973]

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

SECTION 1. During the 1973–74 fiscal year, there is hereby appropriated, and the Department of Transportation shall make available, the sum of three million dollars ($3,000,000) from the State Highway Account in the State Transportation Fund to finance noise abatement programs, pursuant to Section 216 of the Streets and Highways Code, in those public and private elementary and secondary schools identified by the department as being eligible for such programs.

CHAPTER 541

An act to amend Section 216 of the Streets and Highways Code, relating to state highways.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 216 of the Streets and Highways Code is amended to read:

216. The noise level produced by the traffic on a state freeway shall be measured in the classrooms, libraries, and multipurpose rooms of a public or private elementary or secondary school if the classrooms, libraries, or multipurpose rooms were constructed prior to the award of the initial construction contract for the freeway route and prior to January 1, 1974, or were constructed prior to the issuance of sound contour maps for the freeway route by the department pursuant to subdivision (g) of Section 65302 of the Government

Code, and are being used for the purpose for which they were constructed.

Such measurements shall be made at appropriate times during regular school hours and shall not include noise from sources that exceed the maximum permitted by law.

If the noise level produced from the freeway traffic exceeds 50 decibels on the "A" scale, the department may undertake a noise abatement program in any such classroom, library, or multipurpose room to reduce the freeway traffic noise level therein to 50 or fewer decibels on the "A" scale by, but not limited to, installing acoustical materials, eliminating windows, installing air conditioning, or constructing sound baffle structures.

If it becomes necessary to convert such classrooms, libraries, or multipurpose rooms to other school-related purposes because the freeway traffic noise level therein exceeds 50 decibels on the "A" scale, the department shall pay the cost of such conversions.

If the noise level generated from sources within and without the classrooms, libraries, or multipurpose rooms exceeds 50 decibels on the "A" scale prior to construction of the freeway and the noise from the freeway also exceeds 50 decibels on the "A" scale, the department shall be required to undertake such a noise abatement program that will reduce the noise to its preconstruction level

Priority for noise abatement programs shall be given to those public and private elementary and secondary classrooms, libraries, and multipurpose rooms constructed in conformance with Article 4 (commencing with Section 15451), Chapter 2, Division 11 of the Education Code.

As used in this section, the "A" scale means the network labeled "A," as described in Section 3.3 of the American Standard Specifications for General-Purpose Sound Level Meters, approved January 9, 1961, and published by the United States of America Standards Institute.

The department shall submit to the Legislature, on or before February 1 of each year, an annual report on its program for the implementation of this section.

CHAPTER 542

An act to amend Section 13443.6 of the Education Code, relating to school administrative and supervisory personnel.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 13443 6 of the Education Code is amended to read:

13443.6. Unless a certificated employee holding a position requiring an administrative or supervisory credential is sent written notice deposited in the United States registered mail with postage prepaid and addressed to his last known address by March 15 that he may be released from his position for the following school year, he shall be continued in such position. The provisions of this section do not apply to a certificated employee who holds a written contract with an expiration date beyond the current school year, or to a certificated employee holding a position that is funded for less than a school year, or to a certificated employee assigned to an acting position whose continuing right to hold this position depends on his being selected from an eligible list established for the position, or to the termination of employment pursuant to Section 13447. A certificated employee serving under Section 946 shall be notified by March 1 if the governing board determines on an individual basis that he may be released for the following school year.

CHAPTER 543

An act to amend Sections 1650, 1702, 1704, 1705, 1707, 1714, 1725, 1726, 1751.3 of, and to repeal Sections 1657, 1709, 1713 and 1754 of, the Insurance Code, relating to insurance.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 1650 of the Insurance Code is amended to read:

1650. Every license issued under this chapter shall state thereon:

(a) The name of the licensee;

(b) The capacity in which he is licensed to act;

(c) The conditions, if any, subject to which the license is issued; and

(d) If issued to an organization, the name of each natural person who is qualified to be named thereon pursuant to the provisions of Section 1628.

SEC. 2. Section 1657 of the Insurance Code is repealed.

SEC. 3. Section 1702 of the Insurance Code is amended to read:

1702. All licenses issued pursuant to this chapter shall be issued to the holder thereof.

SEC. 4. Section 1704 of the Insurance Code is amended to read:

1704. (a) Every applicant for a license to act as a life agent, an insurance agent, or a travel insurance agent shall have filed on his behalf with the commissioner a notice of appointment executed by

an insurer, or its authorized representative, admitted to transact one or more classes of insurance included within the scope of the license sought, appointing the applicant, upon licensing, its agent within this state. Every applicant for a license to act as an insurance solicitor shall have filed on his behalf with the commissioner a notice executed by an insurance agent or broker agreeing to employ the applicant and appointing the applicant, upon licensing, the agent's or broker's solicitor within this state. Additional notices of appointment may be filed by other insurers or insurance agents or brokers, as the case may be, before such license is issued and thereafter as long as such license remains in force. Each such appointment shall by its terms continue in force until:

(1) The cancellation or expiration of the license applied for or held at the time such appointment was filed.

(2) The filing of a notice of termination by the insurer or employing insurance agent or broker, or by such appointed life agent, insurance agent, travel insurance agent, or insurance solicitor.

(b) Upon the termination of all appointments, the permanent license shall not be canceled, but shall become inactive. It may be renewed pursuant to Section 1718. It may be reactivated at any time prior to its expiration by the filing of a new appointment pursuant to this section, Section 1707, and Section 1751.3. An inactive license shall not permit its holder to transact any insurance for which a valid, active license is required.

(c) Upon the termination of all appointments of a person licensed under a certificate of convenience, such certificate shall be canceled and shall be returned by its lawful custodian to the commissioner.

(d) An insurance agent or broker appointing an insurance solicitor pursuant to this section, if a natural person, must be the holder of a permanent license to act as insurance agent or broker or the holder of a certificate of convenience so to act issued pursuant to either subdivision (a) or (b) of Section 1685. If such insurance agent or broker is an organization, it must be the holder of a permanent license.

SEC. 5. Section 1705 of the Insurance Code is amended to read:

1705. An insurer, or employing insurance agent or broker, by filing a notice of appointment on behalf of an applicant for an original license pursuant to Section 1704, and who is not then licensed pursuant to this chapter or Chapter 6 (commencing with Section 1760), Chapter 7 (commencing with Section 1800) or Chapter 8 (commencing with Section 1831) of Part 2 of Division 1, shall be deemed by such act to have declared that:

(a) The applicant is of good reputation.

(b) The applicant is worthy of the license sought.

An insurer, or employing insurance agent or broker, by filing a notice of appointment on behalf of an applicant for an original license to act as a life agent, insurance agent, or insurance solicitor, where the applicant for any reason will not be issued a certificate of convenience pending examination under Article 8 (commencing

with Section 1685) of this chapter, shall be deemed to have declared that the applicant has had experience or instruction in classes of insurance, the transaction of which is authorized by the license sought, or will be given the necessary instruction within 30 days after the issuance of such license.

Should the applicant for a life agent's or insurance agent's license be a copartnership, corporation, or association, the insurer filing such appointment shall be deemed to have made the declarations set forth in subdivisions (a) and (b) of this section as regards both the business organization and each natural person whose name appears in the application as one to exercise the agency powers of the license sought. The insurer shall be deemed to have made the declaration in the preceding paragraph only as regards the natural person or persons to be named on the organization's license initially.

Whenever a copartnership, corporation or association licensed as a life agent or as an insurance agent files an application to add to any such license the name of a natural person to exercise the agency powers thereunder, such business organization shall be deemed to have made the appropriate declarations regarding such natural person, as set forth in this section, as are required of an insurer filing a notice of appointment on behalf of an applicant for an original license.

SEC. 6. Section 1707 of the Insurance Code is amended to read:

1707. Each notice of appointment or notice of termination of appointment filed pursuant to this article shall be filed in triplicate on forms prescribed by the commissioner. The commissioner shall retain one copy thereof in his files, forward one copy thereof to the license holder whose appointment is effected or terminated, and return one copy thereof to the insurer or insurer's representative, or employing insurance agent or broker, filing either such notice.

SEC. 7. Section 1709 of the Insurance Code is repealed.

SEC. 8. Section 1713 of the Insurance Code is repealed.

SEC. 9. Section 1714 of the Insurance Code is amended to read:

1714. A person shall not be permitted to take an examination for a license to act as a life agent, an insurance agent or an insurance solicitor unless at the time of the administration thereof he is in compliance with subdivision (a) of Section 1704.

SEC. 10. Section 1725 of the Insurance Code is amended to read:

1725. Every license to act as an insurance agent or broker shall be prominently displayed by the holder thereof in his office in a manner whereby anyone may readily inspect it and ascertain both its currency and the capacity in which its holder is authorized to act.

SEC. 11. Section 1726 of the Insurance Code is amended to read:

1726. Every license to act as an insurance solicitor shall be prominently displayed by its holder in the office of the employing insurance agent or broker from which the insurance solicitor conducts his business. Such license shall be displayed in the manner set forth in Section 1725.

SEC. 12. Section 1751.3 of the Insurance Code is amended to

read:

1751.3. The commissioner shall require five dollars ($5) in advance as a fee for filing each notice of appointment pursuant to Section 1707 of any of the following:

(a) An insurance agent.

(b) A life agent

(c) A travel insurance agent.

(d) An insurance solicitor.

SEC. 13. Section 1754 of the Insurance Code is repealed.

CHAPTER 544

An act making an appropriation for the planning of state park system development, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1 There is hereby appropriated from the Bagley Conservation Fund, from those moneys in such fund designated for miscellaneous capital outlay construction, to the Department of Parks and Recreation the sum of thirty thousand dollars ($30,000) for the preparation of a general development plan for the units of the state park system located in the Santa Monica Mountains.

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 Department of Parks and Recreation owns in excess of 7,000 acres in the Santa Monica Mountains unit of the state park system In order to immediately undertake proper development planning to provide the necessary plans for public facilities at such unit, it is necessary that the provisions of this bill become effective immediately.

CHAPTER 545

An act to amend Sections 25210 77b, 25210.77c and 25210.77d of the Government Code, and to amend Section 5471 of the Health and Safety Code, relating to local government.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 25210.77b of the Government Code is amended to read:

25210.77b. A county may fix, on or before the first day of July in each calendar year, a water or sewer standby or immediate availability charge on all land within a county service area to which water or sewers are made available for any purpose by the county whether the water or sewers are actually used or not, except that such charge shall not apply to lands permanently dedicated exclusively to the public transportation of persons or property. The board of supervisors of the county which fixes such a water standby charge may establish schedules varying the charges in different months and in different localities within a county service area depending upon factors such as the uses to which the land is put, the cost of transporting the water to the land, the degree of availability or quantity of use of such water to the affected lands. The board may not, however, fix a charge in excess of ten dollars ($10) per acre or in excess of five dollars ($5) for a parcel of less than one acre for either water or sewer standby charges.

If a person for more than one year obtains substantially all of his water requirements for the contiguous parcels of land which he occupies from rainfall, springs, streams, lakes, rivers or wells, and if the person's primary economic activity on such land is the commercial extraction or processing of minerals, such land shall be exempt from any water standby or availability charges.

SEC. 2. Section 25210.77c of the Government Code is amended to read:

25210.77c. Any funds derived from the charges levied pursuant to Section 25210.77b may be used by the county to pay the cost and expenses of maintaining, operating, extending and repairing the waterworks or sewers of a county service area and for the payment of interest and principal due on bonds for the ensuing fiscal year.

SEC. 3. Section 25210.77d of the Government Code is amended to read:

25210.77d. If any water or sewer standby charge remains unpaid on the first day of the month before the month in which the board of supervisors of the county in which the county service area is located is required by law to levy the amount of taxes required for county purposes, a 6-percent penalty thereon shall accrue. The amount of the unpaid standby charge plus the penalty shall be added to the annual tax levied upon the land for which the standby charge is unpaid, and shall constitute a lien on that land. The amount of tax attributable to unpaid water or sewer standby charges, and the penalty thereon, shall be stated on the tax bill separately from all other taxes. All laws applicable to the levy, collection and enforcement of municipal ad valorem taxes shall be applicable to the charges appearing on the tax bill, except that if any real property to which such lien would attach has been transferred or conveyed to a

bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the unpaid water or sewer standby charges, and any penalty thereon, relating to such property shall be transferred to the unsecured roll for collection.

At least 15 days before the first day of the month in which the board of supervisors is required by law to levy the amount of taxes required for county purposes, the county officer, designated by the board of supervisors, shall furnish in writing to the board of supervisors and to the county auditor, respectively, a description of each and every parcel of land within the county service area upon which a standby charge remains unpaid, together with the amount of the unpaid charge, plus the penalty on each parcel of land.

SEC. 4. Section 5471 of the Health and Safety Code is amended to read:

5471. Any entity shall have power, by an ordinance approved by a two-thirds vote of the members of the legislative body thereof, to prescribe, revise and collect, fees, tolls, rates, rentals, or other charges, including sewer standby or immediate availability charges, for services and facilities furnished by it, either within or without its territorial limits, in connection with its sanitation or sewerage system; provided, that the entity may provide that such charge for such service shall be collected with the rates, tolls and charges for any other utility, and that any or all such charges may be billed upon the same bill; provided further, that where such charge is to be collected with the charges for any other utility service furnished by a department or agency of such entity and over which its legislative body does not exercise control, the consent of such department or agency shall be obtained prior to collecting sanitation or sewerage charges with the charges for any other utility Revenues derived under the provisions in this section, shall be used only for the acquisition, construction, reconstruction, maintenance and operation of water systems and sanitation or sewerage facilities, to repay principal and interest on bonds issued for the construction or reconstruction of such water systems and sanitary or sewerage facilities and to repay federal or state loans or advances made to such entity for the construction or reconstruction of water systems and sanitary or sewerage facilities; provided, however, that such revenue shall not be used for the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers.

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CHAPTER 546

An act to amend Sections 416, 416.5, 416.6, 416.7, 416.8, 416.9, 416.14, 416.15, 416.17, 416.18, 416.23, 38000, 38001, 38003, 38004, 38050, 38051, 38054, 38057, 38058, 38059, 38062, 38100, 38101, 38103, 38104, 38105, 38106, 38120, 38121, 38122, 38123, 38150, 38200, 38201, 38202, 38203, 38250, 38251, 38252, 38253, 38255, 38256, 38257, 38257.1, 38258, 38260, 38261, and 38300 of, to amend and renumber Section 38109, as added by Chapter 1055 of the Statutes of 1972, of, to amend the headings of Article 7.5 (commencing with Section 416) of Chapter 2 of Part 1 of Division 1, Division 25 (commencing with Section 38000), and Chapter 3 (commencing with Section 38100) of Division 25, of, to add Section 416.95 to, and to repeal Section 38064 of, the Health and Safety Code; to amend Section 1370.1 of the Penal Code; to add Section 1461.5 to the Probate Code; and to amend Sections 6000 and 7518 of, to add Section 6000.5 to, and to repeal Section 6501 of, the Welfare and Institutions Code, relating to developmental disability, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. The heading of Article 7.5 (commencing with Section 416) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code is amended to read:

Article 7.5. Conservatorship and Guardianship for Developmentally Disabled Persons

SEC. 2. Section 416 of the Health and Safety Code is amended to read:

416. The Director of Health may be appointed as either guardian or conservator of the person and estate, or person or estate, of any developmentally disabled person, who is either of the following:

(1) Eligible for the services of a regional center.

(2) A patient in any state hospital, and who was admitted or committed to such hospital from a county served by a regional center.

SEC. 3. Section 416.5 of the Health and Safety Code is amended to read:

416.5. The director may be nominated by any one of the following to act as guardian or conservator for any developmentally disabled person; (1) who is or may become eligible for the services of a regional center, or (2) who is a patient in any state hospital, and who was admitted or committed to such hospital from a county served by a regional center:

(a) A parent, relative or friend.

(b) The guardian or conservator of the person or estate, or person and estate, of the developmentally disabled person to act as his successor.

(c) The developmentally disabled person.

Such nomination shall be in writing and may provide that the authority of the director is to take effect at some date or occurrence in the future that may be fixed in the nomination.

The director shall promptly accept or reject such nomination in writing. His acceptance shall be binding upon him and his successors. Any nomination to take effect in the future may be withdrawn by the nominator before its effective date.

SEC. 4. Section 416.6 of the Health and Safety Code is amended to read:

416.6. In every case in which he has agreed to do so, the director may petition for his appointment to act as conservator or guardian of the alleged developmentally disabled person and his estate or his person or estate in the superior court of the county where the main administrative office of the regional center serving such developmentally disabled person is located.

SEC. 5. Section 416.7 of the Health and Safety Code is amended to read:

416.7. If the alleged developmentally disabled person is within the state and is able to attend, he shall be present at the hearing. If he is unable to attend by reason of physical or other inability, such inability shall be evidenced by the affidavit or certificate of a duly licensed medical practitioner as provided in Section 1461 of the Probate Code, in the case of a guardianship petition, or in Section 1754 of the Probate Code, in the case of a conservatorship proceeding Such affidavit or certificate shall be filed no later than 10 days prior to the time of the hearing.

SEC. 6. Section 416.8 of the Health and Safety Code is amended to read:

416.8. In addition to the requirements of the Guardianship Act or the Conservatorship Act, as the case may be, the court shall be provided by the regional center with a complete evaluation of the developmentally disabled person for whose protection the appointment is sought. The report shall include a current diagnosis of his physical condition prepared under the direction of a licensed medical practitioner and a report of his current mental condition and social adjustment prepared by a licensed and qualified social worker or psychologist. The evaluation report required by this section shall not be made part of the public record of the guardianship or conservatorship proceedings and shall be open to inspection only by court personnel, the person who is the subject of the proceeding, his parents, guardian or conservator, the attorneys for such parties, and such other persons as may be designated by the court. If an affidavit or certificate has been filed as provided in Section 416.7 evidencing the inability of the alleged developmentally disabled person to be present at the hearing, the psychologist or social worker who assists

in preparing the report shall visit the alleged developmentally disabled person and be prepared to testify as to his present condition.

SEC. 7 Section 416.9 of the Health and Safety Code is amended to read.

416.9. The court may appoint the Director of Health as guardian or conservator of the person and estate or person or estate of a minor or adult developmentally disabled person. The preferences established in Section 1753 of the Probate Code for appointment of a conservator shall not apply. An appointment of the Director of Health as conservator shall not constitute a judicial finding that the developmentally disabled person is legally incompetent.

SEC. 7.5. Section 416.95 is added to the Health and Safety Code, to read:

416.95. Prior to the appointment of the Director of Health as guardian or conservator of the person and estate or person or estate of a minor or adult developmentally disabled person, the court shall inform such person of the nature and purpose of the guardianship or conservatorship proceedings, that the appointment of a guardian for his person and estate or person or estate is a legal adjudication of his incompetence, and the effect of such an adjudication on his basic rights. After communicating such information to the alleged developmentally disabled person and prior to the appointment of the Director of Health as guardian or conservator, the court shall consult with such person to determine his opinion concerning the appointment.

If an affidavit or certificate has been filed, as provided in Section 416.7, evidencing the inability of the alleged developmentally disabled person to be present at the hearing, the psychologist or social worker assisting in preparing the report and who is required to visit each person as provided in Section 416 8 shall communicate such information to the person during the visit, consult such person to determine his opinion concerning the appointment, and be prepared to testify as to such person's opinion, if any.

SEC. 8. Section 416.14 of the Health and Safety Code is amended to read·

416 14. The Director of Health shall consult with developmentally disabled persons and their families with respect to the services he offers, and, in addition, shall:

(a) Act as adviser for those developmentally disabled persons who request his advice and guidance or for whose benefit it is requested.

(b) Accept appointment as conservator of the person and estate, or person or estate, of those developmentally disabled persons who need his assistance and protection, but who have not been judicially determined to be legally incompetent. Such appointment shall not constitute a finding that the developmentally disabled person is legally incompetent.

(c) Accept appointment as guardian of the person and estate, or person or estate, of those developmentally disabled persons who are or have been judicially determined to be legally incompetent.

SEC. 9. Section 416.15 of the Health and Safety Code is amended to read:

416.15. The Director of Health, when acting as adviser, may provide advice and guidance to the developmentally disabled person without prior appointment by a court. The provision for such services shall not be dependent upon a finding of incompetency, nor shall it abrogate any civil right otherwise possessed by the developmentally disabled person.

SEC. 10. Section 416.17 of the Health and Safety Code is amended to read:

416.17. It is the intent of this article that the director when acting as guardian or conservator of the person of a developmentally disabled person through the regional center as provided in Section 416.19 of this article, shall maintain close contact with the developmentally disabled person no matter where such person is living in this state; shall act as a wise parent would act in caring for his developmentally disabled child; and shall permit and encourage maximum self-reliance on the part of the developmentally disabled person under his protection.

SEC. 11. Section 416.18 of the Health and Safety Code is amended to read:

416.18. The director shall provide for at least an annual review in writing of the physical, mental, and social condition of each developmentally disabled person for whom he has been appointed conservator or guardian, or for whom he is otherwise acting in his official capacity under this article. These records shall be confidential but may be made available to persons approved by the director or the court.

SEC. 12. Section 416.23 of the Health and Safety Code is amended to read:

416.23. This article does not authorize the care, treatment, or supervision or any control over any developmentally disabled person without the written consent of his parent or guardian.

SEC. 13. The heading of Division 25 (commencing with Section 38000) of the Health and Safety Code is amended to read:

DIVISION 25. SERVICES FOR THE DEVELOPMENTALLY DISABLED

SEC. 14. Section 38000 of the Health and Safety Code is amended to read:

38000. This division shall be known and may be cited as the Lanterman Developmental Disabilities Services Act.

SEC. 15. Section 38001 of the Health and Safety Code is amended to read:

38001. The State of California accepts a responsibility for its developmentally disabled citizens and an obligation to them which it must discharge. Affecting hundreds of thousands of children and adults directly, and having an important impact on the lives of their

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families, neighbors, and whole communities, developmental disabilities present social, medical, economic, and legal problems of extreme importance.

The complexities of developmental disabilities require the services of many state departments as well as the community. Frequently there are gaps beyond the present duties and powers of departments in the development of state and community services.

Services should be planned and provided as a part of a continuum. A pattern of facilities and eligibility should be established which is so complete as to meet the needs of each developmentally disabled person, regardless of age or degree of handicap, and at each stage of his life's development.

SEC. 16. *Section 38003 of the Health and Safety Code is amended* to read:

38003. As used in this division:

(a) "Regional center" means a regional diagnostic, counseling and service center for developmentally disabled persons and their families.

(b) "Director" means the Director of Health.

(c) "Department" means the State Department of Health.

(d) "Secretary" means the Secretary of the Health and Welfare Agency.

(e) "State council" means the State Developmental Disabilities Planning and Advisory Council.

(f) "Area board" means an areawide developmental disabilities program board.

(g) "Area plan" means an areawide developmental disabilities plan.

(h) "Developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy, or other neurological handicapping condition found to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals. Such disability originates before an individual attains age 18, continues, or can be expected to continue, indefinitely, and constitutes a substantial handicap for such individual

SEC. 17. Section 38004 of the Health and Safety Code is amended to read:

38004. Notwithstanding any other provision of law, developmentally disabled persons shall not be released from state hospitals on leaves of absence, except for short home visits not to exceed 60 days, but shall be referred to a regional center for services pursuant to this division.

SEC. 18. Section 38050 of the Health and Safety Code is amended to read.

38050. The secretary shall divide the state into areas for the purpose of planning and coordinating services for the developmentally disabled. To the extent feasible, the areas shall correspond to comprehensive health planning regions.

SEC. 19. Section 38051 of the Health and Safety Code is amended to read:

38051. An areawide developmental disabilities program board shall be appointed in each area to act as a planning and coordinating body for developmental disabilities services.

SEC 20. Section 38054 of the Health and Safety Code is amended to read:

38054. The governing bodies of the counties in each area and the Governor shall select their appointees from among the following groups, and, to the extent feasible, in the following proportions:

(a) Parents of the developmentally disabled—25 percent.

(b) Professional disciplines serving the developmentally disabled—50 percent.

(c) The general public and county supervisors—25 percent.

SEC. 21. Section 38057 of the Health and Safety Code is amended to read:

38057. An area board shall have the following duties:

(a) It shall be the developmental disabilities planning body for the area, and shall develop and submit the area plan.

(b) It shall have the responsibility for coordinating and encouraging the development of services.

SEC 22 Section 38058 of the Health and Safety Code is amended to read:

38058. Each area board shall adopt an areawide developmental disabilities plan.

The purpose of an area plan shall be to ensure the provision of services as specified in this division in such a manner as to avoid duplication, fragmentation of services, and unnecessary expenditures. To achieve this purpose, an area plan shall provide for the most appropriate and economical use of all existing public and private developmental disabilities agencies and professional personnel. An area plan must include the fullest possible participation by Short-Doyle agencies, state hospitals and clinics, public and private hospitals, county and state health and welfare agencies, and all such other public and private agencies and professional personnel as are required to, or may agree to, participate in the area plan.

SEC. 23. Section 38059 of the Health and Safety Code is amended to read:

38059. An area plan shall provide for the orderly and economic development of developmental disabilities services in the area.

Each area board shall submit its area plan at such time and in such form as required by the secretary. The area plan shall designate the region or regions within the area for the purpose of the regional center or centers, and the agency or agencies which will provide regional center services. The area plan shall also indicate the services required by the developmentally disabled in the area, the number of persons needing such services, the available service resources, and the anticipated costs and revenues. The area plan may include

individual county plans which have been submitted to the area board.

SEC. 24. Section 38062 of the Health and Safety Code is amended to read:

38062. Each area board shall, by majority vote of the voting members, elect its own chairman from among the appointed members, and shall establish such committees as it deems necessary or desirable. The board chairman shall appoint all members of committees of the area board.

An area board may appoint such advisory committees composed of professional persons serving the developmentally disabled as necessary for technical assistance.

SEC. 25. Section 38064 of the Health and Safety Code is repealed.

SEC. 26. The heading of Chapter 3 (commencing with Section 38100) of Division 25 of the Health and Safety Code is amended to read:

CHAPTER 3. REGIONAL CENTERS FOR THE DEVELOPMENTALLY DISABLED

SEC. 27. Section 38100 of the Health and Safety Code is amended to read:

38100. In order to provide fixed points of referral in the community for the developmentally disabled and their families; establish ongoing points of contact with the developmentally disabled and their families so that they may have a place of entry for services and return as the need may appear; provide a link between the developmentally disabled and services in the community, including state-operated services, to the end that the developmentally disabled and their families may have access to the facilities best suited to them throughout the life of the developmentally disabled person; offer alternatives to state hospital placement; and encourage the placement of persons from the state hospital, it is the intent of this division that a network of regional diagnostic, counseling, and service centers for developmentally disabled persons and their families, easily accessible to every family, be established throughout the state.

The Legislature finds that the services required of a regional center are of such a special and unique nature that they cannot be satisfactorily provided by state agencies. Therefore, private nonprofit community and local public agencies shall be utilized for the purpose of operating regional centers to the end that the unique relationship which these agencies enjoy with both the developmentally disabled and their families and the providers of services in the community may enable the developmentally disabled to receive service in the most direct, efficient and effective manner possible.

SEC. 27.5. Section 38101 of the Health and Safety Code is amended to read.

38101. The State Department of Health, within the limitations of funds appropriated, shall contract with appropriate agencies, either public or private nonprofit corporations, for the establishment of regional centers.

Notwithstanding any other provision of law, any contract entered into pursuant to this section may provide for periodic advance payments for services to be performed under such contract. No advance payment made pursuant to this section shall exceed 25 percent of the total annual contract amount.

SEC. 28. Section 38103 of the Health and Safety Code is amended to read:

38103. A regional center shall investigate every appropriate and economically feasible alternative for care of a developmentally disabled person available within the region. If suitable care cannot be found within the region, care may be obtained in facilities outside of the region.

Except for those developmentally disabled persons placed in state hospitals pursuant to the Lanterman-Petris-Short Act, no developmentally disabled person shall be admitted to a state hospital except upon the referral of a regional center. Upon discharge from a state hospital, a developmentally disabled person shall be referred to an appropriate regional center. The department may contract with appropriate agencies for regional center services in those regions where a regional center is not yet fully operative.

SEC. 29. Section 38104 of the Health and Safety Code is amended to read:

38104. Any person suspected of developmental disabilities shall be eligible for initial intake and for diagnostic and counseling services in the regional centers.

SEC. 30. Section 38105 of the Health and Safety Code, as amended by Chapter 1081 of the Statutes of 1972, is amended to read:

38105. A regional center may purchase required out-of-home prehospital and posthospital care for developmentally disabled persons. In locating appropriate placement alternatives for developmentally disabled children, regional centers shall encourage maximum participation by parents in the decisionmaking process. Approval by his parent, guardian, or conservator shall be obtained before placement is made.

Regional centers may contract or enter into agreements with appropriate agencies for the provision of out-of-home placement services and case management.

Each developmentally disabled person who the regional center places in an out-of-home residential facility shall have the rights specified under Section 5325 of the Welfare and Institutions Code. These rights shall be brought to the person's attention by such means as the Director of Health may designate by regulation.

SEC. 31. Section 38106 of the Health and Safety Code is amended to read:

38106. The regional centers shall provide and perform or cause

to be performed services including, but not limited to, the following:

(a) Diagnosis.

(b) Counseling on a continuing basis. Counseling shall include advice and guidance to any developmentally disabled person and his family, to assist them in locating and using suitable facilities, including, but not limited to: special medical services; nursery and preschool training; public education; recreation; vocational rehabilitation; suitable residential facilities; and state hospital facilities.

(c) Provide state funds to vendors of service to the developmentally disabled.

(d) Maintain a registry and individual case records.

(e) Systematic followup of the developmentally disabled and reactivation of cases as indicated.

(f) Call public attention to unmet needs in community care and services, defining and interpreting standards of community care and services as used by the regional center, and stimulating the community to develop such services as needed.

(g) Maintain a staff according to standards set by the director.

(h) Report as required to the area board and the secretary on services provided and unmet needs in the region.

(i) Develop a plan for developmental disabilities services in the region to be submitted to the area board at such time and in such form as required by the area board or the secretary.

SEC. 32. Section 38109 of the Health and Safety Code, as added by Chapter 1055 of the Statutes of 1972, is amended and renumbered to read:

38110. In accordance with this section, the person in charge of a regional center which has placed a developmentally disabled person in an out-of-home placement may give consent to medical, dental, and surgical treatment of the developmentally disabled person and provide for such treatment to be given to the person.

If the developmentally disabled person's parent, guardian, or conservator legally authorized to consent to such treatment, does not respond within a reasonable time to the request of the person in charge of the regional center for the granting or denying of consent for such treatment, the person in charge of the regional center may consent, on behalf of the developmentally disabled person, to such treatment and provide for such treatment to be given to such person.

If the developmentally disabled person has no parent, guardian, or conservator legally authorized to consent to medical, dental, or surgical treatment on behalf of the developmentally disabled person, the person in charge of the regional center may consent to such treatment on behalf of the developmentally disabled person and provide for such treatment to be given to the developmentally disabled person. The person in charge of the regional center shall immediately thereupon also initiate, or cause to be initiated, proceedings for the appointment of a guardian or conservator legally authorized to consent to medical, dental, or surgical services.

If the developmentally disabled person is an adult and has neither a guardian or conservator, consent to treatment may be given by someone other than the developmentally disabled person on the developmentally disabled person's behalf only if the developmentally disabled person is mentally incapable of giving his own consent

SEC 33. Section 38120 of the Health and Safety Code is amended to read:

38120. Every adult who is or has been admitted to a state hospital as a developmentally disabled patient shall have a right to a hearing by writ of habeas corpus for his release from the hospital after he or any person acting on his behalf makes a request for release to any member of the treatment staff of the state hospital or to any employee of a regional center.

The member of the treatment staff or regional center employee to whom a request for release is made shall promptly provide the person making the request for his signature or mark a copy of the form set forth below. The member of the treatment staff, or regional center employee, as the case may be, shall fill in his own name and the date, and, if the person signs by mark, shall fill in the person's name, and shall then deliver the completed copy to the medical director of the state hospital, or his designee, notifying him of the request. As soon as possible, the person notified shall inform the superior court for the county in which the state hospital is located of the request for release and shall transmit a copy of the request for release to the person's parent, guardian, or conservator together with a statement that notice of judicial proceedings taken pursuant to such request will be forwarded by the court. The copy of the request for release and such notice shall be sent by registered or certified mail with proper postage prepaid addressed to the addressee's last known address and with a return receipt requested. The person notified shall also transmit a copy of the request for release and the name and address of the person's parent, guardian, or conservator to the court.

Any person who intentionally violates this section is guilty of a misdemeanor

The form for a request for release shall be substantially as follows·

(Name of the state hospital or regional center) _____ day of _____ 19__

I, _____ (member of the treatment staff of the state hospital or employee of the regional center), have today received a request for the release from _____ (name of state hospital) State Hospital of _____ (name of patient) from the undersigned patient on his own behalf or from the undersigned person on behalf of the patient

Signature or mark of patient making request for release

Signature or mark of person making request on behalf of patient

SEC. 34. Section 38121 of the Health and Safety Code is amended to read:

38121. Judicial review shall be in the superior court for the county in which the state hospital is located. The adult requesting to be released shall be informed of his right to counsel by a member of the treatment staff of the state hospital and by the court; and if he does not have an attorney for the proceedings, the court shall immediately appoint the public defender or other attorney to assist him in preparation of a petition for the writ of habeas corpus and to represent him in the proceedings. The person shall pay the costs of such legal service if he is able.

At the time the petition for the writ of habeas corpus is filed with court, the clerk of the court shall transmit a copy of the petition, together with notification as to the time and place of any evidentiary hearing in the matter, to the parent, guardian, or conservator of the person seeking release or for whom release is sought. Such notice shall be sent by registered or certified mail with proper postage prepaid addressed to the addressee's last known address and with a return receipt requested.

The court shall either release the adult or order an evidentiary hearing to be held not sooner than five judicial days nor more than 10 judicial days after the petition and notice to the adult's parent, guardian, or conservator are deposited in the United States mail pursuant to this section. If the court finds (a) that the adult requesting release or for whom release is requested is not developmentally disabled, or (b) that he is developmentally disabled and that he is able to provide safely for his basic personal needs for food, shelter, and clothing, he shall be immediately released. If the court finds that he is developmentally disabled and that he is unable to provide safely for his basic personal needs for food, shelter, or clothing, but that a responsible person or a regional center or other public or private agency is willing and able to provide therefor, the court shall release the developmentally disabled adult to such responsible person or regional center or other public or private agency, as the case may be, subject to any conditions which the court deems proper for the welfare of the developmentally disabled adult and which are consistent with the purposes of this division.

If in any proceeding under this section, the court finds that the adult is developmentally disabled and has no parent, guardian, or conservator, and is in need of a guardian or conservator, the court

shall order the appropriate regional center or the Department of Health to initiate, or cause to be initiated, proceedings for the appointment of a guardian or conservator for the developmentally disabled adult.

SEC. 35. Section 38122 of the Health and Safety Code is amended to read:

38122. This article shall not be construed to impair the right of a parent, guardian, or conservator of an adult developmentally disabled patient to remove the patient from the state hospital at any time pursuant to Section 38150.

SEC. 36. Section 38123 of the Health and Safety Code is amended to read:

38123. If a regional center recommends that an adult be admitted to a state hospital as a developmentally disabled patient, the employee of the regional center responsible for making such recommendations shall certify in writing that neither the person recommended for admission to the state hospital nor any other person on behalf of the person so recommended for admission has made objection to such admission to the person making such recommendation. The regional center shall transmit such certificate, or a copy thereof, to the state hospital.

A state hospital shall not admit any adult as a developmentally disabled patient on recommendation of a regional center unless a copy of such certificate has been transmitted pursuant to this section.

Any person who, knowing that objection to state hospital admission has been made, certifies that no objection has been made, is guilty of a misdemeanor.

SEC. 37. Section 38150 of the Health and Safety Code, as added by Section 5 of Chapter 1081 of the Statutes of 1972, is amended to read:

38150. This chapter shall not be construed to terminate any appointment of the Department of Health as guardian of a developmentally disabled person prior to July 1, 1971.

It is the intent of this section that the Director of Health be appointed as guardian or conservator of a developmentally disabled person as provided, pursuant to the provisions of Article 7.5 (commencing with Section 416) of Chapter 2 of Part 1 of Division 1.

Notwithstanding Section 6000 of the Welfare and Institutions Code, the admission of an adult developmentally disabled person to a state hospital or private institution shall be upon the application of the person's parent or guardian or conservator in accordance with the provisions of Sections 38103 and 38123. Any person so admitted to a state hospital may leave the state hospital at any time, if such parent, guardian, or conservator gives notice of his desire for the departure of the developmentally disabled person to any member of the hospital staff and completes normal hospitalization departure procedures.

Notwithstanding the provisions of Section 38105, any adult developmentally disabled person who is competent to do so may

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apply for and receive any services provided by a regional center.

SEC. 38. Section 38200 of the Health and Safety Code is amended to read:

38200. There is in the Health and Welfare Agency the State Developmental Disabilities Planning and Advisory Council.

The council shall consist of 15 voting members. Six members shall represent consumers of services for persons with developmental disabilities of whom one member shall be the parent of a developmentally disabled child who is not in a state hospital and one member shall be the parent of a developmentally disabled child who is a patient in a state hospital.

Five members shall be representatives of local agencies, nongovernmental organizations, and groups concerned with services for persons with developmental disabilities.

The Governor shall appoint the following seven members of the council: the six representatives of consumers of services for persons with developmental disabilities and one representative of a local agency or nongovernmental organization serving the developmentally disabled. The Senate Rules Committee and the Speaker of the Assembly shall each appoint two representatives of local agencies or nongovernmental organizations serving the developmentally disabled.

The Director of Health, the Director of Social Welfare, the Superintendent of Public Instruction, and the Director of the Department of Rehabilitation shall serve as members of the council.

Of the members appointed by the Governor, three shall hold office for three years, two shall hold office for two years, and two shall hold office for one year. The members appointed by the Senate Rules Committee and by the Speaker of the Assembly each shall hold office for three years.

SEC. 39. Section 38201 of the Health and Safety Code is amended to read:

38201. The members of the state council shall serve without compensation but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this division.

The state council shall meet at least quarterly, and on call of the council chairman as often as necessary to fulfill its duties. All meetings and records of the council shall be open to the public.

The state council shall, by majority vote of the voting members, elect its own chairman from among the 11 appointed members, and shall establish such committees as it deems necessary or desirable. The council chairman shall appoint all members of committees of the state council. The chairman may appoint such advisory committees composed of professional persons serving the developmentally disabled as necessary for technical assistance.

SEC. 40. Section 38202 of the Health and Safety Code is amended to read:

38202. The state council shall advise the Advisory Health Council,

the secretary, the Governor and the Legislature on the initiation, coordination, and implementation of programs and projects for the developmentally disabled and other developmentally disabled persons including, but not limited to, the following:

(a) Present and proposed programs of state, local governmental, and voluntary agencies for persons with developmental disabilities.

(b) The development by the secretary of a state plan for services for persons with developmental disabilities and the system of priorities contained in a program budget to be developed by the secretary.

(c) The development by the Advisory Health Council of that portion of the state plan for all health services for persons with developmental disabilities.

(d) Standards for services in various facilities that are now being operated or which will hereafter be created.

(e) Standards and rates of state payment for any services purchased for developmentally disabled persons through the regional centers.

(f) The development of uniform recordkeeping in all services for the developmentally disabled.

(g) The coordination of services and research activities in the field of developmental disabilities, including the evaluation of services and programs, studies of the prevalence of developmental disabilities, and the development of experimental programs.

(h) The stimulation of planning for professional training in the state universities and colleges.

SEC. 41. Section 38203 of the Health and Safety Code is amended to read:

38203. The state council shall prepare and render annually a written report of its activities and its recommendations to the Advisory Health Council, the Secretary of the Health and Welfare Agency, the Governor and the Legislature.

SEC. 42. Section 38250 of the Health and Safety Code is amended to read:

38250. It is the intent of this division that state funds previously allocated to other agencies for the provision of out-of-home prehospital, hospital and posthospital care be allocated, to the fullest extent feasible, to regional centers to contract with appropriate agencies for the provision of out-of-home placements.

In the event either the Governor or the Legislature should obtain federal approval to transfer programs for the developmentally disabled from other state departments to the Department of Health under the provisions of Public Law 90-577 (Intergovernmental Cooperation Act of 1968), the State Controller shall, upon approval of the Director of Finance, transfer to the Department of Health such parts of the appropriation of the other departments that are related to developmental disabilities programs; provided further, that such transfer shall enable the state to make maximum utilization of available state and federal funds.

It is the intent of this division that the regional center program be funded by the state on a regional basis using the maximum of federal funds available, and that all funds be transmitted through the department to each regional center.

SEC. 43. Section 38251 of the Health and Safety Code is amended to read:

38251. When appropriated by the Legislature, the director may receive and expend all funds made available by the federal government, the state, its political subdivisions, and other sources, and, within the limitation of the funds made available, shall act as an agent for the transmittal of such funds for services through the regional centers. The director may use any funds received under Article 2 (commencing with Section 249) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code for the purposes of this division.

SEC. 44. Section 38252 of the Health and Safety Code is amended to read:

38252. The director may accept and expend grants, gifts, and legacies of money and, with the consent of the Department of Finance, may accept, manage and expend grants, gifts and legacies of other property, in furtherance of the purposes of this division.

The director may enter into agreements with any person, agency, corporation, foundation, or other legal entity to carry out the purposes of this division.

SEC. 45. Section 38253 of the Health and Safety Code is amended to read:

38253. The secretary, in the same manner and subject to the same conditions as other state agencies, shall submit a program budget annually to the Department of Finance, including not only expenditures proposed to be made under this division, but also expenditures proposed to be made under any related program or by any other state agency, designed to provide services incidental to the functions to which this division relates. The secretary may require state departments to contract with it for services to carry out the provisions of this division.

Notwithstanding any other provision of law, authorized services to eligible persons, as defined in this division, provided by all state agencies, including, but not limited to, the Departments of Education, Health, Rehabilitation and Social Welfare shall, to the fullest extent permitted by federal law, by contract or otherwise, be made available upon request of the director, and the approval of the secretary, to the department for services to eligible persons.

The secretary shall consult with the departments involved in developing the statewide plan and program budget, and shall seek the advice of the state council.

SEC. 46. Section 38255 of the Health and Safety Code is amended to read:

38255 The director shall establish rates of state payment for services purchased by regional centers for developmentally disabled

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persons. An equitable system of rates shall be developed, maintained, and revised as necessary under this chapter.

SEC. 47. Section 38256 of the Health and Safety Code is amended to read:

38256. The secretary shall coordinate all services and related programs for mentally retarded and other developmentally disabled persons conducted by state agencies, with the federal government and ensure that there is no duplication of such programs among state agencies and that all agreements, contracts, plans or programs conform to the provisions of this division. Any plan proposed to be submitted by any such agency to the federal government in relation to a developmental disabilities program shall first be submitted to the secretary for his review. The secretary may require state departments to contract with it for services to carry out the provisions of this division.

SEC. 48. Section 38257 of the Health and Safety Code is amended to read:

38257. Parents of children under the age of 18 who are receiving services purchased by the regional center may be required to contribute to the cost of services depending upon their ability to pay, but not to exceed the cost of caring for a normal child at home, as determined by the director. Parental contributions shall be made only to the regional center and the method of determination of the amount of the contribution shall be the same, whether the child is placed in the state hospital or in a public or private community facility. In no event, however, shall parents be charged for diagnosis or counseling services received through the regional centers.

SEC. 49. Section 38257.1 of the Health and Safety Code is amended to read:

38257.1. Parents of children under the age of 18 who are patients in a state hospital or on leave from a state hospital, and who were admitted to the state hospital prior to July 1, 1971, may be required to contribute to the cost of services depending upon their ability to pay, but not to exceed the cost of caring for a normal child at home, as determined by the director. Parental contributions shall be made only to the regional center from which the child would have been referred had he been admitted to the state hospital after July 1, 1971, and the method of determination of the amount of the contribution shall be the same as that provided in Section 38257.

SEC. 50. Section 38258 of the Health and Safety Code is amended to read:

38258. The director shall establish a schedule for parental fees for services received through the regional centers.

In establishing the amount parents will contribute, the director shall take into account such factors as:

(a) Medical expenses incurred prior to regional center care;

(b) Whether the child is living at home;

(c) Parental contributions for medical expenses, clothing, incidentals, and other items considered necessary to the normal

rearing of a child; and

(d) Transportation expenses incurred in visiting a child placed in a facility outside the region.

All parental contributions shall be utilized for the provision of additional direct services to the developmentally disabled.

SEC. 51. Section 38260 of the Health and Safety Code is amended to read:

38260. State funds appropriated for the purposes of this division shall not be used to supplant city or county matching funds required under the Budget Act of 1969.

For purposes of this section, city or county matching funds required under the Budget Act of 1969 for services specified in Section 38106 which are provided under the Short-Doyle Act shall be deemed to be the amount of matching funds specified for such services in the city or county Short-Doyle plan as approved by the Director of Mental Hygiene for the 1969–70 fiscal year.

For the purposes of this section, the director, with the approval of the Department of Finance, shall determine the amount of city or county matching funds with respect to each city or county.

SEC. 52. Section 38261 of the Health and Safety Code is amended to read:

38261. Any services specified in Section 38106 which are provided by cities or counties in accordance with the area plan approved by the director and not, as determined by the director with the approval of the Department of Finance, provided for in the Budget Act of 1969, including, but not limited to, services under the Short-Doyle Act, shall be eligible for funding on the same basis as services provided for in this division.

SEC. 53. Section 38300 of the Health and Safety Code is amended to read:

38300. The director shall make provision for an evaluation of all aspects of the program provided for by this division, including, but not limited to: the number, age and type of clients served; the kind of services provided; the effectiveness of the service; the equity of the fees charged to parents; the effectiveness and quality of state and area planning; and the range and availability of services.

SEC. 54. Section 1370.1 of the Penal Code is amended to read:

1370.1. Notwithstanding the provisions of Section 1370, if the court has reason to believe that the defendant's inability to understand the nature and purpose of the criminal proceedings taken against him so as to be able to conduct, or assist in, his own defense in a rational manner is a result of mental retardation, the trial or judgment shall be suspended, and the court shall order the regional center for the mentally retarded, which serves the counties in which the court is situated, and which is established under the Lanterman Developmental Disabilities Services Act, Division 25 (commencing with Section 38000) of the Health and Safety Code, to examine the defendant and within 90 days report to the court the results of the examination and its recommendation for the care and

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treatment of the defendant. The court may make such orders as may be necessary to provide for the examination of such person by the regional center and for the safekeeping, necessary medical treatment, care or restraint of the defendant pending further orders of the court following receipt of the regional center's report, in the county hospital, his own home, in a state hospital, or in such other place, excluding a jail, as will afford access to personnel of the regional center for the purpose of examination and suitable provisions for the safety and comfort of the defendant. If the regional center reports that the defendant is not mentally retarded, the court shall make the appropriate order under Section 1370. If the regional center reports that the defendant is mentally retarded and is a danger to himself or others and therefore subject to commitment to a state hospital pursuant to Article 5 (commencing with Section 6500), Chapter 2, Part 2, Division 6, of the Welfare and Institutions Code, the regional center shall recommend the initiation of proceedings to commit the defendant to a state hospital pursuant to Article 5. If the regional center reports that the defendant is mentally retarded but is not subject to commitment to a state hospital pursuant to Article 5, the regional center shall make such recommendations as it deems best for the care and treatment of the defendant. Upon receiving the report and recommendations of the regional center, the court shall order that commitment proceedings pursuant to Article 5 be instituted if such defendant is subject to commitment thereunder, or, if not so subject to commitment, it shall order the defendant placed in a home or facility, or state hospital recommended by the regional center for care and treatment or in some other home, facility, or state hospital approved by the regional center for the care and treatment of the defendant. The regional center shall reexamine each defendant placed in a home or facility or state hospital, or committed to a state hospital, at least once each year to ascertain whether the mental retardation of the defendant has changed to such an extent that defendant is able to understand the nature and purpose of the criminal proceedings taken against him so as to be able to conduct, or assist in, his own defense in a rational manner. If the regional center ascertains that the mental retardation of the defendant has changed to such an extent, it shall certify the finding to the sheriff and district attorney of the county, and the court wherein the defendant's case is pending. The sheriff shall thereupon, without delay, bring the defendant from the home, facility, or state hospital, as the case may be, and place him in proper custody until he is brought to trial or judgment, as the case may be, or is legally discharged. In event of dismissal of the criminal charges before such certification is made, the person shall be rereferred to the appropriate regional center for services under the Lanterman Developmental Disabilities Services Act, Division 25 (commencing with Section 38000) of the Health and Safety Code.

SEC. 54.5. Section 1461.5 is added to the Probate Code, to read:

1461.5. Prior to the appointment of a guardian for the person and

estate or person or estate of an insane or an incompetent person, the court shall inform the alleged insane or incompetent person as to the nature and purpose of the guardianship proceeding, that the appointment of a guardian for his person or estate or person or estate is a legal adjudication of his incompetence, the effect of such an adjudication on his basic rights, and the identity of the person who has been nominated as his guardian. After communicating such information to the person and prior to the appointment of his guardian, the court shall consult the person to determine his opinion concerning the appointment.

If the alleged insane or incompetent person is unable to attend the hearing and such inability has been medically certified pursuant to Section 1461, the provisions of this section shall not apply.

SEC. 55. Section 6000 of the Welfare and Institutions Code is amended to read:

6000. Pursuant to rules and regulations established by the State Department of Health, the medical director of a state hospital for the mentally disordered or mentally retarded may receive in such hospital, as a boarder and patient, any person who is a suitable person for care and treatment in such hospital, upon receipt of a written application for the admission of the person into the hospital for care and treatment made in accordance with the following requirements:

(a) In the case of an adult person, the application shall be made voluntarily by the person, at a time when he is in such condition of mind as to render him competent to make it or, if he is a conservatee with a conservator of the person or person and estate who was appointed under Chapter 3 (commencing with Section 5350) of Part 1 of Division 5 with the right as specified by court order under Section 5328 to place his conservatee in a state hospital, by his conservator.

(b) In the case of a minor person, the application shall be made by his parents, or by the parent, guardian, or other person entitled to his custody to any of such mental hospitals as may be designated by the Director of Health to admit minors on voluntary applications. If the minor has a conservator of the person, or the person and the estate, appointed under Chapter 3 (commencing with Section 5350) of Part 1 of Division 5, with the right as specified by court order under Section 5328 to place the conservatee in a state hospital the application for the minor shall be made by his conservator.

Any such person received in a state hospital shall be deemed a voluntary patient.

Upon the admission of a voluntary patient to a state hospital the medical director shall immediately forward to the office of the State Department of Health the record of such voluntary patient, showing the name, residence, age, sex, place of birth, occupation, civil condition, date of admission of such patient to such hospital, and such other information as is required by the rules and regulations of the department.

The charges for the care and keeping of a mentally disordered

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person in a state hospital shall be governed by the provisions of Article 4 (commencing with Section 7275) of Chapter 3 of Part 4 relating to the charges for the care and keeping of mentally disordered persons in state hospitals.

A voluntary adult patient may leave the hospital or institution at any time by giving notice of his desire to leave to any member of the hospital staff and completing normal hospitalization departure procedures. A conservatee may leave in a like manner if notice is given by his conservator.

A minor person who is a voluntary patient may leave the hospital or institution after completing normal hospitalization departure procedures after notice is given to the superintendent or person in charge by the parents, or the parent, guardian, or other person entitled to the custody of the minor, of their desire to remove him from the hospital.

No person received into a state hospital, private mental institution, or county psychiatric hospital as a voluntary patient during his minority shall be detained therein after he reaches the age of majority, but any such person, after attaining the age of majority, may apply for admission into the hospital or institution for care and treatment in the manner prescribed in this section for applications by adult persons.

The State Department of Health shall establish such rules and regulations as are necessary to carry out properly the provisions of this section.

SEC. 56. Section 6000.5 is added to the Welfare and Institutions Code, to read:

6000.5. Pursuant to Section 6000, the medical director of a state hospital for the mentally retarded may receive in such hospital, as a boarder and patient, any developmentally disabled person as defined in Section 38003 of the Health and Safety Code who has been referred in accordance with Sections 38103 and 38123 of the Health and Safety Code.

SEC. 57. Section 6501 of the Welfare and Institutions Code is repealed.

SEC. 58. Section 7518 of the Welfare and Institutions Code is amended to read:

7518. In accordance with this section, the medical director of a state hospital with programs for developmentally disabled patients, as defined in Section 38003 of the Health and Safety Code, may give consent to medical, dental, and surgical treatment of a minor developmentally disabled patient of the hospital and provide for such treatment to be given to the patient.

If the patient's parent, guardian, or conservator legally authorized to consent to such treatment, does not respond within a reasonable time to the request of the medical director for the granting or denying of consent for such treatment, the medical director may consent, on behalf of the patient, to such treatment and provide for such treatment to be given the patient.

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If the patient has no parent, guardian, or conservator legally authorized to consent to medical, dental, or surgical treatment on behalf of the patient, the medical director may consent to such treatment on behalf of the patient and provide for such treatment to be given to the patient. The medical director shall immediately thereupon also request the appropriate regional center for the developmentally disabled to initiate or cause to be initiated proceedings for the appointment of a guardian or conservator legally authorized to consent to medical, dental, or surgical treatment.

If the patient is an adult and has neither a guardian or conservator, consent to treatment may be given by someone other than the patient on the patient's behalf only if the patient is mentally incapable of giving his own consent.

SEC. 59. This act is an urgency statute necessary for the immediate preservation of the public peace, 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 revises various functions of the Director of Health and the Secretary of the Health and Welfare Agency and renames and revises the Lanterman Mental Retardation Services Act of 1969 to be the Lanterman Developmental Disabilities Services Act. In order that this act may become operative at the commencement of the 1974–75 fiscal year, or as soon thereafter as may be possible, and the revisions and reforms which this act makes in the law relating to the developmentally disabled may go into operation without delay, it is necessary that this act go into immediate effect.

CHAPTER 547

An act to add Section 3524 to the Elections Code, relating to measures.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 3524 is added to the Elections Code, to read:

3524. Immediately upon the preparation of the summary of an initiative or referendum petition, the Attorney General shall forthwith transmit copies of the text of the measure and summary to the Senate and Assembly. The appropriate committees of each house may hold public hearings on the subject of the measure; provided, that nothing in this section shall be construed as authority for the Legislature to alter the measure or prevent it from appearing on the ballot.

CHAPTER 548

An act to amend Section 10955 of the Education Code, relating to attendance.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 10955 of the Education Code is amended to read:

10955. No absence of a pupil from school:

(a) Due to his illness, or

(b) Due to quarantine under the direction of a county or city health officer, or

(c) For the purpose of having medical, dental, or optometrical services rendered, or

(d) For the purpose of attending the funeral services of a member of his immediate family, so long as such absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California, shall be deemed an absence in computing the attendance of a pupil

"Immediate family," as used in this section, has the same meaning as that set forth in the last sentence of Section 13651.4 except that references therein to "employee" shall be deemed to be references to "pupil."

CHAPTER 549

An act to amend Section 18801 of the Business and Professions Code, relating to professional boxing.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 18801 of the Business and Professions Code is amended to read:

18801. (a) The commission shall, consistent with the purposes of this article, establish a pension plan for professional boxers who engage in boxing contests in this state.

(b) The commission shall, consistent with the purposes of this article, establish a schedule of contributions to finance such pension plan to be paid by professional boxers, managers, and promoters on an equitable basis, as determined by the commission, in an amount sufficient to finance such pension plan. In establishing such schedule, the commission shall consider, but not be limited in its consideration

to, the relative profits derived from a boxing contest by the professional boxer, his manager, and the promoter.

(c) Any pension plan established by the commission shall be actuarily sound.

(d) All contributions from boxers, managers, and promoters to finance the plan shall be deposited in and credited to the Boxer's Pension Account, which is hereby created in the General Fund. The money in the Boxer's Pension Account shall be used exclusively for purposes of the pension plan.

(e) Except as otherwise provided in this subdivision, the commission or its designee shall invest the money contained in such pension account as other trust funds in the state are invested. The commission or its designee may also invest money from such account in group annuity contracts.

CHAPTER 550

An act to amend Sections 5096.85, 5096.86, and 5096.87 of the Public Resources Code, relating to parks and recreation.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 5096.85 of the Public Resources Code is amended to read:

5096.85. Except as otherwise provided herein, all money deposited in the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 shall be available for appropriation as set forth in Section 5096.79 for the purposes set forth below in amounts not to exceed the following except as may be provided hereafter:

(a) For grants to counties, cities, or cities and counties for the acquisition, development, or acquisition and development, of real property for park, recreation area, beach, and historical purposes including state administrative costs .. $90,000,000

(b) For development of real property for the state park system, including costs for planning and interpretation $45,000,000

(c) For development of historical resources for the state park system, including costs for planning and interpretation $15,000,000

(d) For the acquisition, development, or acquisition and development, of real property for wildlife management in accordance with the provisions of the Wildlife Conservation Law of 1947 (Chapter 4 (commencing with Section 1300),

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Division 2, Fish and Game Code) and in accordance with a master plan drafted as an element of the State Environmental Goals and Policy Report, including costs for planning and interpretation $10,000,000

(e) For the acquisition of real property for the state park system, and the costs of planning and interpretation, of which not less than fifteen million dollars ($15,000,000) shall be expended for acquisition of privately owned lands inside the boundaries of existing units and for additions to existing units $90,000,000

It is the intent of the Legislature that funds expended pursuant to subdivisions (a) and (e) of this section may be used for the acquisition of open-space lands, development rights, and scenic easements in connection with the state park system or, in the case of counties, cities, or cities and counties, in connection with park and beach purposes. For the purpose of acquiring such open-space lands or scenic easements the state and counties, cities, or cities and counties may exercise the power of eminent domain.

SEC. 2. Section 5096.86 of the Public Resources Code is amended to read:

5096.86. The ninety million dollars ($90,000,000) authorized by Section 5096.85 for grants shall be allocated to the counties, such allocation to be based upon the estimated population of the counties on July 1, 1980, as projected by the Department of Finance.

Each county's apportionment will be in the same ratio as the county's population is to the state's total population; provided, however, that each county shall be entitled to receive an allocation of not less than two hundred thousand dollars ($200,000); and provided, further, that any grant made to a city, district, or regional public agency shall be subtracted from the total otherwise allocable under the provisions of this chapter to the county or counties in which the city, district, or regional public agency is located. Advance grants may be made for development projects. However, 10 percent of the grant funds shall be withheld until the project is audited by the state.

Each county shall consult with all cities and districts within the county which are authorized to provide park and recreation services and shall develop and submit to the state a priority plan for expenditure of the county's allocation, including expenditures for city and district projects, by June 30, 1975. The priority plan for expenditure of the total county allocation shall be approved by at least 50 percent of the cities and districts representing 50 percent of the population of the cities and districts within the county, and by the county board of supervisors. Failure to submit an approved priority plan by June 30, 1975, shall result in a 10-percent annual reduction in the total county allocation until the priority plan is submitted. Any funds not allocated to a county shall remain in the

bond fund and shall be expended under the same conditions as set forth in Section 5096.87 in 1980. By June 30, 1977, if agreement on the priority plan for expenditure has not been submitted to the state, the board of supervisors shall petition the Secretary of the Resources Agency to distribute to high-priority projects the remaining 80 percent of the county's total allocation.

Applications for individual projects appearing on the priority plan for expenditure may be submitted directly to the state by the individual jurisdictions. In the event that any particular jurisdiction's project is withdrawn from funding because of circumstances beyond its control, the application for any substitute project by such jurisdiction not originally appearing on the approved priority plan for expenditure shall be approved by the county board of supervisors

SEC. 3. Section 5096.87 of the Public Resources Code is amended to read:

5096.87. On July 1, 1980, the Secretary of the Resources Agency shall cause to be totaled the unencumbered balances remaining in the State Beach, Park, Recreational, and Historical Facilities Fund of 1974. A program shall be submitted in the budget for the 1981–1982 fiscal year to appropriate this balance. Unencumbered funds under subdivision (a) of Section 5096.85 shall be reappropriated for grants to local jurisdictions only. The remainder of the program shall consist of projects deemed to be of highest priority from among the purposes expressed in subdivisions (b) to (e), inclusive, of Section 5096.85 and shall not be subject to the maximum amounts allocated to those purposes in Section 5096.85.

CHAPTER 551

An act to repeal Section 1506 of the Vehicle Code, relating to the Department of Motor Vehicles.

[Approved by Governor September 17, 1973. Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 1506 of the Vehicle Code is repealed.

CHAPTER 552

An act to amend Section 31652 of the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 31652 of the Government Code is amended to read:

31652 (a) Any member may redeposit in the retirement fund, prior to filing an application for retirement, by lump sum payment or by installment payments over a period of one year or for a longer time upon approval of the board, an amount equal to all of the accumulated normal contributions which he has withdrawn, plus regular interest thereon from the date of separation from the retirement system, and his membership is the same as if unbroken by such termination. Except as provided in this section his rate of contribution shall be based on age at the nearest birthday at time of reentrance into the system. If he does not redeposit all of the accumulated normal contributions previously withdrawn he shall be considered as a new member without credit for any previous service.

"Regular interest" as used in this section shall mean that amount of interest which would have been credited to the account of the member on the amount to be deposited at the interest rates established for the system if the contributions required by this section had been on deposit from the date of reentrance into the retirement system until the amount required to be deposited has been paid.

(b) Any member who left county service on or before December 31, 1971, and thereafter again became a member of the county system which he left and (1) who did not withdraw his accumulated normal contributions, or (2) who elected to leave his accumulated normal contributions on deposit pursuant to Article 9 (commencing with Section 31700), or (3) who redeposited or redeposits withdrawn accumulated normal contributions plus interest as authorized in Section 31652, shall be eligible for all benefits granted a member entering a reciprocal retirement system under Article 15 (commencing with Section 31830), including the benefits granted to members who left their accumulated contributions on deposit or who redeposited their accumulated contributions pursuant to Section 31831.1.

(c) Any member who left county service on or after January 1, 1972, and who within 90 days thereafter again became a member of the county system which he left and (1) who did not withdraw his accumulated normal contributions, or (2) who elected to leave his accumulated normal contributions on deposit pursuant to Article 9 (commencing with Section 31700), or (3) who redeposits or redeposited his withdrawn accumulated normal contributions plus interest as authorized by Section 31652 within 180 days after leaving county service, shall be eligible for all benefits granted a member entering a reciprocal retirement system under Article 15 (commencing with Section 31830), except that Section 31831.1 shall not apply to such members.

(d) This section shall not apply to members who are retired or

who are not in service of an employer making him a member of this system.

CHAPTER 553

An act to amend Section 1692.1 of the Insurance Code, relating to insurance.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 1692.1 of the Insurance Code is amended to read:

1692.1. (a) The privilege of an insurer to certify to the enrollment of applicants in any course of study and instruction pursuant to Section 1690 shall be automatically suspended without any action by the commissioner whenever more than 66⅔ percent of the holders of certificates of convenience so certified by the insurer and upon which certifications such certificates were issued during any calendar year fail to qualify for permanent licenses during a period of six months following issuance of a certificate of convenience to each such holder. Any suspension under subdivision (a) shall continue until the commissioner is satisfied that the insurer has taken adequate action to prevent a recurrence of the failure of the insurer to qualify the requisite percentage of certificate of convenience holders for permanent licenses.

(b) Each insurer shall keep and maintain complete records on each appointee it certifies pursuant to Section 1690. Each insurer shall file annually with the commissioner on or before August 15 a written report which shall contain:

(1) The number of certificates of convenience issued during the preceding calendar year pursuant to such certification by the insurer.

(2) The number of holders of such certificates of convenience who qualified for permanent licenses within the specified six-month period

(c) The commissioner may suspend for a period of not more than one year such privilege of an insurer which fails to submit the report required in subdivision (b) above.

All suspensions pursuant to this section shall commence on the final date said report is required to be filed. During any period of suspension of such privilege of an insurer, such insurer is also prohibited from appointing any holder of a certificate of convenience appointed by another insurer to act as its agent.

(d) At the time of filing the written report required by this section, an insurer which has failed to qualify the required

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percentage of certificate of convenience holders for permanent licenses may as a part of the report:

(1) Furnish written evidence of mitigating relevant facts; or

(2) Furnish written evidence of corrective action taken, or a written description of action proposed, which should result in future compliance with this section; or

(3) Request termination of the automatic suspension for specified reasonable cause; or

(4) Request that a hearing be held to determine whether the automatic suspension should be annulled or confirmed.

(e) The commissioner may stay, annul, reduce, terminate or confirm the time of the automatic suspension otherwise required in this section upon a showing by the insurer, satisfactory to the commissioner, that there is good cause therefor, and that the insurer has taken corrective action to prevent a recurrence of the failure of the insurer to qualify the requisite percentage of certificate of convenience holders for permanent licenses. Such preventive measures shall include the establishment of procedures both to assure proper training of its prospective agents to enable them to pass the qualifying license examination and to insure proper selection of prospective agents to the end that a reasonable proportion of those selected will in good faith pursue the course of study and actually attempt to pass the qualifying examination.

(f) This section shall not apply to an insurer during any calendar year in which such insurer certified, pursuant to Section 1690, 25 or fewer such certificate of convenience holders.

(g) Any hearing under this section shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

CHAPTER 554

An act to amend Sections 1689.5, 1689.6, 1689.7, 1689.10, 1689.11, 1689.12, and 1689.13, and to repeal Section 1689.8 of the Civil Code, relating to sales.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. 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, whether single or multiple, or any offer which is subject to approval, for the sale, lease or rental of goods or services or both, made at other

than appropriate trade premises in an amount of twenty-five dollars ($25) or more including any interest or service charges. 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, and courses of instruction, regardless of the purpose for which they are taken, 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.

(e) "Business day" means any calendar day except Sunday, or the following business holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day.

SEC. 2. Section 1689.6 of the Civil Code is amended to read:

1689.6. (a) In addition to any other right to revoke an offer, the buyer has the right to cancel a home solicitation contract or offer until midnight of the third "business day" after the day on which the buyer signs an agreement or offer to purchase which complies with Section 1689.7.

(b) Cancellation occurs when the buyer gives written notice of cancellation to the seller at the address specified in the agreement or offer.

(c) Notice of cancellation, if given by mail, is effective when deposited in the mail properly addressed with postage prepaid.

(d) Notice of cancellation given by the buyer need not take the particular form as provided with the contract or offer to purchase

and, however expressed, is effective if it indicates the intention of the buyer not to be bound by the home contract or offer.

SEC. 3. Section 1689.7 of the Civil Code is amended to read:

1689.7. (a) In a home solicitation contract or offer the buyer's agreement or offer to purchase shall be written in the same language, e.g., Spanish, as principally used in the oral sales presentation, must be dated, signed by the buyer, and must contain in immediate proximity to the space reserved for his signature a conspicuous statement in a size equal to at least 10-point bold type, as follows: "You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right."

(b) The agreement or offer to purchase shall contain on the first page, in a type size no smaller than that generally used in the body of the document, the following: (1) the name and address of the seller to which the notice is to be mailed, and (2) the date the buyer signed the agreement or offer to purchase.

(c) The agreement or offer to purchase shall be accompanied by a completed form in duplicate, captioned "Notice of Cancellation" which shall be attached to the agreement or offer to purchase and be easily detachable, and which shall contain in type of at least 10-point the following statement written in the same language, e.g., Spanish, as used in the contract:

"NOTICE OF CANCELLATION"

/enter date of transaction/

(Date)

You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be canceled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale, or you may, if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk.

If you do not agree to return the goods to the seller or if the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice, or any other written notice, or send a

telegram to /name of seller/,
at /address of sellers place of business/ NOT LATER THAN
MIDNIGHT OF _____
(Date)

I hereby cancel this transaction _____
(Date)

_____
(Buyer's Signature)

(d) The seller shall provide the buyer with a copy of the contract or offer to purchase and the attached notice of cancellation and shall inform the buyer orally of his right to cancel at the time the home solicitation contract or offer is executed.

(e) Until the seller has complied with this section the buyer may cancel the home solicitation contract or offer.

(f) "Contract or sale" as used in subdivision (c) means "home solicitation contract or offer" as defined by Section 1689.5.

SEC. 4. Section 1689.8 of the Civil Code is repealed.

SEC. 5. Section 1689 10 of the Civil Code is amended to read:

1689.10. (a) Except as provided in Sections 1689.6 to 1689.11, inclusive, within 10 days after a home solicitation contract or offer has been canceled, the seller must tender to the buyer any payments made by the buyer and any note or other evidence of indebtedness.

(b) If the downpayment includes goods traded in, the goods must be tendered in substantially as good condition as when received.

(c) Until the seller has complied with the obligations imposed by Sections 1689.7 to 1689.11, inclusive, the buyer may retain possession of goods delivered to him by the seller and has a lien on the goods for any recovery to which he is entitled.

SEC. 6. Section 1689.11 of the Civil Code is amended to read:

1689.11. (a) Except as provided in subdivision (c) of Section 1689.10, within 20 days after a home solicitation contract or offer has been canceled, the buyer, upon demand, must tender to the seller any goods delivered by the seller pursuant to the sale or offer, but he is not obligated to tender at any place other than his own address. If the seller fails to demand possession of goods within 20 days after cancellation, the goods become the property of the buyer without obligation to pay for them.

(b) The buyer has a duty to take reasonable care of the goods in his possession both prior to cancellation and during the 20-day period following. During the 20-day period after cancellation, except for the buyer's duty of care, the goods are at the seller's risk.

(c) If the seller has performed any services pursuant to a home solicitation contract or offer prior to its cancellation, the seller is entitled to no compensation. If the seller's services result in the alteration of property of the buyer, the seller shall restore the property to substantially as good condition as it was at the time the services were rendered.

SEC. 7. Section 1689.12 of the Civil Code is amended to read:

1689.12. Any waiver or confession of judgment of the provisions of Sections 1689.5 to 1689.11, inclusive, shall be deemed contrary to public policy and shall be void and unenforceable.

SEC. 8 Section 1689.13 of the Civil Code is amended to read:

1689 13. The provisions of Sections 1689.5 to 1689.7, inclusive, and Sections 1689.10 to 1689.12, inclusive, shall not apply to a contract in which the buyer has initiated the contract and which is executed in connection with the making of emergency repairs or services which are necessary for the immediate protection of persons or real or personal property provided that the buyer furnishes the seller with a separate dated and signed personal statement describing the situation requiring immediate remedy and expressly acknowledging and waiving the right to cancel the sale within three business days.

CHAPTER 555

An act to add Section 13583.2 to the Education Code, and to add Section 21101.1 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 13583.2 is added to the Education Code, to read:

13583.2. Notwithstanding any other provision of law, any person who was subject to being, or was in fact, laid off for lack of work or lack of funds and who elected service retirement from the Public Employees' Retirement System shall be placed on an appropriate reemployment list. The district shall notify the Board of Administration of the Public Employees' Retirement System of the fact that retirement was due to layoff for lack of work or of funds. If he is subsequently subject to reemployment and accepts, in writing, the appropriate vacant position, the district shall maintain the vacancy until the Board of Administration of the Public Employees' Retirement System has properly processed his request for reinstatement from retirement.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

SEC. 2. Section 21101.1 is added to the Government Code, to read:

21101.1. Upon application to the board, a person who retired under this system for service as a result of layoff for lack of work or lack of funds, and who is otherwise eligible for reemployment, may

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be reinstated from retirement pursuant to this article, without waiting for the expiration of one year from the effective date of his retirement as otherwise required under Section 21101.

CHAPTER 556

An act to amend Sections 26225 and 26229 of the Water Code, relating to irrigation districts.

[Approved by Governor September 17, 1973. Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 26225 of the Water Code is amended to read:

26225. Property sold for delinquent assessments may be redeemed within five years from the date of sale, or thereafter before a collector's deed of the property has been delivered, by payment in lawful money of the United States to the collector of the amount for which the property was sold plus a penalty of three-fourths of 1 percent per month from the date of sale until redemption.

Where a collector's deed has been delivered to the district, the period of redemption is extended until the first bid is received for the property or until the board determines the property is not to be sold as provided in Section 26290.

If the property is not on the current county tax roll at the time of redemption, the redemptioner shall also pay to the county all taxes, interest, and penalties which would be due the county and any special district, including, but not limited to, any school district, county service area, improvement district, maintenance district, or other governmental entity, for which the county levies and collects taxes, as if the property had continued to be on the county assessment roll, in addition to paying the collector the amount necessary to redeem. The collector shall compute the amount of these taxes and shall base the computation on the valuation furnished him by the county assessor.

SEC. 2. Section 26229 of the Water Code is amended to read:

26229. The collector shall record the other duplicate certificate of redemption with the county recorder in whose office the certificate of sale was recorded and shall pay the recording fee provided for in Section 27361 of the Government Code. Such recorded certificate of redemption is conclusive in favor of a purchaser or encumbrancer for value.

SEC. 3. The provisions of this act shall be applicable only to property against which assessments became delinquent after the effective date of the act.

SEC. 4. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation

Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 557

An act to amend Section 20017.75 of the Government Code, and to amend Section 11006 of the Penal Code, relating to employees of the Department of Justice.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 20017.75 of the Government Code, as amended by Section 20.1 of Chapter 1377 of the Statutes of 1972, 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. 2. 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.

All persons employed after July 1, 1973, within the Department of Justice designated as peace officers and performing investigative duties shall be required by the department to obtain a certificate from the Commission on Peace Officer Standards and Training.

SEC. 3. Section 1 of this act shall become operative on July 1, 1974.

CHAPTER 558

An act to amend Section 2126 of the Food and Agricultural Code, relating to agricultural inspectors.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 2126 of the Food and Agricultural Code is amended to read:

2126. The commissioner may appoint deputy commissioners, inspectors, and clerks who shall serve at his pleasure.

Such inspectors may be designated as county agricultural inspectors or county agricultural biologists.

CHAPTER 559

An act to amend Section 2156 of, and to add Section 2157 to, the Streets and Highways Code, relating to transportation.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 2156 of the Streets and Highways Code is amended to read.

2156. (a) On or before May 1, 1964, and on or before May 1st of each four years thereafter, every county and city shall transmit to the department a report setting forth in such detail as the department may require the following:

(1) The progress it has made in the construction or improvement of its road or street system.

(2) An estimate of its road or street needs for the next five years.

(3) A projected estimate of its road or street needs for the next 10 years.

(b) The department shall review and audit the information and estimates contained in the reports submitted by the counties and cities. The department shall combine all of such information and estimates in a report which shall be submitted to the Legislature at or prior to January 1, 1973, and each four years thereafter, through such interim committee or committees as may be designated by legislative resolution.

(c) The department shall cooperate and confer with the Departmental Transportation Advisory Committee in the preparation of its report required by this section.

SEC. 2. Section 2157 is added to the Streets and Highways Code, to read:

2157 There is hereby created the Departmental Transportation Advisory Committee. At the 1973–74 Regular Session of the Legislature, and at the commencement of the 1977–78 Regular Session and each four years thereafter, the Speaker of the Assembly and the Rules Committee of the Senate shall jointly appoint a committee of 14 members, to consist of officials of cities, counties,

and the state, representatives of transportation planning agencies, and others interested in transportation planning to act in an advisory capacity to the department in the preparation of various transportation reports required by statute, including, but not limited to, functional classification and needs studies. The department shall cooperate and confer with the advisory committee so appointed. Each committee so appointed shall remain in existence until such time as a new advisory committee is appointed.

CHAPTER 560

An act to add Section 35116 to the Vehicle Code, relating to vehicles.

[Approved by Governor September 17, 1973. Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 35116 is added to the Vehicle Code, to read:

35116. Livestock loading chutes, supporting hangers, and steps and handholds may extend two inches on each side of any vehicle used to transport livestock, except that the maximum width of body and livestock loading chutes, supporting hangers, and steps and handholds shall not exceed 100 inches.

This section shall have no application to highways which are a part of the national system of interstate and defense highways (as referred to in Section 108 of the Federal-Aid Highway Act of 1956) when such application would prevent this state from receiving any federal funds for highway purposes.

CHAPTER 561

An act to amend Sections 18203.6 and 18669.1 of, and add Sections 18208.1 and 18669.3 to, the Financial Code, relative to premium finance agencies.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 18203.6 of the Financial Code is amended to read:

18203.6. Capital stock of any premium finance agency shall be not less than seventy-five thousand dollars ($75,000) and need not exceed that sum regardless of the number of branch offices or

business locations which may be authorized under the provisions of this division.

SEC. 2. Section 18208.1 is added to the Financial Code, to read:

18208.1. Before a premium finance agency commences business or opens a branch office or place of business, there must be paid in cash, for the benefit of the agency, 100 percent of the amount of the minimum capital stock required under this chapter.

SEC. 3. Section 18669.1 of the Financial Code is amended to read:

18669.1. The provisions of Sections 18208, 18209, 18405, 18412, 18623, 18668.2, 18668.3, 18669, 18681, 18682, 18683, and 18684 shall not apply to a premium finance agency.

SEC. 4. Section 18669.3 is added to the Financial Code, to read:

18669.3. The provisions of Sections 18905, 18906, 18922, 18930, 18931, 18932.1, and 18942 of this division shall not apply to any bona fide loan with a principal amount of ten thousand dollars ($10,000) or more or to a premium finance agency in connection with such loan if the provisions of this section are not used for the purpose of evading this division.

CHAPTER 562

An act to amend Section 54 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), relating to metropolitan water districts.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 54 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969) is amended to read:

Sec. 54. In lieu of the appointment of members to the board pursuant to Sections 51 or 52 for an indefinite term at the pleasure of the appointing power, a member public agency may by ordinance provide that each representative of that member public agency shall serve for a term of four years commencing on the first day of January of an odd-numbered year, and thereafter (1) until the expiration of his term, or (2) until his successor has been appointed and qualified, in accordance with the following provisions:

(a) The term of office of an incumbent representative of a member public agency with only one representative on the board on the effective date of such ordinance shall expire on the next succeeding 31st day of December of an even-numbered year following such effective date, or thereafter when his successor has been appointed and qualified.

(b) The appointing power of a member public agency which has more than one representative on the board shall designate the term

of each such representative so that to the extent possible the term of an equal number of directors will expire on the next succeeding 31st day of December of an even-numbered year following the effective date of such ordinance and on the 31st day of December of the next succeeding even-numbered year, or thereafter when their successors have been appointed and qualified.

(c) A person appointed to fill a vacancy shall hold office for the unexpired term of his predecessor.

(d) Any director so appointed for a specified term may be removed by the appointing power for cause.

(e) The repeal of such ordinance shall not affect the term of an incumbent representative appointed pursuant to such ordinance.

CHAPTER 563

An act to amend Section 23661 of the Business and Professions Code, and to add Section 32111 to the Revenue and Taxation Code, relating to alcoholic beverages.

[Approved by Governor September 17, 1973. Filed with Secretary of State September 17, 1973.]

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

SECTION 1. Section 23661 of the Business and Professions Code is amended to read:

23661. Except as otherwise provided in this section, alcoholic beverages may be brought into this state from without this state for delivery or use within the state only by common carriers and only when the alcoholic beverages are consigned to a licensed importer, and only when consigned to the premises of the licensed importer or to a licensed importer or customs broker at the premises of a public warehouse licensed under this division.

The provisions of this chapter are not applicable in the case of alcoholic beverages which are sold and delivered by a licensee in this state to another licensee in this state, and which in the course of delivery are taken without this state through another state without any storage thereof in such other state.

The provisions of this section are not applicable in the case of alcoholic beverages brought into this state by an adult on board a steamship, common carrier, or air common carrier from without the United States for personal or household use which are exempt from payment of duty in accordance with the existing provisions of federal law. Such alcoholic beverages shall be exempt from state licensing restrictions.

The provisions of this section are not applicable in the case of alcoholic beverages shipped into this state from without the United States by an adult member of the armed forces of the United States,

serving outside the confines of the United States, for his personal or household use within the state in such quantity of alcoholic beverages as is exempt from the payment of duty under existing provisions of the Federal Tariff Act or regulations. Such alcoholic beverages may be brought into this state only by common carrier and consigned to the premises of a licensed importer or customs broker, or to a licensed importer or customs broker at the premises of a public warehouse licensed under this division. Notwithstanding any other provisions of this division, the holder of an importer's license, a customs broker's license, or a public warehouse license, may make delivery of such alcoholic beverages as may be brought into this state under the provisions of this paragraph directly to the owner thereof upon satisfactory proof of identity. Such delivery shall not be deemed to constitute a sale in this state.

A manufacturer of distilled spirits may transport such distilled spirits into this state in motor vehicles owned by or leased to the manufacturer, and operated by employees of the manufacturer, if:

(a) Such distilled spirits are transported into this state from a place of manufacture within the United States; and

(b) The manufacturer holds a California distilled spirits manufacturer's license; and

(c) Delivery is made to the licensed premises of such distilled spirits manufacturer.

SEC. 2. Section 32111 is added to the Revenue and Taxation Code, to read:

32111. Before commencing to transport distilled spirits into this state pursuant to the provisions of Section 23661 of the Business and Professions Code, the distilled spirits manufacturer shall register with the board and make application to the board for a manufacturer's interstate alcoholic beverage transporter's permit, which, upon issuance, shall be valid until revoked by the board.

CHAPTER 564

An act to amend Section 19360 of the Government Code, relating to transfer of state employees.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 19360 of the Government Code is hereby amended to read:

19360. An appointing power may transfer any employee under his jurisdiction: (a) to another position in the same class; or (b) to another position in a different class designated as appropriate by the board; or (c) any employee from one location to another whether in

the same position, or in a different position as specified above in (a) or (b). When a transfer under this section reasonably requires an employee to change his place of residence, the appointing power shall give the employee, unless the employee waives this right, a written notice of transfer 60 days in advance of the effective date of the transfer. Unless the employee waives this right, the appointing power shall provide to the employee 60 days prior to the effective date of the transfer a written notice setting forth in clear and concise language the reasons why the employee is being transferred.

CHAPTER 565

An act to amend Section 19540 of the Government Code, relating to state employees.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973.]

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

SECTION 1. Section 19540 of the Government Code is amended to read:

19540. An employee compensated on a monthly basis shall be notified that he is to be laid off 30 days prior to the effective date of layoff and not more than 60 days after the date of the seniority computation. The notice of layoff shall be in writing and shall contain the reason or reasons for the layoff. An employee to be laid off may elect to accept such layoff prior to the effective date thereof.

CHAPTER 566

An act to amend Section 31117 of the Government Code, relating to counties.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 31117 of the Government Code is amended to read:

31117. Any person who previously had permanent status in a civil service system of any county and who vacated his position to accept appointment to an elective position shall be reinstated to his former position in the same county if he so desires at the termination of such appointment, or term of office if his acceptance of such appointment was without a break in continuity of service and if such person does

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not run for election to succeed himself following his period of appointment.

CHAPTER 567

An act to amend Section 3054 of the Business and Professions Code, and to amend Section 1.7 of Chapter 1285 of the Statutes of 1972, relating to optometry.

[Approved by Governor September 17, 1973. Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 3054 of the Business and Professions Code is amended to read:

3054. No applicant shall be passed by the board who fails to obtain a grade of 75 percent, as determined by the board, in every section or test of the examination in which he is required to be examined as provided in this chapter and in rules and regulations promulgated by the board. In case any applicant fails to pass any examination, he shall be examined in the next or any succeeding examination held during the next five years only in any sections or tests in which he failed to obtain a grade of 85 percent with the provisions that the board may promulgate rules and regulations establishing criteria for academic and clinical refresher study as a prerequisite for such reexamination.

SEC. 2. Section 1.7 of Chapter 1285 of the Statutes of 1972 is amended to read:

Sec. 1.7. Notwithstanding any other provision of law, the State Board of Optometry shall permit a person who meets all the following requirements to take the examination for a certificate of registration as an optometrist:

(a) Is over the age of 18 years.

(b) Is of good moral character.

(c) Has a degree as a doctor of optometry issued by a school located in another state that was not accredited by the board at the time of the issuance of the degree and that was subsequently merged into a school that is so accredited at the time of application.

(d) Has been licensed to practice optometry in the state in which the school from which he graduated is located.

(e) Pays the fee specified in subdivision (b) of Section 3152.

(f) Has been a resident of California for five years at the time of the application.

The provisions of this section shall be operative until December 31, 1975, and on such date shall be repealed.

CHAPTER 568

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

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. A majority of the votes cast in the Perris Elementary School District on the election held on June 6, 1972, on the question of school district reorganization, shall be deemed to have been in favor of the reorganization proposed, for the purposes of Section 17676 of the Education Code.

SEC. 2. The Legislature finds and declares that unique circumstances exist with respect to the school district organization election held in the Perris Elementary School District on June 6, 1972, and that a general law cannot be made applicable. Voting irregularities in the election prevent an accurate determination as to whether or not a majority of the voters of the district voting in the election held on June 6, 1972, voted in favor of the reorganization proposed, and in view of the closeness of the apparent result, such irregularities ought not to redound to the detriment of the district.

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

In order to permit this act to be operative for as much as possible of the 1973–74 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 569

An act to add Section 26569.7 to the Health and Safety Code, relating to food.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. The Legislature finds that shopping for meat in stores has been described as a frustrating experience which is due, in large part, to lack of uniformity in names of meat cuts and standards of labeling. A perplexing array and variety of meat names, estimated at more than a thousand, exist to identify approximately 300 cuts of beef, veal, lamb, and pork. Many times some retailers have used "fanciful" names on standard retail cuts in order to raise the

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retail price. In agreeing with "the consumers right to know" what he or she is buying and its value in comparison to other cuts of meat, it is the intent of the Legislature in enacting this act to standardize meat labeling in California.

SEC. 2. Section 26569.7 is added to the Health and Safety Code, to read:

26569.7. (a) Any label of any retail cut of beef, veal, lamb, or pork held for sale in a retail food production and marketing establishment or a frozen food locker plant shall clearly identify the species (beef, veal, lamb, or pork) and the primal cut from which it is derived, and the retail name.

This section shall not apply to ground beef or hamburger, boneless stewing meat, cubed steaks, sausage, or soupbones.

(b) "Primal cuts" include only the following in the various species:

Beef	Veal	Lamb	Pork
Chuck	Shoulder	Shoulder	Shoulder
Rib	Rib	Rib	—
Loin	Loin	Loin	Loin
Shank	Shank	Shank	—
Brisket	Breast	Breast	—
Plate	Breast	Breast	—
Flank	Flank	—	—
Round	Round or leg	Leg	Leg or ham

Cuts derived from other than the above primal cuts need only show species and the retail name.

(c) It is unlawful and constitutes misbranding for any person to sell or offer for sale in a retail food production and marketing establishment or frozen food locker plant any retail cut of beef which is labeled in violation of this section.

SEC. 3. There are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 570

An act to amend Sections 13 and 14 of the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953), relating to the Marin County Flood Control and Water Conservation District.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 13 of the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953) is amended to read:

Sec. 13. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution, determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work or improvement and the denomination and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Marin County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied upon the property situated within the zone or participating zones, and all such property shall be and remain liable to be taxed or assessed for such payments as provided in this act.

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones, the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part or installment of such indebtedness shall be paid each and every year of the term, which shall not exceed 40 years, the principal and the total amount of interest to be paid over the entire term of such indebtedness, and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed 7 percent per annum. For the purpose of said election, said board shall in said ordinance establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said

district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts.

In all particulars not recited in said ordinance, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the state.

Said board shall cause a map or maps to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed works and improvements and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation circulated in each zone and participating zone affected. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. Where a project affects a single zone only, if at such election two-thirds (⅔) of the votes cast in said zone on the proposition of incurring a bonded indebtedness are in favor thereof, then bonds for such zone for the amount stated in such proceedings shall be issued and sold as in this act provided. Where the incurring of bonded indebtedness by participating zones is to be determined at such election, no bonds for any such participating zones shall be issued or sold unless two-thirds (⅔) of the votes cast on the proposition in each such participating zone are in favor of incurring the bonded indebtedness to be undertaken by such zone.

SEC. 2. Section 14 of the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953) is amended to read:

Sec. 14. The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone or participating zone affected, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The bonds shall be issued in such denomination as the board may determine, except that no bonds shall be of a less denomination than

one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of 7 percent per annum, and shall be made payable annually or semiannually, and said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of said district, and the seal of said district shall be affixed thereto by the clerk of the board. The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor by his engraved or lithographed signature. In case any such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

CHAPTER 571

An act to amend Sections 9001 and 9002 of, and to amend the heading of Article 1 (commencing with Section 9001) of Chapter 4 of Division 7 of, the Education Code, relating to public education.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. The heading of Article 1 (commencing with Section 9001) of Chapter 4 of Division 7 of the Education Code is amended to read:

Article 1. Reflection Upon Citizens Because of Race, Sex, Color, Creed, National Origin or Ancestry

SEC. 2. Section 9001 of the Education Code is amended to read:

9001. No teacher shall give instruction nor shall a school district sponsor any activity which reflects adversely upon persons because of their race, sex, color, creed, national origin or ancestry.

SEC. 3. Section 9002 of the Education Code is amended to read:

9002. No textbook, or other instructional materials shall be adopted by the state board or by any governing board for use in the public schools which contains any matter reflecting adversely upon persons because of their race, sex, color, creed, national origin or ancestry.

CHAPTER 572

An act to amend Section 885.5 of the Education Code, relating to county school service funds.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 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. Whenever a county superintendent of schools provides education to pupils who reside in a licensed children's institution or a family home located either within or without the boundaries of the county, the county superintendent of schools shall be reimbursed by the county of residence pursuant to Section 6952.

In lieu of the payments to the county school service fund for mentally retarded pupils and severely mentally retarded pupils and physically handicapped 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, 895.7, 895.8, and 6955.

CHAPTER 573

An act to amend Section 61621.5 of the Government Code, relating to community services districts.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 61621.5 of the Government Code is amended to read:

61621.5. (a) Except as otherwise provided in this section, a district may by ordinance adopt regulations binding upon all persons to govern the construction and use of its facilities and property, including regulations imposing reasonable charges for the use thereof. Violation of any such regulation relating to the construction and use of sanitation facilities or of roads is a misdemeanor.

(b) A district may by ordinance adopt regulations binding upon all persons to govern the use of its park and recreational facilities and property, including regulations imposing reasonable charges for the use thereof. Violation of any such regulation relating to the use of park and recreational facilities is a misdemeanor.

CHAPTER 574

An act to amend Section 7355 of the Health and Safety Code, relating to dead bodies.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 7355 of the Health and Safety Code is amended to read:

7355. (a) Except as provided in subdivision (b), the bodies of persons who have died from any cause shall not be received for transportation by a common carrier unless the body has been embalmed and prepared by a licensed embalmer and placed in a sound casket and enclosed in a transportation case.

(b) A dead body, which cannot be embalmed or is in a state of decomposition, shall be received for transportation by a common carrier if the body is placed in an airtight metal casket enclosed in a strong transportation case or in a sound casket enclosed in an airtight metal or metal-lined transportation case.

CHAPTER 575

An act to amend Section 9404 of, and to add Section 10211 to, the Government Code, relating to oaths.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973

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

SECTION 1. Section 9404 of the Government Code is amended to read:

9404. (a) The members of any committee may administer oaths to witnesses in any matter under examination.

(b) Anyone authorized to administer oaths who is designated by the chairman of a committee may administer oaths to witnesses.

SEC. 2. Section 10211 is added to the Government Code, to read:

10211. The Legislative Counsel, or any deputy legislative counsel, may administer and certify oaths.

CHAPTER 576

An act to add Section 15352.6 to the Education Code, relating to lease of temporary school facilities.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 15352.6 is added to the Education Code, to read:

15352.6. When the school enrollment of any school of a unified school district causes overcrowded schoolrooms and because of the rural location of the unified school district no other suitable quarters are available, the governing board of the school district may make arrangements for the location of the continuation education program of the school in temporary quarters which may be procured by rental of temporary buildings.

A lease or rental entered into or renewed pursuant to this section, which does not extend beyond June 30, 1975, shall not be subject to the limitation on the permissible length of leases imposed by Section 15352.

CHAPTER 577

An act relating to aviation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. That allocation of thirty-eight thousand eight hundred fifty dollars ($38,850) made from the Aeronautics Account in the State Transportation Fund by the Department of

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Transportation to the County of San Bernardino and expended by the county for airport purposes is hereby ratified, validated, confirmed, and declared legally effective for all purposes.

SEC. 2. The Legislature finds and declares that Section 1 of this act is necessary since special facts and circumstances applicable to the County of San Bernardino, and not generally applicable, make the accomplishment of this purpose impossible by any general law. There exists a dispute as to the validity of certain allocations made by the Department of Transportation to the County of San Bernardino prior to the 1971–1972 fiscal year from the Aeronautics Account in the State Transportation Fund for airport purposes based on a good faith expenditure of these funds together with an equal amount of county funds. The Legislature further finds and declares that this is the only such expenditure of funds involved, that the purpose of this act is impossible to accomplish by any general law, and that special legislation applicable only to the County of San Bernardino is therefore necessary.

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 County of San Bernardino is experiencing serious financial difficulties because of uncertainty as to the application of provisions of law relating to grants of state funds for airport purposes. In order to resolve this uncertainty as soon as possible, it is necessary that this act go into immediate effect.

CHAPTER 578

An act providing for the conveyance of Placerita Canyon State Park to the County of Los Angeles.

[Approved by Governor September 17, 1973. Filed with Secretary of State September 17, 1973.]

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

SECTION 1. The Director of Parks and Recreation, with the approval of the Director of General Services, may convey those certain lands and improvements thereon which constitute a unit of the state park system known as the Placerita Canyon State Park to the County of Los Angeles to be operated and maintained by the county as a public park consistent with the purposes, and subject to the same authority and limitation of authority as to the undertaking of improvements, set forth in subdivision (c) of Section 5001.5 of the Public Resources Code. The conveyance shall provide that, in the event the County of Los Angeles ceases to use the property for park purposes consistent with the purposes set forth in subdivision (c) of

Section 5001.5 of the Public Resources Code, the property shall revert to the state.

CHAPTER 579

An act to amend Section 14115 of the Welfare and Institutions Code, relating to Medi-Cal.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. Section 14115 of the Welfare and Institutions Code is amended to read:

14115. Bills for service under this chapter shall be submitted not more than two months after the month in which the service is rendered, and shall be in the form prescribed by the director, except that in the event the patient does not identify himself to the provider as a Medi-Cal beneficiary, the provider shall be entitled to submit his statement at any time within 60 days after that date certified by the provider as the date said patient was first identified as a Medi-Cal beneficiary, provided, however, that such date certified by the provider as the date the patient was first so identified shall not be later than one year after the month in which the service was rendered.

Where the bill involves coverage other than Medi-Cal the period for submission of bills is extended to one year from date of service to permit the provider to obtain proof of payment, partial payment or nonliability of the carrier. Further, the director may, where he finds that delay in the submission of bills was caused by circumstances beyond the control of the provider, extend the period for submission of bills for a period not to exceed one year.

For the purposes of this section, identification of a patient as a Medi-Cal beneficiary shall mean presentation to the provider of the patient's Medi-Cal card.

CHAPTER 580

An act relating to Squaw Valley, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 17, 1973 Filed with Secretary of State September 17, 1973]

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

SECTION 1. The Department of General Services may convey the water and sewage facilities, or any interest therein, that are state property in Squaw Valley to the Squaw Valley County Water District, subject to such terms and conditions as the Department of General Services determines to be appropriate.

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

In order to provide for the orderly transfer of certain property in Squaw Valley before other transfers of property, it is essential that this act take immediate effect.

CHAPTER 581

An act to amend Section 1428b of the Penal Code, relating to courts.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

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

SECTION 1. Section 1428b of the Penal Code is amended to read:

1428b. All papers and records filed or kept in criminal proceedings in municipal and justice courts, other than the docket and minutes, may, upon the order of the presiding judge of any such court, be destroyed after the lapse of five years following the final determination of the proceeding or the forfeiture of bail in cases in which no other proceedings are had during a like period following such forfeiture.

For the purposes of this section, "docket" and "minutes" shall be deemed to exclude traffic dockets and minutes maintained solely for cases involving the violations of traffic laws or ordinances, except in cases involving an offense of the Vehicle Code which has been defined as a "selected violation" by the Judicial Council of the State of California. As used in this section, "dockets" and "minutes" shall not include those dockets and minutes maintained solely for violations involving the regulation and licensing of dogs under the provisions of Division 14 (commencing with Section 30501) of the Agricultural Code or any local ordinances relating to the regulation and licensing of dogs.

CHAPTER 582

An act to amend Sections 1252 and 1279 of the Unemployment Insurance Code, relating to unemployment compensation.

[Approved by Governor September 18, 1973. Filed with Secretary of State September 18, 1973]

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

SECTION 1. Section 1252 of the Unemployment Insurance Code is amended to read:

1252. An individual is "unemployed" in any week during which he performs no services and with respect to which no wages are payable to him, or in any week of less than full-time work if the wages payable to him with respect to that week are less than his weekly benefit amount. Authorized regulations shall be prescribed making such distinctions as may be necessary in the procedures applicable to unemployed individuals as to total unemployment, part-total employment, partial unemployment of individuals attached to their regular jobs, and other forms of short-time work. For the purpose of this section only the term "wages" includes any and all compensation for personal services whether performed as an employee or as an independent contractor or as a juror or as a witness.

SEC. 2. Section 1279 of the Unemployment Insurance Code is amended to read:

1279. Each individual eligible under this chapter who is unemployed in any week shall be paid with respect to that week an unemployment compensation benefit in an amount equal to his weekly benefit amount less the amount of wages in excess of twelve dollars ($12) payable to him for services rendered during that week. The benefit payment, if not a multiple of one dollar ($1), shall be computed to the next higher multiple of one dollar ($1). For the purpose of this section only "wages" includes any and all compensation for personal services whether performed as an employee or as an independent contractor or as a juror or as a witness, but does not include any payments, regardless of their designation, made by a city of this state to an elected official thereof as an incident to such public office.

CHAPTER 583

An act to add Sections 10248.7, 10248.8, and 10248.9 to the Business and Professions Code, relating to real estate loans.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

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

SECTION 1. Section 10248.7 is added to the Business and Professions Code, to read:

10248.7. The provisions of Sections 10248.8 and 10248.9 apply to every real estate licensee who meets the requirements of subdivisions (a) to (d), inclusive:

(a) Comes within the provisions of subdivision (d) of Section 10131.

(b) Has negotiated or intends to negotiate loans secured directly or collaterally by a lien on real property. For purposes of this subdivision, loans do not include loans described in Section 10245.

(c) Makes or will make 50 percent or more of the loans specified in subdivision (b) in a calendar year without them being secured directly or collaterally by first trust deeds. For purposes of this subdivision, junior trust deeds which secure notes given back to the seller by the purchaser on account for the purchase price shall not be considered in making the 50-percent test.

(d) Meets any of the following:

(1) Loans negotiated by the licensee in the prior calendar year or anticipated to be negotiated the next calendar year exceed 400.

(2) Advertising and overhead directly related to advertising in connection with his mortgage loan brokerage activities amount to more than 5 percent of gross revenue obtained by the licensee from activities for which a license is required. Notwithstanding this subdivision, any licensee who spends less than ten thousand dollars ($10,000) per year in advertising shall not be subject to the provisions of Sections 10248.8 and 10248.9.

Licensees or entities under common management, direction or control in carrying on activities which are subject to the provisions of this article shall be considered as one licensee for the purpose of applying the criteria set forth herein.

SEC. 2. Section 10248.8 is added to the Business and Professions Code, to read:

10248.8. Every real estate licensee subject to the provisions of Section 10248.7 shall submit a true copy of any advertisement proposed to be used in connection with his mortgage loan brokerage activities prior to use. The commissioner shall adopt regulations pertaining to the filing of, criteria for, and clearance of such advertising to insure that the public shall be protected against misleading or false advertisements. If an advertisement proposed for clearance by the Department of Real Estate is not disapproved within seven calendar days from the receipt of such advertisement, the advertisement shall be deemed approved. The department may disapprove an advertisement for subsequent use.

As used in this section, advertisement means dissemination in any newspaper, circular, circular or form letter, brochure, or similar publication, display, sign, radio broadcast or telecast, which concerns (a) the use, terms, rates, conditions, or the amount of any loan made under the provisions of the article, or note evidencing such loan; or (b) the security, solvency or stability of any person transacting

business under provisions of this article.

SEC 3. Section 10248.9 is added to the Business and Professions Code, to read:

10248 9 Every real estate licensee subject to the provisions of Section 10248.7 shall make an annual report to the commissioner within 30 days after the close of the licensee's calendar or fiscal year. The contents of the report shall be limited to all of the following information:

(a) The extent of advertising and promotion undertaken in anticipation of negotiating loans;

(b) The direct costs attendant to negotiating loans; the charges, late payment and foreclosure experience of the existing loan portfolio;

(c) Loan negotiation experience;

(d) "Balloon" payment experience;

(e) Such other related information as the commissioner may require.

The commissioner shall adopt regulations prescribing the form and content of the report.

CHAPTER 584

An act to amend Sections 1 and 2 of Chapter 1672 of the Statutes of 1967, relating to recreation and fish and wildlife enhancement associated with state water projects.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

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

SECTION 1. Section 1 of Chapter 1672 of the Statutes of 1967 is amended to read:

Section 1. The Legislature, pursuant to Section 11912 of the Water Code, approves the allocation by the Department of Water Resources of forty-eight million five hundred twenty-one thousand five hundred eighty-six dollars ($48,521,586) to recreation and fish and wildlife enhancement as nonreimbursable joint costs of the State Water Project, as reported in Bulletin No. 132-73, Appendix D, "Costs of Recreation and Fish and Wildlife Enhancement," dated April 1973, in accordance with the following schedule:

Schedule:

(a) For Frenchman Dam and Lake	$2,529,016
(b) For Antelope Dam and Lake	$5,082,296
(c) For Grizzly Valley Dam and Lake Davis	$4,725,147
(d) California Aqueduct, Delta to Dos Amigos Pumping Plant	$9,736,625

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(e) Oroville Division	$10,913,984
(f) For Del Valle Dam and Reservoir	$15,534,518
Total of schedule	$48,521,586

SEC. 2. Section 2 of Chapter 1672 of the Statutes of 1967 is amended to read:

Sec. 2. The Legislature, pursuant to Section 11912 of the Water Code, approves the expenditures of eight million three hundred eighty-three thousand five hundred seventy-six dollars ($8,383,576) for separate specific recreation land costs of the State Water Project as revised by the Department of Water Resources in said Bulletin No. 132-73, Appendix D, in association with the following facilities and in accordance with the following schedule:

Schedule:

(a) Frenchman Dam and Lake	$56,624
(b) Grizzly Valley Dam and Lake Davis	$221,203
(c) Oroville Division	$2,822,694
(d) California Aqueduct	$1,566,115
(e) San Luis Dam and Reservoir and O'Neill Forebay	$302,510
(f) Del Valle Dam and Lake Del Valle	$628,055
(g) Castaic Dam and Lake	$1,856,093
(h) Cedar Springs Dam and Silverwood Lake	$930,282
Total of schedule	$8,383,576

CHAPTER 585

An act relating to taxation, and declaring the urgency therefor, to take effect immediately

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

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

SECTION 1. Upon discovery that persons receiving public assistance were improperly granted homeowners' exemptions for fiscal year 1972–1973 and preceding fiscal years, a county may request from the Director of Social Welfare, as unmet shelter needs, the amounts required to cancel any escape assessment existing at the time of the request.

SEC. 2. Upon receipt of funds pursuant to its request, the county shall cancel the escape assessment and any penalty or interest thereon pursuant to Article 1 (commencing with Section 4985) of Chapter 4 of Part 9 of Division 1 of the Revenue and Taxation Code, as if it had been imposed, levied, or charged erroneously, and if paid,

a refund thereof shall be made.

SEC. 3. The receipt of funds shall be deemed as payments by the public assistance recipients and shall be accounted for as tax receipts which may be used for state, county, city, and district purposes.

SEC. 4. If an audit by the State Controller results in a reduction of state reimbursements for the homeowners' property tax exemption because of persons described in Section 1, the county shall make the reimbursements to cities and districts without regard to the Controller's reduction, using the funds described in Sections 2 and 3.

SEC. 5. The Legislature finds and declares that it is in the public interest and necessary for the public welfare to provide assistance to certain needy persons of limited income and resources in the payment of delinquent property taxes. It is further found and declared that such assistance may in some cases be most appropriately provided through the limitation of escape assessments and the cancellation of such assessments, or by a combination of limitation or cancellation, and assistance payments, rather than merely through assistance payments.

SEC. 6. Whenever a county requests additional unmet shelter needs funds so as to cancel escape assessments upon the homes of welfare recipients improperly granted the homeowners' exemption, such request is deemed a voluntary act of the county and the county shall assume the burden of all the costs in compliance with this act. For this reason, the act involves no mandated acts within the meaning of Section 2164.3 of the Revenue and Taxation Code and no state reimbursement pursuant to that section is required.

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:

A number of recipients of public assistance applied for the homeowners' exemption from property taxes without realizing their ineligibility. They were not informed by local welfare departments, and were not aware that any portion of their grants was intended to be used for payment of property taxes. Where such illegal claims have been discovered, escape assessments have been made. In many cases the recipient is unable to pay the delinquent taxes in addition to current taxes, and unless some relief is provided their homes will be sold to the state for taxes.

CHAPTER 586

An act to amend Sections 61819 and 62474 of, and to add Section 61820 to, the Food and Agricultural Code, relating to milk.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

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

SECTION 1. Section 61819 of the Food and Agricultural Code is amended to read:

61819. Subject to the exclusion provided for in subdivision (e) of Section 62474, "subdistributor prices" means the prices at which fluid milk or fluid cream, or both, shall be sold, other than in bulk, by distributors to other distributors.

SEC. 2. Section 61820 is added to the Food and Agricultural Code, to read:

61820. "Processor" means a distributor actively and directly engaged in processing fluid milk or fluid cream, or both.

"Processing" means receiving, pasteurizing, and packaging fluid milk or fluid cream, or both, by the distributor in a milk products plant, as defined in Section 32513, for ultimate sale to consumers.

SEC. 3. Section 62474 of the Food and Agricultural Code is amended to read:

62474. (a) Except as provided in subdivision (e) of this section, a subdistributor price shall be established for each marketing area. Subdistributor prices may vary from the minimum prices which are established for sales by distributors to other wholesale customers.

(b) The director may, after public hearing, through regulations adopted pursuant to Section 61931, clarify and apply the definition of "distributor" under Section 61806 for purposes of determining the transactions in fluid milk which are subject to subdistributor prices, including variations in such prices based upon quantity purchases.

(c) If fluid milk or fluid cream, or both, is purchased, other than in bulk, by one distributor from another distributor, in a marketing area included within any pooling plan established by the director under the provisions of the Gonsalves Milk Pooling Act, Chapter 3 (commencing with Section 62700), for sale in a marketing area not included within such pooling plan, the price paid shall not be less than the minimum subdistributor price for the marketing area in which the fluid milk or fluid cream, or both, is ultimately sold. If the purchasing distributor accepts delivery of such fluid milk or fluid cream at the processing plant or depot of the selling distributor, and thereafter, at the expense of the purchasing distributor, transports such fluid milk or fluid cream to the area of sale, the director may permit an allowance against the subdistributor price for the reasonable costs of such transportation.

(d) If fluid milk or fluid cream, or both, is purchased, other than in bulk, by one distributor from another distributor in a marketing area not included within any pooling plan established by the director under the provisions of the Gonsalves Milk Pooling Act, Chapter 3 (commencing with Section 62700), and if such fluid milk or fluid cream, or both, is ultimately sold by the purchasing distributor in a marketing area included within such pooling plan, the price paid by the purchasing distributor shall not be less than the minimum subdistributor price for the marketing area in which the fluid milk

or fluid cream, or both, is ultimately sold.

(e) The director may, after public hearing, by regulations adopted pursuant to Section 61931, exclude from subdistributor prices sales of fluid milk or fluid cream, or both, between processors, subject to the following standards and guidelines:

(1) The fluid milk or fluid cream shall be packaged under the label of the purchaser.

(2) The prices established by the seller for such interprocessor sales shall not be subject to the price filing requirements of Section 61411. All records of the seller and purchaser pertaining to such interprocessor sales, including records of the prices established by the seller for such sales, shall be subject to the provisions of Sections 61934 and 62582. Any record made available to the director pursuant to the provisions of this section is confidential and shall not be divulged, except if necessary for the proper determination of any court proceedings, or hearing before the director.

(3) The purchaser shall process, for his own requirements, at the processing plant to which such interprocessor sale is made, at least 70 percent of all that fluid milk and fluid cream handled by such plant, or at least 70 percent of all that fluid milk and fluid cream handled by such plant for which the director establishes minimum retail prices.

(4) Fluid milk or fluid cream sold in such interprocessor sales shall be delivered to the purchaser only at the processing plant of the seller, or at the processing plant or depot of the purchaser, unless the purchaser is a distributor as defined in subdivision (e) of Section 61806, in which case such fluid milk or fluid cream shall be delivered only to the processing plant of the purchaser.

(5) Except as provided in paragraph (2) of this subdivision, such sales of fluid milk or fluid cream between processors shall otherwise comply with all requirements of Chapter 1 (commencing with Section 61301) and this chapter, and with those requirements which the director, by regulations, may determine to be necessary to effectuate the purposes and policies of Chapter 1 (commencing with Section 61301) and this chapter.

CHAPTER 587

An act to add Chapter 9 (commencing with Section 2400) to Division 3 of the Streets and Highways Code, relating to federal aid for bridge reconstruction and replacement, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

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

SECTION 1. Chapter 9 (commencing with Section 2400) is added to Division 3 of the Streets and Highways Code, to read:

CHAPTER 9. FEDERAL AID FOR BRIDGE RECONSTRUCTION AND REPLACEMENT

Article 1. General Provisions

2400. This chapter may be cited as the Bridge Reconstruction and Replacement Act.

2401. By the Federal-Aid Highway Act of 1970, Congress has enacted Section 144 of Title 23 of the United States Code, and has authorized appropriations thereby for expenditures under the Special Bridge Replacement Program to replace or reconstruct bridges when the state and the federal government determine that the bridge is of significant importance and is unsafe because of structural deficiencies, physical deterioration, or functional obsolescence. The purpose of this chapter is to implement this program in this state. The boards of supervisors, city councils, the department, and the commission may do all things necessary and proper in their respective jurisdictions to secure the federal funds under the program for county highways, city streets, and state highways in accordance with the intent of the federal act and this chapter.

Article 2. Administration

2410. The department, cities, and counties are authorized to cooperate with the federal government in any inventory or classification of bridges requested by the federal government.

2411. The department, after conferring with the cities and the counties, shall recommend state and local projects and take such other action within the powers conferred on it by law as to comply with this chapter as fully as applicable federal laws, rules, or regulations permit.

2412. The boards of supervisors, city councils, and the department are authorized to enter into cooperative agreements, and to do all other things necessary and proper in their respective jurisdictions, to secure federal aid under the Special Bridge Replacement Program in accordance with the intent of this chapter.

2413. (a). The department may allocate to the counties and the cities federal funds received for approved bridge reconstruction or replacement projects on county roads or city streets in accordance with procedures promulgated by the director in cooperation with the counties and the cities and approved by the commission.

(b) Expenditures of funds apportioned under the Special Bridge Reconstruction and Replacement Program, as well as funds used to match federal funds, shall be exempt from the provisions of Sections 188, 188.8, and 188.9.

(c) The cities and the counties may use any funds available to them to match funds made available to them under this chapter, if the use of funds for such matching purposes is not prohibited by federal law. "Match", as used in this chapter, means to provide for the payment of the cost of any project to the extent that such cost is not to be reimbursed from federal funds.

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

In order that the Department of Transportation, cities, and counties may, as soon as possible, be authorized to take the necessary step to secure federal funds available under the Special Bridge Replacement Program to finance urgently needed reconstruction and repair on many bridges located within the state, it is necessary that this act take effect immediately.

CHAPTER 588

An act to amend Sections 33211, 33302, 33331, 33346, 33367, 33453, and 34013 of the Health and Safety Code, relating to redevelopment agencies.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

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

SECTION 1. Section 33211 of the Health and Safety Code is amended to read:

33211. If one agency is designated, it shall obtain the report and recommendation of the planning commission of each community on the redevelopment plan and its conformity to the general plan of each community before presenting the redevelopment plan to the respective legislative bodies for adoption.

SEC. 2. Section 33302 of the Health and Safety Code is amended to read:

33302. The community shall have a general plan adopted by the planning commission or the legislative body which meets the requirements prescribed by Section 65302 of the Government Code.

SEC. 3. Section 33331 of the Health and Safety Code is amended to read:

33331. Every redevelopment plan shall conform to the general plan insofar as the latter applies to the project area.

SEC. 4. Section 33346 of the Health and Safety Code is amended to read:

33346. Before the redevelopment plan of each project area is submitted to the legislative body, it shall be submitted to the

planning commission for its report and recommendation concerning the redevelopment plan and its conformity to the general plan adopted by the planning commission or the legislative body. The planning commission may recommend for or against the approval of the redevelopment plan.

SEC. 5. Section 33367 of the Health and Safety Code is amended to read:

33367. The ordinance shall contain:

(a) The purposes and intent of the legislative body with respect to the project area.

(b) The plan incorporated by reference.

(c) A designation of the approved plan as the official redevelopment plan of the project area.

(d) The findings and determinations of the legislative body that:

(1) The project area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in this part.

(2) The redevelopment plan would redevelop the area in conformity with this part and in the interests of the public peace, health, safety, and welfare.

(3) The adoption and carrying out of the redevelopment plan is economically sound and feasible.

(4) The redevelopment plan conforms to the general plan of the community.

(5) The carrying out of the redevelopment plan would promote the public peace, health, safety, and welfare of the community and would effectuate the purposes and policy of this part.

(6) The condemnation of real property, if provided for in the redevelopment plan, is necessary to the execution of the redevelopment plan and adequate provisions have been made for payment for property to be acquired as provided by law.

(7) The agency has a feasible method or plan for the relocation of families and persons displaced from the project area, if the redevelopment plan may result in the temporary or permanent displacement of any occupants of housing facilities in the project area.

(8) There are or are being provided in the project area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons displaced from the project area, decent, safe, and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their places of employment.

(e) A statement that the legislative body is satisfied permanent housing facilities will be available within three years from the time occupants of the project area are displaced and that pending the development of such facilities there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their

displacement.

SEC. 6. Section 33453 of the Health and Safety Code is amended to read:

33453. If after the public hearings the agency recommends substantial changes in the plan which affect the general plan adopted by the planning commission or the legislative body, such changes shall be submitted to the planning commission for its report and recommendation to the legislative body within 30 days after such submission. If the planning commission does not report upon the changes within 30 days after its submission by the agency, the planning commission shall be deemed to have waived its report and recommendations concerning such changes.

SEC. 7. Section 34013 of the Health and Safety Code is amended to read:

34013. Notwithstanding any other provision of the Community Redevelopment Law, any redevelopment agency within its area of operation may plan, undertake and carry out a redevelopment or urban renewal project, and the redevelopment agency and the legislative body of the community may approve a redevelopment or urban renewal plan for such project, in a disaster area pursuant to the Community Redevelopment Law, without regard to the following:

(a) The requirements of Sections 33301 and 33302 that there be a planning commission and a general plan.

(b) The requirements of Sections 33320.1 and 33322 that the project area be a blighted area or that the project area be selected by a planning commission.

(c) The requirement of Section 33322 that a preliminary plan be prepared.

(d) The requirements of Sections 33331 and 33332 that the redevelopment or urban renewal plan shall conform to a general plan and shall be based on a preliminary plan.

(e) The requirement of Section 33346 that the redevelopment or urban renewal plan be submitted to the planning commission.

(f) The notice of the hearing requirements of Sections 33349 and 33361, provided notice of such hearings shall be published once at least 10 days prior to the hearing in question and the notice of the hearing by the agency on the redevelopment plan may be published at the same time as the notice of the hearing by the legislative body on the redevelopment plan, and both hearings may be held on the same day.

(g) The requirements of Section 33367 that the ordinance of the legislative body adopting the redevelopment or urban renewal plan shall contain findings (1) that the project area is a blighted area and (2) that the redevelopment or urban renewal plan conforms to the general plan of the community.

(h) The "relocation findings and statement" required by Section 33367 and the "relocation requirements" of Sections 33410 and 33411; provided, that the legislative body at the time of adopting the redevelopment or urban renewal plan for the disaster project area

finds that the redevelopment agency has presented a plan for the encouragement, to the maximum extent feasible, of the provision of dwellings suitable for the needs of families displaced by the disaster or by redevelopment, rehabilitation or renewal activities.

Any ordinance of a legislative body adopting a redevelopment plan for a disaster area may be adopted as an emergency ordinance and shall not be subject to referendum.

CHAPTER 589

An act to amend Section 12104 of the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

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

SECTION 1. Section 12104 of the Public Utilities Code is amended to read:

12104. Every appointee to a permanent position shall be on probation for six months, except that the general manager may establish a probationary period for up to 12 months for professional, scientific, administrative, management, or executive positions. The general manager may terminate the appointment during the probationary period. If the appointment is not then terminated it shall be permanent, subject to this division and the rules and regulations adopted pursuant to this division.

CHAPTER 590

An act to amend Sections 101000 and 101006 of, to amend the heading of Part 13 (commencing with Section 101000) of Division 10 of, to add Section 101372 to, and to repeal and add Chapter 3 (commencing with Section 101030) of Part 13 of Division 10 of, the Public Utilities Code, relating to transit districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

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

SECTION 1. The heading of Part 13 (commencing with Section 101000) of Division 10 of the Public Utilities Code is amended to read:

PART 13. GOLDEN EMPIRE TRANSIT DISTRICT

SEC. 2. Section 101000 of the Public Utilities Code is amended to read:

101000. This part shall be known and may be cited as the "Golden Empire Transit District Act."

SEC. 3. Section 101006 of the Public Utilities Code is amended to read:

101006. "District" means the Golden Empire Transit District formed under the provisions of this part.

SEC. 4. Chapter 3 (commencing with Section 101030) of Part 13 of Division 10 of the Public Utilities Code is repealed.

SEC. 5. Chapter 3 (commencing with Section 101030) is added to Part 13 of Division 10 of the Public Utilities Code, to read:

CHAPTER 3. GENERAL PROVISIONS

101030. The Golden Empire Transit District may exercise the powers granted in this part.

101031. The territory of such district shall be composed of the entire City of Bakersfield and such portions of unincorporated territory of the county contiguous thereto as may be benefited by inclusion in the district.

SEC. 6. Section 101372 is added to the Public Utilities Code, to read:

101372. Notwithstanding Section 101371, from and after the completion of the organization of the district on June 29, 1972, any territory lying outside of the boundaries of the district which is contiguous to and annexed to the City of Bakersfield shall be automatically included within the district upon the effective date of its inclusion within the city, subject only to compliance with the requirements of Chapter 8 (commencing with Section 54900), Part 1, Division 2, Title 5 of the Government Code.

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

In order that any contiguous territory annexed to the City of Bakersfield be automatically included within the Golden Empire Transit District without the necessity of proceeding under the District Reorganization Act of 1965, it is necessary that this act take effect immediately.

CHAPTER 591

An act to add Sections 9407.1, 9407.2, and 9407.3 to the Commercial Code, relating to secured transactions.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

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

SECTION 1. Section 9407.1 is added to the Commercial Code, to read:

9407.1. In lieu of filing all financing statements, termination statements, partial releases, assignments, or other related papers falling under this code, the filing officer may record such papers. He may employ a system of microphotography. All film used in the microphotography process shall comply with minimum standards of quality approved by the United States Bureau of Standards and the American National Standards Institute. A true copy of the microfilm shall be kept in a safe and separate place for security purposes.

SEC. 2. Section 9407.2 is added to the Commercial Code, to read:

9407.2. Should the filing officer choose to record rather than file all financing statements and related papers, he shall mark each financing statement with a consecutive file number. All other related papers affecting such financing statement shall thereafter bear the same file number He shall index the same under the name of the debtor (or assignor or seller) in a separate index or in his general index, and under the file number of the original statement

SEC. 3. Section 9407.3 is added to the Commercial Code, to read:

9407.3. Upon recording the financing statement or other related papers, the originals or copy of the same shall be returned to the parties entitled thereto

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CHAPTER 592

An act to amend Section 13002 of the Health and Safety Code, to amend Sections 374b and 374e of the Penal Code, to amend Section 5008.7 of the Public Resources Code, and to amend Section 1803 of the Vehicle Code, relating to violations.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

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

SECTION 1. Section 13002 of the Health and Safety Code is amended to read:

13002. (a) Every person is guilty of a misdemeanor who throws or discharges any lighted or nonlighted cigarette, cigar, match, or

any flaming or glowing substances, or any substance or thing which may cause a fire upon any highway, including any portion of the right-of-way thereof, sidewalk or upon any public or private property. No portion of this subdivision shall be construed to restrict a private owner in the use of his own private property, except that the placing, depositing, or dumping of such waste matter on such property shall not create a public health and safety hazard, a public nuisance, or a fire hazard, as determined by a local health department, local fire department or fire district, or the Division of Forestry in which case the provisions of this section shall apply.

(b) Every person convicted of a violation of this section shall be punished by a mandatory fine of not less than ten dollars ($10) nor more than five hundred dollars ($500) upon a first conviction, by a mandatory fine of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500) upon a second conviction, and by a mandatory fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) upon a third or subsequent conviction.

The court may, in addition to the fine imposed upon a second or subsequent conviction, require as a condition of probation, in addition to any other condition, that any person convicted of a violation of this section pick up litter at a time and place within the jurisdiction of the court for not less than four hours upon a second conviction and for not less than eight hours upon a third or subsequent conviction

SEC 2. Section 374b of the Penal Code is amended to read:

374b. It shall be unlawful to litter or cause to be littered any such property, or dump or cause to be dumped any waste matter in or upon any public or private highway or road, including any portion of the right-of-way thereof, or in or upon any private property into or upon which the public is admitted by easement or license, or upon any private property without the consent of the owner, or in or upon any public park or other public property other than property designated or set aside for such purpose by the governing board or body having charge thereof. It shall be unlawful to place, deposit, or dump, or cause to be placed, deposited or dumped, any rocks or dirt in or upon any private highway or road, including any portion of the right-of-way thereof, or any private property, without the consent of the owner, or in or upon any public park or other public property, without the consent of the state or local agency having jurisdiction over such highway, road, or property. Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor.

No portion of this section shall be construed to restrict a private owner in the use of his own private property, except that the placing, depositing, or dumping of such waste matter on such property shall not create a public health and safety hazard, a public nuisance, or a fire hazard, as determined by a local health department, local fire department or fire district, or the Division of Forestry in which case the provisions of this section shall apply.

Every person convicted of a violation of this section shall be punished by a mandatory fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) upon a first conviction, by a mandatory fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) upon a second conviction, and by a mandatory fine of not less than one hundred fifty dollars ($150) nor more than five hundred dollars ($500) upon a third or subsequent conviction.

The court may, in addition to the fine imposed upon a second or subsequent conviction, require as a condition of probation, in addition to any other condition of probation, that any person convicted of a violation of this section pick up litter at a time and place within the jurisdiction of the court for not less than four hours upon a second conviction and for not less than eight hours upon a third or subsequent conviction.

SEC. 3. Section 374e of the Penal Code is amended to read:

374e. Every person who litters or causes to be littered, or dumps, or causes to be dumped, any waste matter into any bay, lagoon, channel, river, creek, slough, canal, lake or reservoir, or other stream or body of water, or upon a bank, beach or shore within 150 feet of the high water mark of any such water, is guilty of a misdemeanor.

Every person convicted of a violation of this section shall be punished by a mandatory fine of not less than ten dollars ($10) nor more than five hundred dollars ($500) upon a first conviction, by a mandatory fine of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500) upon a second conviction, and by a mandatory fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) upon a third or subsequent conviction.

The court may, in addition to the fine imposed upon a second or subsequent conviction, require as a condition of probation, in addition to any other condition of probation, that any person convicted of a violation of this section, pick up litter at a time and place within the jurisdiction of the court for not less than four hours upon a second conviction and for not less than eight hours upon a third or subsequent conviction.

SEC. 4. Section 5008.7 of the Public Resources Code is amended to read:

5008.7. Every person convicted of a violation of any rule or regulation adopted by the department pursuant to this division prohibiting the leaving, depositing, dropping or scattering of bottles, broken glass, ashes, wastepaper, cans, or other rubbish in any unit of the state park system shall be punished by a mandatory fine of not less than ten dollars ($10) nor more than five hundred dollars ($500) upon a first conviction, by a mandatory fine of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500) upon a second conviction, and by a mandatory fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) upon a third or subsequent conviction.

The court may, in addition to the fine imposed upon a second or

subsequent conviction, require as a condition of probation, in addition to any other condition of probation, that any person convicted of a violation of this section pick up litter at a time and place within the jurisdiction of the court for not less than four hours upon a second conviction and for not less than eight hours upon a third or subsequent conviction.

SEC. 5. 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 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) Section 21113, with respect to parking violations.

(3) Chapter 9 (commencing with Section 22500) of Division 11.

(4) 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.

(5) Division 15 (commencing with Section 35000), except Chapter 5 (commencing with Section 35550).

(6) 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 subdivison (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. 6. 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 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) Section 21113, with respect to parking violations.

(3) Chapter 9 (commencing with Section 22500) of Division 11.

(4) Division 12 (commencing with Section 24000), except Sections 24002, 24004, 24250, 24409, 24604, 24800, 25103, Chapter 3 (commencing with Section 26301), 26707, 27150, 27800, and 27801.

(5) Division 15 (commencing with Section 35000), except Chapter 5 (commencing with Section 35550).

(6) 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. 7 It is the intent of the Legislature, if this bill and Senate Bill No. 514 are both chaptered and become effective on or before January 1, 1974, both bills amend Section 1803 of the Vehicle Code, and this bill is chaptered after Senate Bill No. 514, that the amendments to Section 1803 proposed by both bills be given effect and incorporated in Section 1803 in the form set forth in Section 6 of this act. Therefore, Section 6 of this act shall become operative only if this bill and Senate Bill No. 514 are both chaptered and become effective on or before January 1, 1974, both amend Section 1803, and this bill is chaptered after Senate Bill No. 514, in which case Section 5 of this act shall not become operative.

CHAPTER 593

An act to amend Section 6550.6 of the Business and Professions Code, relating to barbers.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

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

SECTION 1. Section 6550.6 of the Business and Professions Code is amended to read:

6550.6. (a) Within one year from the date of issuance of a

certificate to instruct in a barber college, the holder of such certificate shall enroll and successfully complete a course in teacher training of a minimum of 60 hours as required for teachers of industrial education by the State Board of Education, unless he has previously completed such training. Licensees who do not complete the training required by this subdivision shall have their instructor certificates suspended until they are in compliance. The board may, in its discretion, and for good cause extend the time allowed for completing the teacher training course. Good cause shall include, but is not limited to, interruptions in completing the course of instruction caused by illness, accident or service in the armed forces of the United States. This subdivision shall not apply to any person who has been issued a certificate prior to the effective date of this subdivision.

(b) Every person who holds a certificate of registration as an instructor in a barber college and is engaged as an instructor in a barber college shall attend a seminar on barbering, approved by the board, at least once every two years. The board may, however, excuse an instructor from attendance of a seminar until the next seminar upon showing of good cause, which shall include but is not limited to illness of or accident to the instructor. To be excused from a seminar the instructor shall make a written request to the board explaining his reason for nonattendance.

The board shall approve seminars based upon the subject matter given, the length of time devoted to each such subject, and the general manner in which conducted.

CHAPTER 594

An act to amend Section 25371 of the Education Code, relating to state college contracts.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

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

SECTION 1. Section 25371 of the Education Code is amended to read:

25371. Payments upon contracts shall be made as the trustees prescribe upon estimates made and approved by the trustees, but progress payments shall not be made in excess of 95 percent of the percentage of actual work completed plus a like percentage of the value of material delivered on the ground or stored subject to or under the control of the state, and unused The trustees shall withhold not less than 5 percent of the contract price until final completion and acceptance of the project. The Controller shall draw his warrants upon estimates so made and approved by the trustees and the Treasurer shall pay them.

CHAPTER 595

An act to amend Sections 3329 and 3359 of the Business and Professions Code, relating to hearing aid dispensers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

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

SECTION 1. Section 3329 of the Business and Professions Code is amended to read:

3329. (a) The examining 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) of Part 1 of Division 3 of Title 2 of the Government Code. If a contested case is heard by the examining 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 examining 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 the proposed decision of a hearing officer under subdivisions (b) and (c) of Section 11517 of the Government Code.

SEC. 2. Section 3359 of the Business and Professions Code is amended to read:

3359. Every person applying for a license who desires to have such license issued under a fictitious name shall file with his application a certified copy of the fictitious business name statement filed with the county clerk and a copy of the affidavit of publication made pursuant to the provisions of Chapter 5 (commencing with Section 17900) of Part 3 of Division 7 of the Business and Professions Code.

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 existing statute providing for hearings to be conducted by the hearing aid examining committee is insufficient and since it is essential that the committee conduct hearings, it is necessary that this act take effect immediately. The statute pertaining to the filing of fictitious names by hearing aid dispensers cannot be complied with and to prevent hardship to those persons doing business under a fictitious name, it is essential this act take effect immediately.

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CHAPTER 596

An act to add Section 226.55 to the Civil Code, relating to adoption.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

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

SECTION 1. Section 226.55 is added to the Civil Code, to read:

226.55. The Department of Health or a local public adoption agency may require persons desiring to adopt a child to be fingerprinted and may secure from the Federal Bureau of Investigation or State Department of Justice the full criminal record, if any, of such persons.

CHAPTER 597

An act to amend Sections 12701 and 12771 of the Business and Professions Code, relating to weighmasters.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973.]

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

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

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

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

(b) Producers of agricultural commodities or livestock, weighing commodities produced or purchased by them or by their producer neighbors, when no charge is made for such weighing, or no signed or initialed statement or memorandum is issued of the weight upon which a purchase or sale of the commodity is based; except that when such weight is to be used by a processor as basis of payment there shall be no exception to the provisions of Section 12734.

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

(d) Weighers licensed under the provisions of Section 35161 of the Food and Agricultural Code when performing the duties for which

they are licensed.

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

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

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

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

(i) Employees of garbage and refuse disposal districts operating pursuant to Chapter 1.5 (commencing with Section 4170) of Part 2 of Division 5 of the Health and Safety Code, who are authorized by the board of such districts to weigh garbage and refuse when performing such duties.

(j) Persons who purchase scrap metal or salvage materials pursuant to a nonprofit recycling program.

SEC. 2. Section 12771 of the Business and Professions Code is amended to read·

12771. The following shall not be construed to be a public weighmaster at large:

(a) Retailers weighing or measuring commodities for sale by them in retail stores directly to consumers.

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

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

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

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

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

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

(h) Persons who purchase scrap metals or salvage materials pursuant to a nonprofit recycling program

CHAPTER 598

An act to add Section 12103.1 to the Education Code, relating to county boards of education.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

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

SECTION 1. Section 12103.1 is added to the Education Code, to read:

12103.1. The county board of education of any county may establish regulations requiring the reporting of information related to crime, violence, and disruption on campuses or in programs and activities in which any school is engaged. Any board may establish a uniform reporting system and may periodically require the filing of reports by any or all of the public schools of the county. Such reports may include, but need not be limited to, the reporting of murders, assaults on personnel, assaults on pupils, possession of weapons, vandalism, and arson, provided that no pupil shall be individually identified in any report. Results of reporting required by this section may be made available to the school districts and to other public and private agencies for use in developing programs of delinquency or crime prevention.

CHAPTER 599

An act to amend Section 172e of the Penal Code, relating to alcoholic beverages.

[Approved by Governor September 18, 1973. Filed with Secretary of State September 18, 1973]

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

SECTION 1. Section 172e of the Penal Code is amended to read:

172e. The provisions of Sections 172, 172a, 172b, 172d, and 172g of this code shall not apply to the sale or the exposing or offering for sale of alcoholic beverages by an on-sale licensee under the Alcoholic Beverage Control Act within premises licensed as a bona fide public eating place as provided in the Constitution and as defined in the Alcoholic Beverage Control Act (commencing at Section 23000, Business and Professions Code), or within premises licensed as a club as defined in Articles 4 and 5 of Chapter 3 of the Alcoholic Beverage Control Act, provided that such club shall have been in existence for not less than 5 years, have a membership of 300 or more, and serves meals daily to its members, or by the holder of a caterer's permit under the provisions of Section 23399 of the Business and Professions

Code in connection with the serving of bona fide meals as defined in Section 23038 of the Business and Professions Code, and the provisions of such sections shall not be construed so as to preclude the Department of Alcoholic Beverage Control from issuing licenses for bona fide public eating places within the areas prescribed by the sections. The provisions of this section shall not permit the issuance of licenses to fraternities, sororities, or other student organizations.

CHAPTER 600

An act to amend Section 65857 of the Government Code, relating to zoning.

[Approved by Governor September 18, 1973. Filed with Secretary of State September 18, 1973.]

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

SECTION 1. Section 65857 of the Government Code is amended to read:

65857. The legislative body may approve, modify or disapprove the recommendation of the planning commission; provided that any modification of the proposed ordinance or amendment by the legislative body not previously considered by the planning commission during its hearing, shall first be referred to the planning commission for report and recommendation, but the planning commission shall not be required to hold a public hearing thereon. Failure of the planning commission to report within forty (40) days after the reference, or such longer period as may be designated by the legislative body, shall be deemed to be approval of the proposed modification.

CHAPTER 601

An act to amend Section 14797 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

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

SECTION 1. Section 14797 of the Revenue and Taxation Code is amended 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 fifth 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).

(f) 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).

(g) 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).

CHAPTER 602

An act to amend Section 393 of the Streets and Highways Code, relating to state highways.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973.]

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

SECTION 1. Section 393 of the Streets and Highways Code is amended to read:

393. Route 93 is from:

(a) Route 77 near Burton to Route 24 near Orinda.

(b) Route 24 near Orinda to Route 17 in Richmond via San Pablo.

CHAPTER 603

An act to amend Sections 1774, 1774.5, 1774.7, and 66742 of the Government Code, relating to Senate confirmation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973.]

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

SECTION 1. Section 1774 of the Government Code is amended to read:

1774. When an office, the appointment to which is vested in the Governor and Senate, or in the Legislature, either becomes vacant or the term of the incumbent of which expires, the Governor may appoint a person to the office. The appointee shall hold office at the pleasure of the Governor and only until either: (1) December 31 of the odd-numbered year of a session if the vacancy occurs after the beginning of the two-year session of the Legislature and before such December 31; or (2) November 30 of the following even-numbered year if the vacancy occurs after December 31 of the odd-numbered year of the two-year session. An office shall be deemed vacant within the meaning of this section if its duties are being discharged by a holdover officer pursuant to Section 1302 of this code.

SEC. 2. Section 1774.5 of the Government Code is amended to read:

1774.5. Whenever the appointment by the Governor of a person to a public office is subject to confirmation by the Senate, and the Senate refuses to confirm the appointment within the applicable period described in Section 1774, such person may not be granted an interim appointment to the same office for which the Senate refused to confirm him. If he is holding that office when such applicable period expires, the office shall become vacant at that time, and he shall not be eligible to continue to discharge the duties of the office notwithstanding the provisions of Section 1302, and no warrant shall be drawn by the State Controller for the payment of any salary or expenses of such person attributable to the discharge of the duties of the office after such time.

SEC. 3. Section 1774.7 of the Government Code is amended to read:

1774.7. Whenever the appointment by the Governor of a person to a public office is subject to confirmation by the Senate, and the Senate fails, rather than refuses, to confirm the appointment within the applicable period described in Section 1774, such person does not remain in office pursuant to Section 1302. If such person is holding that office when such applicable period expires, the office shall become vacant at that time. However, such person may be granted an interim appointment to the same office for which the Senate failed to confirm him.

SEC. 4. Section 66742 of the Government Code is amended to read:

66742. The appointments of members to the board made by the Governor shall be subject to confirmation by the Senate.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The effective operation of the State Solid Waste Management Board requires a clarification of the effect of a failure of the Senate to act on a confirmation of members appointed to the board by the Governor. Also, it is necessary to conform the statutes relating to Senate confirmation to the constitutional change to two-year regular session of the Legislature at the earliest possible time. In order, therefore, to deal adequately with the problem of solid waste management and planning at the state level and to conform the statutes, it is necessary that this act go into immediate effect.

CHAPTER 604

An act to add Section 6041.1 to the Government Code, relating to publication and notice.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

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

SECTION 1. Section 6041.1 is added to the Government Code, to read:

6041 1 Any officer who gives or makes any publication, notice by publication, or official advertising pursuant to Section 6041 may also give or make such publication, notice by publication or official advertising in a newspaper of general circulation published outside the jurisdiction of the officer, provided:

(a) The officer determines that a substantial number of residents within his jurisdiction would benefit therefrom, and

(b) Funds have specifically been made available for such purpose.

CHAPTER 605

An act to add Sections 25207.5 and 26156 to the Government Code, relating to counties.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 25207.5 is added to the Government Code, to read:

25207.5. A county may disseminate information to the public concerning the rights, duties, properties, and activities of the county.

SEC. 2. Section 26156 is added to the Government Code, to read:

26156. The board of supervisors may contract with any radio, television broadcasting station, or cable television originating facilities to broadcast or rebroadcast meetings of the board of supervisors and may pay from any available funds for such broadcasts or rebroadcasts.

CHAPTER 606

An act to amend Section 21355 of the Vehicle Code, relating to stop signs.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 21355 of the Vehicle Code is amended to read:

21355. Stop signs erected under Section 21350, 21351, 21352 or 21354 may be erected either at or near the entrance to an intersection.

The Department of Transportation and local authorities in their respective jurisdictions may erect stop signs at any location so as to control traffic within an intersection.

When a required stop is to apply at the entrance to an intersection from a one-way street the roadway of which is 30 feet or more in width, stop signs shall be erected both on the left and the right sides of such one-way street at or near the entrance to the intersection.

Notwithstanding any other provision of this code, stop signs shall not be erected at any entrance to an intersection when such entrance is controlled by an official traffic control signal, nor at any railroad grade crossing which is controlled by automatic signals, gates, or other train-actuated control devices except where a stop sign may be necessary to control traffic on intersecting highways adjacent to such grade crossing or when a local authority determines, with the approval of the Public Utilities Commission pursuant to Section 21110, that a railroad grade crossing under its jurisdiction presents a danger warranting a stop sign in addition to a train-activated control device.

CHAPTER 607

An act to add Section 894.5 to the Education Code, relating to county superintendents of schools.

[Approved by Governor September 18, 1973. Filed with Secretary of State September 18, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 894.5 is added to the Education Code, to read:

894.5. Each pregnant pupil enrolled in any program for physically handicapped pupils maintained by a county superintendent of schools, whose only condition for being enrolled in such a program is her pregnancy, shall be allowed to enroll in automobile driver training provided by the school district of residence; however, the school district shall receive, for the driver training instruction of the pupil, only the driver training allowances authorized by Section 18251 and shall not receive, for the driver training instruction of the pupil, driver training allowances authorized by Section 17305.7.

SEC. 2. There are no state-mandated local costs that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 608

An act to add Section 1624.4 to, and to repeal Section 1624.3 of, the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 1624.3 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 1624.4 is added to the Revenue and Taxation Code, to read:

1624.4. The party affected by an equalization proceeding or his agent, or the assessor, may make and file with the clerk of the assessment appeals board in which the proceeding is pending a written statement objecting to the hearing of a matter before a member of the board, and setting forth the facts constituting the ground of the disqualification of such member. Copies of such written statement shall be served by the presenting party on each party in the proceeding and on the board member alleged in such statement to be disqualified.

Within 10 days after the filing of any such statement, or 10 days after the service of such statement as above provided, whichever is later in time, the board member alleged therein to be disqualified may file with the clerk his consent in writing that the action or proceeding be tried before another member, or may file with the clerk his written answer admitting or denying any or all of the allegations contained in such statement and setting forth any additional fact or facts material or relevant to the question of his disqualifications. The clerk shall forthwith transmit a copy of such consent or answer to each party who shall have appeared in such proceeding. Every such statement and every such answer shall be verified by oath in the manner prescribed by Section 446 of the Code of Civil Procedure for the verification of pleadings. The statement of a party objecting to the member on the ground of his disqualification, shall be presented at the earliest practicable opportunity, after his appearance and discovery of the facts constituting the ground of the member's disqualification, and in any event before the commencement of the hearing of any issue of fact in the proceeding before such member.

No member of the board, who shall deny his disqualification, shall hear or pass upon the question of his own disqualification; but in every such case, the question of the member's disqualification shall be heard and determined by some other member agreed upon by the parties who have appeared in the proceeding, or, in the event of their failing to agree, by a member assigned to act by the board of supervisors, and, if the parties fail to agree upon a member to determine the question of the disqualification, within five days after the expiration of the time allowed herein for the member to answer, it shall be the duty of the clerk then to notify the board of supervisors of that fact; and it shall be the duty of the board of supervisors forthwith, upon receipt of notice from the clerk, to assign some other member, not disqualified, to hear and determine the question.

CHAPTER 609

An act to add Section 10954.5 of the Education Code, relating to public school absences.

[Approved by Governor September 18, 1973. Filed with Secretary of State September 18, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 10954.5 is added to the Education Code, to read:

10954.5. For purposes of any procedure for verification of absences from school, a student 18 years of age or over, with respect to his own absences from school, shall have all of the responsibilities

and powers which, in the case of a minor, would be charged to the parent, guardian, or other person having charge or control of the minor.

CHAPTER 610

An act to amend Sections 27150.1 and 40000.15 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 27150.1 of the Vehicle Code is amended to read:

27150.1. On and after the effective date of regulations and standards adopted by the commissioner pursuant to Section 27150.2, no person engaged in a business which involves the selling of motor vehicle exhaust systems, or parts thereof, including, but not limited to, mufflers, shall offer for sale, sell, or install, a motor vehicle exhaust system, or part thereof, including, but not limited to, a muffler, unless it meets such regulations and standards.

A violation of this section shall constitute a misdemeanor.

SEC. 2. Section 40000.15 of the Vehicle Code is amended to read:

40000.15. A violation of any of the following provisions shall constitute a misdemeanor, and not an infraction:

Division 11 (commencing with Section 21000) except Chapters 1 (commencing with Section 21000), 9 (commencing with Section 22500), 10 (commencing with Section 22650), and 11 (commencing with Section 22950).

Section 27150.1, relating to sale of exhaust systems.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 611

An act to amend and renumber Section 73085.7 of, to add Sections 73084.1, 73084.2, 73084.3, 73084.4, 73084.5, 73084.6, 73085, 73086, 73087, 73088, and 73089 to, and to repeal Sections 73084.1, 73084.2, 73084.3, 73084.4, 73084.5, 73084.6, 73085, 73085.1, 73085.2, 73085.3, 73085.4, 73085.5, 73085.6, 73085.7, 73085.8, 73085.9, 73085.10, 73086, 73087, 73088, 73089, 73090, 73090.1, and 73090.2 of, the Government Code, relating to courts.

[Approved by Governor September 18, 1973. Filed with Secretary of State September 18, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 73084.1 of the Government Code is repealed.

SEC. 2. Section 73084.1 is added to the Government Code, to read:

73084.1. The clerk and administrative officer of the municipal court for the Alameda Judicial District shall receive a monthly salary at the rate specified in schedule number 223 of the salary schedule. He may appoint the following deputy clerks:

(a) One deputy clerk grade IV who shall act as chief deputy.

(b) Two deputy clerks grade III.

(c) Three deputy clerks grade II.

(d) Two deputy clerks grade I.

SEC. 3. Section 73084.2 of the Government Code is repealed.

SEC. 4. Section 73084.2 is added to the Government Code, to read:

73084.2. The clerk and administrative officer of the municipal court for the Berkeley-Albany Judicial District shall receive a monthly salary at the rate specified in schedule number 237 of the salary schedule. He may appoint the following deputy clerks:

(a) One chief deputy clerk.

(b) Eight deputy clerks grade IV.

(c) Five deputy clerks grade III.

(d) Twelve deputy clerks grade II.

(e) Nine deputy clerks grade I.

SEC. 5. Section 73084.3 of the Government Code is repealed.

SEC. 6. Section 73084.3 is added to the Government Code, to read:

73084.3. The clerk and administrative officer of the municipal court for the Oakland-Piedmont Judicial District shall receive a monthly salary at the rate specified in schedule number 265 of the salary schedule. He may appoint the following deputy clerks:

(a) One chief deputy clerk.

(b) Five deputy clerks, division chiefs, who shall be in charge of the civil division, criminal division, traffic division, accounting division, and administrative division.

(c) Twenty-five deputy clerks grade IV.

(d) Sixteen deputy clerks grade III.

(e) Thirty-nine deputy clerks grade II; provided, that not to exceed 12 such deputy clerks may be assigned to perform duties as bail office tellers at the additional compensation of five schedule numbers, and provided further that not to exceed one such deputy clerk may be assigned as a court interpreter at the additional percentage compensation provided for county employees required to possess bilingual capabilities.

(f) Twenty-eight deputy clerks grade II.

SEC. 7. Section 73084.4 of the Government Code is repealed.

SEC. 8. Section 73084.4 is added to the Government Code, to read:

73084.4. The clerk and administrative officer of the municipal court for the San Leandro-Hayward Judicial District shall receive a monthly salary at the rate specified in schedule number 246 of the salary schedule. He may appoint the following deputy clerks:

(a) One chief deputy clerk.
(b) Four deputy clerks, division chiefs.
(c) Eight deputy clerks grade IV.
(d) Seven deputy clerks grade III.
(e) Sixteen deputy clerks grade II.
(f) Fifteen deputy clerks grade I.

SEC. 9. Section 73084.5 of the Government Code is repealed.

SEC. 10. Section 73084.5 is added to the Government Code, to read:

73084.5. The clerk and administrative officer of the municipal court for the Fremont-Newark-Union City Judicial District shall receive a monthly salary at the rate specified in schedule number 233 of the salary schedule He may appoint the following deputy clerks:

(a) One chief deputy clerk.
(b) Four deputy clerks grade IV.
(c) Two deputy clerks grade III.
(d) Seven deputy clerks grade II.
(e) Eight deputy clerks grade I.

SEC. 11. Section 73084 6 of the Government Code is repealed.

SEC. 12. Section 73084.6 is added to the Government Code, to read:

73084.6. The clerk and administrative officer of the municipal court for the Livermore Judicial District shall receive a monthly salary at the rate specified in schedule number 223 of the salary schedule. He may appoint the following deputy clerks.

(a) Two deputy clerks grade IV.
(b) Two deputy clerks grade III.
(c) Four deputy clerks grade II.
(d) Five deputy clerks grade I.

SEC. 13. Section 73085 of the Government Code is repealed.

SEC. 14. Section 73085 is added to the Government Code, to read:

73085 Chief deputy clerks of the following districts shall receive a monthly salary at the rate specified in the following schedule numbers of the salary schedule:

	Schedule number
Berkeley-Albany Judicial District	211
Oakland-Piedmont Judicial District	236
San Leandro-Hayward Judicial District	221
Fremont-Newark-Union City Judicial District	208

SEC. 15. Section 73085.1 of the Government Code is repealed.

SEC. 16. Section 73085.2 of the Government Code is repealed.

SEC. 17. Section 73085.3 of the Government Code is repealed.
SEC. 18. Section 73085.4 of the Government Code is repealed.
SEC. 19. Section 73085.5 of the Government Code is repealed.
SEC. 20. Section 73085.6 of the Government Code is repealed.
SEC. 21. Section 73085.7 of the Government Code is repealed.
SEC. 22. Section 73085.8 of the Government Code is repealed.
SEC. 23. Section 73085.9 of the Government Code is repealed.
SEC. 24. Section 73085.10 of the Government Code is repealed.
SEC. 25. Section 73086 of the Government Code is repealed.
SEC. 26. Section 73086 is added to the Government Code, to read:

73086. (a) Deputy clerks, division chiefs of the Oakland-Piedmont Judicial District shall receive a monthly salary at the rate specified in the following schedule numbers of the salary schedule:

	Schedule number
Criminal division chief	223
Civil division chief	221
Traffic division chief	218
Accounting division chief	218
Administrative division chief	218

(b) Deputy clerks, division chief of the San Leandro-Hayward Judicial District shall receive a monthly salary at the rate specified in schedule number 203 of the salary schedule.

SEC 27. Section 73087 of the Government Code is repealed.
SEC 28. Section 73087 is added to the Government Code, to read:

73087. Deputy clerks in each municipal court in Alameda County shall receive a monthly salary at the rate specified in the following schedule numbers of the salary schedule:

	Schedule number
Deputy clerk grade I	144
Deputy clerk grade II	163
Deputy clerk grade III	183
Deputy clerk grade IV	193

SEC 29. Section 73088 of the Government Code is repealed.
SEC 30. Section 73088 is added to the Government Code, to read:

73088. All deputy clerks who are required by the clerk to work a "night shift" on each regular working day of a month shall be allowed additional compensation in addition to their regular compensation otherwise provided for in this article, of two schedule numbers on the pay schedule provided in Section 73076 for each full month so worked or at an hourly rate determined by dividing the appropriate additional monthly pay by 173.33 for each hour so worked when less than the regular number of working days of such month are so worked. For the purposes of this section a "night shift" is defined as meaning all time worked by a person required by the

clerk to work at least five-eighths (5/8) of his normal daily tour of duty after 4:30 p.m. or before 8 a.m.

SEC. 31. Section 73089 of the Government Code is repealed.

SEC. 32. Section 73089 is added to the Government Code, to read:

73089. Notwithstanding any other provision of this article, until January 1, 1976, whenever a higher compensation is provided for positions in the class of clerk II in the Alameda County classified service, each person holding a position in the class of deputy clerk I specified in this article, shall receive correspondingly higher compensation payable at the same time as that higher compensation provided in the salary ordinance of Alameda County; and whenever a higher compensation is provided for positions in the class of superior court clerk I in the Alameda County classified service, each person holding a position in the class of deputy clerk II specified in this article, shall receive correspondingly higher compensation, payable at the same time as that higher compensation provided in the salary ordinance of Alameda County; and whenever a higher compensation is provided for positions in the class of superior court clerk II in the Alameda County classified service, each person holding a position in the classes of deputy clerk III and deputy clerk IV specified in this article shall receive correspondingly higher compensation payable at the same time as that higher compensation provided in the salary ordinance of Alameda County; and whenever a higher compensation is provided for positions in the class of chief superior court clerk in the Alameda County classified service, each person holding a position in the classes of chief deputy clerk, division chief, and clerk and administrative officer, specified in this article shall receive correspondingly higher compensation payable at the same time as that higher compensation provided in the salary ordinance of Alameda County.

If the board of supervisors provides by ordinance or resolution a rate of compensation for positions in any of the municipal court classes specified in this section which is higher than that herein otherwise provided for, such higher rate of compensation shall be effective until January 1, 1976, at the same time and in the same manner as rates of pay for Alameda County employees generally.

SEC. 33. Section 73090 of the Government Code is repealed.

SEC. 34. Section 73090.1 of the Government Code is repealed.

SEC. 35. Section 73090.2 of the Government Code is repealed.

SEC. 36. There are no state-mandated local costs which may be incurred by a local agency under this act and require reimbursement by the state under Section 2164.3 of the Revenue and Taxation Code, because the affected local agency has requested the Legislature to revise state law in accordance with the provisions of this act in order to carry on any program and perform any service required by the act.

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CHAPTER 612

An act to amend Section 1463 of the Education Code, relating to school ballot measure arguments.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 1463 of the Education Code is amended to read:

1463. If more than one argument for or more than one argument against any school measure is submitted to the person conducting the election within the time prescribed, the person conducting the election shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the arguments the person conducting the election shall give preference and priority in the order named to the arguments of the following:

(a) The governing board of the district or member or members of the board authorized by the board.

(b) Bona fide associations of citizens.

(c) Individual voters.

If more than one argument is filed within the category having the highest preference and priority, the person conducting the election shall appoint a committee of three people familiar with the issues presented by the measure who favor the position being advocated in the arguments but who have not filed an argument themselves, who shall within 10 days meet and select by majority vote the argument which most fairly and completely states the position being advocated. The decision of the committee shall be final.

CHAPTER 613

An act to amend Sections 21166, 30507, 34740, 34741, 40355, 60143, 71255, and 74208 of, and to repeal Section 30508 of, the Water Code, to amend Section 10 of the Mojave Water Agency Law (Chapter 2146 of the Statutes of 1959), to amend Section 7 of the Storm Water District Act of 1909 (Chapter 222 of the Statutes of 1909), and to amend Section 22 of the Water Conservation Act of 1927 (Chapter 91 of the Statutes of 1927), relating to water districts.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 21166 of the Water Code is amended to read:

21166. A director for sitting on the board or acting under its orders shall receive not exceeding:

(a) Fifty dollars ($50) per day, not exceeding six days in any calendar month, except in districts containing over 500,000 acres which shall be governed by Section 22840.

(b) Ten cents ($0.10) per mile for each mile actually traveled between his place of residence and the district office.

(c) Actual and necessary expenses when acting under the orders of the board.

(d) In districts producing or distributing electric power, fifty dollars ($50) per day or in lieu thereof a monthly salary of not to exceed five hundred dollars ($500) per month except in districts containing over 500,000 acres which shall be governed by Section 22840.

SEC. 2. Section 30507 of the Water Code is amended to read:

30507. Each director shall receive compensation in an amount not to exceed fifty dollars ($50) per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incident thereto.

SEC. 3. Section 30508 of the Water Code is repealed.

SEC. 4. Section 34740 of the Water Code is amended to read:

34740. The bylaws shall fix the compensation to be paid to all officers. The compensation received by directors shall not exceed that specified in Section 34741.

SEC. 5. Section 34741 of the Water Code is amended to read:

34741. Until their compensation is fixed by the adoption of bylaws, the officers shall receive the following compensation for their services:

(a) The secretary, tax collector, treasurer, and assessor, such sums as shall be fixed by the board.

(b) Each director shall receive compensation in an amount not to exceed fifty dollars ($50) per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incident thereto.

SEC. 6. Section 40355 of the Water Code is amended to read:

40355. A director when sitting on the board or acting under its orders shall receive not exceeding:

(a) Fifty dollars ($50) per day, not exceeding six days in any calendar month.

(b) Ten cents ($0.10) per mile for each mile traveled from his place of residence to the office of the board.

(c) Actual and necessary expenses while engaged in official business under the order of the board.

SEC. 6.5. Section 60143 of the Water Code is amended to read:

60143. Each director shall receive compensation in an amount not exceeding fifty dollars ($50) for each day's attendance at

meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incident thereto.

SEC. 7. *Section 71255 of the Water Code is amended to read:*

71255. Each director shall receive compensation in an amount not to exceed fifty dollars ($50) per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incident thereto.

SEC. 8. *Section 74208 of the Water Code is amended to read:*

74208. Each director shall receive compensation in an amount not to exceed fifty dollars ($50) per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incident thereto.

SEC. 9. Section 10 of the Mojave Water Agency Law (Chapter 2146 of the Statutes of 1959) is amended to read:

Sec. 10. The board of directors shall act only by ordinance, resolution, or motion. On all ordinances the roll shall be called and the ayes and noes recorded in the journal of the proceedings of the board of directors. Resolutions and orders may be adopted by voice vote, but on demand of any member the roll shall be called. No ordinance, motion, or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the Mojave Water Agency as follows:". Each director shall receive compensation in an amount not to exceed fifty dollars ($50) per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incident thereto.

SEC. 10. Section 7 of the Storm Water District Act of 1909 (Chapter 222 of the Statutes of 1909) is amended to read:

Sec. 7. Each trustee shall receive compensation in an amount not to exceed fifty dollars ($50) per day for each day's attendance at meetings of the board of trustees or for each day's service rendered as a trustee by request of the board of trustees, not exceeding a total of six days in any calendar month, together with any expenses incident thereto. The trustees shall elect one of their own number president. They shall appoint a clerk, who shall hold office at their pleasure, and receive such compensation as they may fix. They must establish and keep an office in or near the district for the transaction of the business thereof, at which all books, records, and papers of the district must be kept and be open to public inspection at all reasonable times. They shall hold regular meetings at such office, at such times as they shall by order prescribe. Special meetings may be held on written order of any two trustees and two days written notice to any trustee not joining in the order. The order must specify the

business for which the special meeting is called and no other business shall be transacted thereat.

SEC. 11. Section 22 of the Water Conservation Act of 1927 (Chapter 91 of the Statutes of 1927) is amended to read:

Sec. 22. Per Diem of Directors. Each director shall receive compensation in an amount not to exceed fifty dollars ($50) per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incident thereto.

CHAPTER 614

An act to validate certain acts of taxing agencies and revenue districts and of their officers, relating to property taxation.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

The people of the State of California do enact as follows:

SECTION 1. As used in this act "taxing agency" includes the state, county, and city. "Taxing agency" also includes every district that assesses property for taxation purposes and levies taxes or assessments on the property so assessed.

SEC. 2. As used in this act "revenue district" includes every city and district for which the county officers assess property and collect taxes or assessments.

SEC. 3. Every act and proceeding heretofore taken by any taxing agency or revenue district or the officers thereof relative to preparing, transmitting, computing, determining or fixing the budget or the tax rate or rates of any taxing agency or revenue district, or to the assessment or equalization of property or to the levy of taxes thereon or to tax sales or certificates of tax sales, tax deeds or other conveyances, are hereby confirmed, validated and declared legally effective.

SEC. 4. (a) This act is limited to the correction of defects, irregularities and ministerial errors which the Legislature originally could have omitted from the statutory requirements of law under which the acts hereby confirmed, validated and declared legally effective were taken.

(b) This act is limited to the validating of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) This act shall not operate to confirm, validate, or legalize any act, proceeding or other matter the legality of which is being contested or inquired into in any legal proceeding, now pending and undetermined or which may be pending and undetermined during

the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

(d) Nothing in this act shall operate to make valid any property tax rate which is in excess of that permitted by law.

SEC. 5. If any provisions of this act or its application to any person or circumstances are held invalid, the remainder of the act and the application of its provisions to other persons or circumstances is not affected.

CHAPTER 615

An act to amend Section 98100 of the Public Utilities Code, relating to the Santa Cruz Metropolitan Transit District.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 98100 of the Public Utilities Code is amended to read:

98100. The district shall be governed by a board of directors of seven members, which may be increased to 9 or 11 members if the board finds that such an increase in the membership of the board is necessary to insure adequate representation to all of the areas in the County of Santa Cruz served by the district. The membership shall be composed of one member appointed by the City Council of Santa Cruz, one member appointed by the City Council of Capitola, one member appointed by the governing bodies of any other incorporated areas in the county within the district to represent such incorporated areas, one member appointed by the Board of Supervisors of the County of Santa Cruz for the unincorporated areas of the county in the district, and other members to be appointed by the above entities in accordance with their proportionate population within the district. However, the membership of the board shall not exceed the number determined by the board.

The apportionment shall be based upon the population distribution within the district, and the board shall reapportion its membership whenever any part of the district is excluded or new territory is added or unincorporated territory within the district incorporates, and, as a result of such exclusion, annexation, or incorporation, representation on the board no longer reflects the population distribution within the district. The board shall also reapportion whenever the county clerk advises the board that the latest official census indicates a need for reapportionment.

CHAPTER 616

An act to add Chapter 3.5 (commencing with Section 40900) to Division 17 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

The people of the State of California do enact as follows:

SECTION 1. Chapter 3.5 (commencing with Section 40900) is added to Division 17 of the Vehicle Code, to read:

CHAPTER 3.5. EVIDENCE

40900. Notwithstanding any other provision of law, a verification by telegraph, teletype, or any other electronic device, from the department, of ownership of a vehicle registered pursuant to this code, is admissible in evidence as proof of ownership of such vehicle in any proceeding involving a parking violation of this code, or any local parking ordinance adopted pursuant to this code.

CHAPTER 617

An act to amend Section 7721 of the Labor Code, relating to inspection fees.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 7721 of the Labor Code is amended to read:

7721. (1) The division may, by general safety order, fix and collect fees for the shop inspection of tanks. Said fees shall be fixed in accordance with the size of the tank, the time required to make the inspection and the quantities so inspected. Such fees shall not in any event exceed the following amounts:

(a) For one small tank—eight dollars ($8).

(b) For small tanks in lots of two or more, per hour—sixteen dollars ($16), or per tank—one dollar ($1) whichever is greater.

(c) Large tanks, per hour—sixteen dollars ($16).

(2) A fee schedule of sixteen dollars ($16) per hour shall be applicable to consultations, surveys, audits, and other activities required or related to national standards concerning the design or construction of boilers or pressure vessels or for evaluating fabricator's plant facilities when such services are requested of the division by entities desiring such services.

CHAPTER 618

An act to add Section 19700.606 to the Education Code, relating to state school building aid.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 19700.606 is added to the Education Code, to read:

19700.606. Notwithstanding the provisions of Section 19700.60, apportionments under this article from the proceeds of bonds remaining from the authorization provided in the State School Building Aid Bond Law of 1966 may be made for the purpose of replacing school buildings severely damaged by an earthquake in Sonoma County subsequent to September 30, 1969, and subsequently demolished by the school district in the interest of safety to the children, but not yet replaced by permanent facilities.

SEC. 2. The Legislature finds and declares that a unique situation exists in the school districts of Sonoma County. As a result of severe earthquake damage suffered by many school buildings in Sonoma County subsequent to September 30, 1969, school officials were compelled, in the interest of safety to the children of Sonoma County, to demolish such buildings. Many of the demolished buildings have not yet been replaced by permanent facilities due to a shortage of funds. In order to alleviate the shortage of permanent school facilities in Sonoma County, it is necessary to enact this special statute.

CHAPTER 619

An act to amend Sections 2164 and 2166 of the Streets and Highways Code, relating to the State Highway Users Tax Study Commission.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 2164 of the Streets and Highways Code is amended to read:

2164. The State Highway Users Tax Study Commission shall report to the Legislature, by February 1, 1976, regarding its findings and recommendations of the desirability and the practicability of allocating funds in accordance with:

(a) Current methods of allocating highway users tax revenues.

(b) Modifications or revisions of current methods of allocating

highway users tax revenues.

(c) The provisions of Assembly Bill 505 of the 1971 Regular Session of the Legislature, as introduced February 15, 1971.

SEC. 2. Section 2166 of the Streets and Highways Code is amended to read:

2166. The existence of the State Highway Users Tax Study Commission shall terminate on February 1, 1976.

CHAPTER 620

An act to amend Sections 822 and 1318 of the Penal Code, relating to criminal procedure.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 822 of the Penal Code is amended to read:

822. If the offense charged is a misdemeanor, and the defendant is arrested in another county, the officer must, without unnecessary delay, inform the defendant in writing of his right to be taken before a magistrate in that county, note on the warrant that he has so informed defendant, and, upon being required by defendant, take him before a magistrate in that county, who must admit him to bail in the amount specified in the indorsement referred to in Section 815a, or if no bail is specified, the magistrate may set bail; if the defendant is admitted to bail the magistrate shall direct the defendant to appear before the court or magistrate by whom the warrant was issued on or before a day certain which shall in no case be more than 10 days after such admittance to bail. If bail be forthwith given, the magistrate shall take the same and indorse thereon a memorandum of the aforesaid order for the appearance of the defendant.

If the defendant arrested in another county on a misdemeanor charge does not require the arresting officer to take him before a magistrate in that county for the purpose of being admitted to bail, or if such defendant, after being admitted to bail, does not forthwith give bail, the arresting officer shall immediately notify the law enforcement agency requesting the arrest in the county in which the warrant was issued that such defendant is in custody, and thereafter such law enforcement agency shall take custody of such defendant within five days in the county in which he was arrested and shall take such defendant before the magistrate who issued the warrant, or before some other magistrate of the same county.

If a defendant is arrested in another county on a warrant charging the commission of a misdemeanor, upon which warrant the amount of bail is indorsed as provided in Section 815a, and defendant is held

in jail in the county of arrest pending appearance before a magistrate, the officer in charge of the jail shall, to the same extent as provided by Section 1269b, have authority to approve and accept bail from defendant in the amount indorsed on the warrant, to issue and sign an order for the release of the defendant, and, on posting of such bail, shall discharge defendant from custody.

SEC. 2. Section 1318 of the Penal Code is amended to read:

1318. Upon good cause being shown, any court or magistrate who could release a defendant from custody upon his giving bail including a defendant arrested upon an out-of-county warrant may release such defendant on his own recognizance if it appears to such court or magistrate that such defendant will surrender himself to custody as agreed, by following the provisions of this article.

CHAPTER 621

An act to amend, repeal, and add Sections 8276 and 8278 to, and to add and repeal Sections 8276.4 and 8278.5 of, the Fish and Game Code, relating to crab.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 8276 of the Fish and Game Code is amended to read·

8276. Notwithstanding any other provisions of this code or any regulations made pursuant to this code:

(a) Crabs may be taken in Districts 6, 7, 8, and 9 only between December 1st and July 15th.

(b) Except as otherwise provided in Section 8276.4, crabs may be taken in all other districts only between the second Tuesday in November and June 30th.

(c) Crabs may not be taken for commercial purposes in any district or part of a district lying within the portions of Crescent City Harbor between the south sand barrier and the breakwater.

This section shall remain in effect only until July 1, 1980, and as of that date is repealed.

SEC. 2. Section 8276 is added to the Fish and Game Code, to read:

8276. Notwithstanding any other provisions of this code or any regulations made pursuant to this code:

(a) Crabs may be taken in Districts 6, 7, 8, and 9 only between December 1st and July 15th.

(b) Crabs may be taken in all other districts only between the second Tuesday in November and June 30th.

(c) Crabs may not be taken for commercial purposes in any district or part of a district lying within the portions of Crescent City

Harbor between the south sand barrier and the breakwater.

This section shall become operative on July 1, 1980.

SEC. 3. Section 8276.4 is added to the Fish and Game Code, to read:

8276.4. Notwithstanding any other provision of this code or any regulation adopted pursuant to this code, crabs may be taken between the northern boundary of Monterey County and the southern boundary of Mendocino County only between the second Tuesday in November and April 30th.

This section shall remain in effect only until July 1, 1980, and as of that date is repealed.

SEC. 4. Section 8278 of the Fish and Game Code is amended to read:

8278. Except as otherwise provided in Section 8278.5, no crab less than six and one-quarter (6¼) inches in breadth, and no female crab, may be taken, possessed, bought, or sold except that not more than 1 percent in number of any load or lot of crabs may be less than six and one-quarter (6¼) inches in breadth but not less than five and three-quarters (5¾) inches in breadth. Crabs shall be measured by the shortest distance through the body from edge of shell to edge of shell directly from front of points (lateral spines).

This section shall remain in effect only until July 1, 1980, and as of that date is repealed.

SEC. 5. Section 8278 is added to the Fish and Game Code, to read:

8278. No crab less than six and one-quarter (6¼) inches in breadth, and no female crab, may be taken, possessed, bought, or sold except that not more than 1 percent in number of any load or lot of crabs may be less than six and one-quarter (6¼) inches but not less than five and three-quarters (5¾) inches in breadth. Crabs shall be measured by the shortest distance through the body from edge of shell to edge of shell directly from front of points (lateral spines).

This section shall become operative on July 1, 1980.

SEC. 6. Section 8278.5 is added to the Fish and Game Code, to read:

8278.5. Notwithstanding any other provision of this code or any regulation adopted pursuant to this code, between the northern boundary of Monterey County and the southern boundary of Mendocino County, no crab less than six and one-half (6½) inches in breadth, and no female crab, may be taken, possessed, bought, or sold except that not more than 1 percent in number of any load or lot of crabs may be less than six and one-half (6½) inches but not less than six inches in breadth. Crabs shall be measured by the shortest distance through the body from edge of shell to edge of shell directly from front of points (lateral spines).

This section shall remain in effect only until July 1, 1980, and as of that date is repealed.

SEC. 7. It is the intent of the Legislature that the amendments to Section 8276 of the Fish and Game Code which are made by Section 1 of this act shall remain in effect only until July 1, 1980, and on that

date Section 2 of this act shall become operative to restore Section 8276 to the form in which it read immediately prior to the effective date of this act.

SEC. 8. It is the intent of the Legislature that the amendments to Section 8278 of the Fish and Game Code which are made by Section 4 of this act shall remain in effect only until July 1, 1980, and on that date Section 5 of this act shall become operative to restore Section 8278 to the form in which it read immediately prior to the effective date of this act.

CHAPTER 622

An act to amend Section 185 of the Streets and Highways Code, relating to relocation assistance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 185 of the Streets and Highways Code is amended to read:

185. All money withdrawn from the State Highway Account in the State Transportation Fund shall be withdrawn in the manner provided by law upon demands made by the department. Without at the time furnishing vouchers and itemized statements, the department may withdraw from the State Highway Account moneys in an amount not exceeding six million dollars ($6,000,000) in the aggregate at any one time.

Five million dollars ($5,000,000) of the amount so withdrawn may be used as a revolving fund where payment of compensation earned or cash advances are necessary.

One million dollars ($1,000,000) of the amount so withdrawn may be used as a separate revolving fund, from which relocation assistance payments may be made pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 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:

In order that the Department of Transportation may make relocation assistance payments on a timely basis through the creation of a revolving fund as proposed in this act, it is necessary that this act take effect immediately.

CHAPTER 623

An act to add Section 74135.5 to the Government Code, relating to courts.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

The people of the State of California do enact as follows:

SECTION 1 Section 74135.5 is added to the Government Code, to read:

74135.5. The traffic referee shall receive a salary equal to 60 percent of the salary of a judge of the municipal court. He shall, after each year of service, receive an increase of 5 percent of the salary of a judge of the municipal court but in no event shall he receive more than 65 percent of the salary of a judge of the municipal court.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code because this act is in accordance with the request of a local government entity or entities which desires legislative authority to act to carry out the program specified in this act.

CHAPTER 624

An act relating to the repair, restoration, or replacement of public property damaged or destroyed by a natural disaster and to amend Section 54150 of, and to amend the heading of Article 6 (commencing with Section 54150) of Chapter 5 of Division 2 of Title 5 of, the Government Code, making an appropriation therefor and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

The people of the State of California do enact as follows:

SECTION 1. The heading of Article 6 (commencing with Section 54150) of Chapter 5 of Division 2 of Title 5 of the Government Code is amended to read:

Article 6. Natural Disaster Assistance

SEC. 1.5. Section 54150 of the Government Code is amended to read:

54150. This article shall be known and may be cited as the Natural Disaster Assistance Law.

SEC. 2. "Natural disaster" as used in this act means a flood, storm,

tidal wave, earthquake, or other similar public calamity resulting from natural causes.

SEC. 3. "Unusual circumstances" as used in this act are unavoidable delays which result from the recurrence of a disaster, prolonged severe weather within a one-year period, or other conditions beyond the control of an applicant. Delays resulting from administrative procedures are not unusual circumstances which warrant extensions of time.

SEC. 4. The unexpended balance of the appropriation made by Section 1 of Chapter 52 of the Statutes of 1969 shall be available for expenditure by the Department of Finance for the purposes of the Natural Disaster Assistance Law (Article 6 (commencing with Section 54150), Chapter 5, Part 1, Division 2, Title 5, Government Code) for damage or destruction to public real property, other than the repair, restoration, or replacement of streets, roads, and bridges damaged by a natural disaster which occurred between July 1, 1973, and June 30, 1974, declared by the governing body of the local agency affected no later than 10 days after the actual occurrence, which declaration is acceptable to the Director of the Office of Emergency Services; provided, that the local agency has applied to the Department of Finance for an allocation of funds within 60 days after the local declaration, or within 60 days of the effective date of this act, whichever is the longer period.

SEC. 5. The funds made available by Section 4 of this act may also be expended for the purposes described in Section 54155 of the Government Code.

SEC. 6. Allocations of funds under Section 4 of this act may be expended, if the local agency so elects, for the repair, restoration, or replacement of a public building to present-day standards; provided, that the square footage of such building is not increased thereby except as necessary to meet present-day standards.

SEC. 7. Notwithstanding the provisions of Section 54157 of the Government Code, whenever the Department of Finance determines that a local agency to which funds available pursuant to Section 4 of this act are proposed to be allocated is financially unable to meet the matching requirements set forth in Section 54157 of the Government Code due to exhaustion of its financial resources because of disaster expenditures, the provisions of Section 54157 of the Government Code shall not apply, and the Department of Finance may allocate funds available pursuant to Section 4 of this act to pay all of the cost of repairing, restoring, or replacing public buildings of such local agency or such portion of such cost as the department determines is necessary to accomplish the project, taking into consideration the financial ability of the local agency to meet the matching requirements of Section 54157 of the Government Code, less any money provided by the United States or any agency thereof for any portion of the cost of the project; provided, that the total amount of state funds allocated for any one project pursuant to this section shall not exceed the sum of two

hundred thousand dollars ($200,000).

SEC. 8. The money in the Street and Highway Disaster Fund under subdivision (b) of Section 186.95 of the Streets and Highways Code shall be available for expenditure for allocation by the State Allocation Board for the purposes of the Natural Disaster Assistance Law, including the purposes provided for in Section 54160 of the Government Code, for the repair, restoration, or replacement of any local street, road, or bridge damaged or destroyed by a natural disaster occurring between July 1, 1973, and June 30, 1974, declared by the governing body of the local agency affected no later than 10 days after the actual occurrence, which declaration is acceptable to the Director of the Office of Emergency Services; provided, that the local agency has applied to the State Allocation Board for an allocation of funds within 60 days after the local declaration, or within 60 days of the effective date of this act, whichever is the longer period.

SEC. 9. Whenever the Department of Finance determines that a local agency which would otherwise be eligible for an allocation under the formula of Section 54157 of the Government Code is unable to finance the work due to exhaustion of its financial resources because of disaster expenditures, the State Allocation Board may allocate funds available pursuant to Section 8 of this act to pay such portion of the cost of repairing, restoring, or replacing the streets, roads and bridges of such local agency as the department has determined is necessary to accomplish such work; provided, that if the local agency is a county, the amount contributed by each local agency shall not be reduced to less than an amount of money equal to the amount allocated to such local agency for the 1969–70 fiscal year pursuant to Section 2110.5 of the Streets and Highways Code; and provided, further, that if the local agency is a county, the Department of Finance, in determining whether the county's financial resources are exhausted, shall ascertain whether the county has levied, during the then current year, the maximum property tax for highway purposes authorized by Section 1550 of the Streets and Highways Code in the road district in which the work is proposed, and if such tax is being levied at less than the maximum rate authorized by Section 1550, the amount to be allocated by the State Allocation Board under this section shall be reduced by an amount equivalent to the difference between the revenue derived from the property tax being levied for highway purposes in such road district and the revenue which would have been derived from such tax at the maximum rate authorized by Section 1550. In determining if a county has levied sufficient taxes, amounts to be received from other taxes levied by that county and used for road purposes shall be included.

SEC. 10. The unexpended balance of the money transferred to the Street and Highway Disaster Fund pursuant to subdivision (a) of Section 17 of Chapter 52 of the Statutes of 1969 shall be available for expenditure for allocation by the State Allocation Board for the

purposes of the Natural Disaster Assistance Law, including the purposes provided for in Section 54160 of the Government Code, for the repair, restoration, or replacement of any local street, road, or bridge damaged or destroyed by a natural disaster occurring between July 1, 1973, and June 30, 1974, to conform to present-day standards and to accommodate present traffic, which disaster is declared by the governing body of the local agency affected no later than 10 days after the actual occurrence, and which declaration is acceptable to the Director of the Office of Emergency Services; provided, that the local agency has applied to the State Allocation Board for an allocation of funds within 60 days after the local declaration, or within 60 days of the effective date of this act, whichever is the longer period, unless the Director of the Office of Emergency Services extends this period because of unusual circumstances.

SEC. 11. The unexpended balance of the money transferred to the State Highway Fund pursuant to subdivision (b) of Section 17 of Chapter 52 of the Statutes of 1969 shall be available for expenditure, without regard to the provisions of Sections 188, 188.8, and 188.9 of the Streets and Highways Code, for the repair, replacement, or restoration of highways and bridges in the state highway system damaged or destroyed by a natural disaster occurring between July 1, 1973, and June 30, 1974, to conform to present-day standards and to accommodate present traffic.

SEC. 12. All moneys which are made available by the various provisions of this act for expenditure or allocation for the repair, restoration, or replacement of public real property damaged or destroyed by a natural disaster are hereby appropriated for expenditure, without regard to fiscal years, for the particular purposes specified by the respective provisions.

SEC. 13. No financial aid shall be provided under any of the provisions of this act until a state agency, upon the request of the Director of the Department of Finance, has first investigated and reported upon the proposed work, has estimated the cost of the work, and has filed its report thereon with the Director of the Department of Finance within 30 days from the date the local agency makes application, unless the Director of Finance extends this period because of unusual circumstances.

SEC. 14. On the effective date of this act, the Director of the Office of Emergency Services shall notify each local agency of the enactment of this act and the application thereof to the local agency.

SEC. 15. Allocations of funds under Section 4 of this act may be expended, if the local agency so elects, for the repair, restoration, or replacement of a public building to present-day standards; provided, that the square footage of such building is not increased thereby except as necessary to meet present-day standards.

SEC. 16. The unexpended balance of the money transferred to the State Highway Fund pursuant to Section 15 of Chapter 1284 of the Statutes of 1972 shall be available for expenditure, without regard

to the provisions of Sections 188, 188.8, and 188.9 of the Streets and Highways Code, for the repair, replacement, or restoration of highways and bridges in the state highway system damaged or destroyed by a natural disaster occurring between July 1, 1973, and June 30, 1974, to present-day standards and to accommodate present traffic.

SEC. 17. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Annual natural disasters occurring in various counties of the state have caused and are expected to cause severe damage and destruction to essential streets, roads, highways, and bridges, public facilities and property in said counties, including public facilities supplying domestic water to inhabitants thereof. In order that funds may be made available immediately for the repair, restoration, or replacement of such streets, roads, highways, and bridges, public facilities and property, it is essential that this act go into immediate effect.

CHAPTER 625

An act to amend Sections 1 and 6 of Chapter 1266 of the Statutes of 1970, relating to tidelands and submerged lands granted to the City of Sacramento.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 1266 of the Statutes of 1970 is amended to read:

Section 1. The state hereby grants and conveys to the City of Sacramento, a municipal corporation, and to its successors, all of its right, title, and interest in and to the lands described as follows, reserving to the State of California all oil, gas, oil shale, coal, phosphate, sodium, gold, silver, and all other mineral deposits contained in the land conveyed, and further reserving to the State of California and persons authorized by the state, the right to drill for and extract such deposits of oil and gas or gas, and to prospect for, mine, and remove such deposits of other minerals from the land conveyed, subject to the provision that the right to drill for and extract such deposits of oil and gas, or gas, and to prospect for, mine and remove such deposits of other minerals, shall not disturb the surface, or the ground within 100 feet of the surface, of the real property conveyed: Parcel 1 and Parcel 2 as shown on that certain Record of Survey of portion of projected Section 11, T.8N., R. 4E.

M.D.B. & M., recorded in the Official Records of Sacramento County on November 17, 1972, in Book 30 of Surveys at page 10.

The above-described parcels of real property, which are a portion of Miller Park in the City of Sacramento, shall be forever held by such city and by its successors in trust for the uses and purposes, and upon the express conditions following, to wit:

(a) That the lands shall be used by the city and its successors for the following purposes insofar as there is a general statewide interest therein:

(1) For the establishment, improvement and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of commerce and navigation.

(2) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this section.

(3) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, parks, playgrounds, bathhouses and bathing facilities, public recreation and fishing piers, public recreation facilities, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(4) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities available for public use, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snackbars, cafes, restaurants, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas.

(5) For the establishment, preservation, restoration, improvement, or maintenance of the unique recreational and aesthetic values connected with the waterfront area of the City of Sacramento herein described and for the use thereof for the aforementioned trust purposes.

(b) The city, or its successors shall not at any time, grant, convey, give or alienate such lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided that, the city, or its successors, may grant franchises thereon for limited

periods, not exceeding 66 years, for wharves and other public uses and purposes, and may lease the lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trust upon which the lands are held by the state, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce and navigation. Revenues and rents from said leases, franchises and privileges shall be expended by the city for the improvement, maintenance or operation of the lands herein conveyed or for the acquisition, improvement, maintenance or operation of other public parks, or public harbors or marinas of statewide benefit on lands within the city which are contiguous with tide and submerged lands on the Sacramento or American Rivers. Any of said revenues and rents derived from the lands conveyed or acquired under the terms and conditions of this act shall be deposited in a trust fund established by the city in a manner prescribed by the Department of Finance and shall be expended in accordance with the terms of this act.

(c) Nothing contained in this act shall preclude expenditures for the development of the herein described lands for any public purpose if statewide benefit not inconsistent with commerce, navigation and fishery, by the state, or any board, agency, or commission thereof, when authorized or approved by the city, nor by the city of any funds received for such purpose from the state or any board, agency or commission thereof.

(d) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the city or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(e) The state shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon the lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the state.

(f) There is hereby reserved to the people of the state the right to fish in the waters on the lands with the right of convenient access to the water over the lands for such purpose.

(g) Such lands are granted subject to the express reservation and condition that the state may at any time in the future use the lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the state for such purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

(h) The city shall, at no cost to the state, prepare a map of the granted lands and, following review and approval of the map by the

State Lands Commission, shall record the map in the office of the County Recorder of Sacramento County.

(i) The city shall cause to be made and filed with the Department of Finance, annually, a detailed statement of receipts and expenditures by it of all rents, revenues, issues and profits in any manner hereafter arising from the granted lands or any improvements, betterments, or structures thereon.

SEC. 2. Section 6 of Chapter 1266 of the Statutes of 1970 is amended to read:

Sec. 6. A dispute exists between the City of Sacramento and the state as to the ownership of the parcels of property described in Section 1 of this act, and title to a portion or portions of such parcels may lawfully be vested in the City of Sacramento; therefore, in the event that such dispute shall hereafter be resolved by a court of competent jurisdiction or by agreement between the state and the City of Sacramento, the provisions of Section 1 of this act shall apply only to such portion or portions of such parcels as shall so be determined to constitute tide and submerged lands and subject to the jurisdiction of the state.

CHAPTER 626

An act to amend Sections 73484, 73709, 74804 and 74819 of the Government Code, relating to courts.

[Approved by Governor September 18, 1973. Filed with Secretary of State September 18, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 73484 of the Government Code is amended to read:

73484. There shall be one marshal who shall receive the biweekly salary specified in range 44.25, step B, as set forth in the biweekly salary schedule contained in Section 73486.

Whenever the salary of the class of lieutenant in the service of San Joaquin County is adjusted, the salary of the marshal shall be adjusted by an amount equivalent to that of the said class of lieutenant.

SEC. 2. Section 73709 of the Government Code is amended to read:

73709. There shall be one marshal in each division who shall be a resident eligible to vote in the division in which he is elected or appointed. The marshal of the eastern division shall receive the biweekly salary specified in range 44.25, step B, as set forth in the biweekly salary schedule contained in Section 73712 and the marshal of the western division shall receive the biweekly salary specified in range 42.25, step B, of the salary schedule.

SEC. 3. Section 74804 of the Government Code is amended to read:

74804. There shall be one marshal who shall receive the biweekly salary specified in range 47.25, step C, as set forth in the biweekly salary schedule contained in Section 74806.

Whenever the salary of the class of lieutenant in the service of San Joaquin County is adjusted, the salary of the marshal shall be adjusted by an amount equivalent to that of the such class of lieutenant.

SEC. 4. Section 74819 of the Government Code is amended to read:

74819. There shall be one marshal who shall receive the biweekly salary specified in range 44.25, step B, as set forth in the biweekly salary schedule contained in Section 74821.

Whenever the salary of the class of lieutenant in the service of San Joaquin County is adjusted, the salary of the marshal shall be adjusted by an amount equivalent to that of the class of lieutenant.

SEC. 5. There are no state-mandated local costs which may be incurred by a local agency under this act and require reimbursement by the state under Section 2164.3 of the Revenue and Taxation Code, because the affected local agency has requested the Legislature to revise state law in accordance with the provisions of this act in order to carry on any program and perform any service required by the act.

CHAPTER 627

An act to add Section 510.1 to the Streets and Highways Code, relating to state highways.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 510.1 is added to the Streets and Highways Code, to read:

510.1. Notwithstanding Section 263.8, the state scenic highway system shall also include that portion of Route 210 from Route 2 near La Canada to Route 134.

CHAPTER 628

An act to add Section 14401 to the Vehicle Code, relating to vehicles.

[Approved by Governor September 18, 1973. Filed with Secretary of State September 18, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 14401 is added to the Vehicle Code, to read:

14401. (a) Any action brought in a court of competent jurisdiction to review any order of the department refusing, canceling, suspending, or revoking the privilege of a person to operate a motor vehicle shall be commenced within 90 days from the date such order is noticed.

(b) Upon final completion of all administrative appeals, the person whose driving privilege was refused, canceled, suspended, or revoked shall be given written notice by the department of his right to a review by a court pursuant to subdivision (a).

CHAPTER 629

An act to add Section 26500.5 to the Government Code, relating to district attorneys.

[Approved by Governor September 18, 1973. Filed with Secretary of State September 18, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 26500.5 is added to the Government Code, to read:

26500.5. The district attorney may sponsor, supervise, or participate in any project or program to improve the administration of justice.

CHAPTER 630

An act to amend Section 99281 of the Public Utilities Code, and to add Sections 27173.9 and 27173.10 to the Streets and Highways Code, relating to transportation.

[Approved by Governor September 18, 1973. Filed with Secretary of State September 18, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 99281 of the Public Utilities Code is amended to read:

99281. The transit district shall have authority to operate or establish new routes or extend existing routes in all or part of the area outside a municipal operator, except where the operation or establishment of such service will compete with or divert patronage from an existing service of any included municipal operator or service in a reserved service area under Section 99280; provided, however, that such limitation upon the district shall not apply with

respect to services established outside a reserved service area by an included municipal operator under Section 99280.

Except if both the secretary and the statutorily created regional transportation planning agency designate otherwise, the transit district shall have the sole prerogative of using funds available under this chapter for the purpose of constructing and operating a grade-separated mass transit system, regardless of whether the operation of such a system competes with or diverts patronage from any services of an included municipal operator.

SEC. 2. Section 27173.9 is added to the Streets and Highways Code, to read:

27173.9. If, after rejecting bids received under Section 27173.7, the board determines and declares by a two-thirds vote of all of its members that, in its opinion, the equipment, supplies, or materials may be purchased at a lower price in the open market, the board may proceed to purchase the equipment, supplies, or materials in the open market without further observance of the provisions requiring contracts, bids, or advertisement.

SEC. 3. Section 27173.10 is added to the Streets and Highways Code, to read:

27173.10. In case of any great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, the board may, by resolution passed by a two-thirds vote of all of its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property, and thereupon proceed to expend or enter into a contract involving the expenditure of any sum needed in such emergency without observance of the provisions requiring contracts, bids, or advertisement.

CHAPTER 631

An act to add Section 11569 to the Elections Code and Section 3752.5 to the Government Code, relating to elections.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 11569 is added to the Elections Code, to read:

11569. Notwithstanding the provisions of Section 11563, a candidate for reelection for judicial office whose name does not appear on the ballot by reason of Section 25304 shall file his campaign statement within 17 days following the date of the general election and shall not be required to file any additional campaign reports. Such a campaign statement shall include contributions and expenditures in connection with his candidacy at both the primary

and general elections. If such a candidate's name does not appear on the ballot at the primary election but does appear on the ballot at the general election, he shall, not later than 20 days prior to the general election, file a campaign statement covering the primary election, and he shall file a campaign statement for the general election within 35 days after the general election. This section is not applicable to a committee supporting one or more candidates for judicial office.

SEC. 2. Section 3752.5 is added to the Government Code, to read:

3752.5. Notwithstanding the provisions of Section 3751, a candidate for reelection for judicial office whose name does not appear on the ballot by reason of Section 25304 of the Elections Code shall file a statement within 17 days following the date of the general election and shall not be required to file any additional statements. Such a statement shall include contributions in connection with his candidacy at both the primary and general elections. If such a candidate's name does not appear on the ballot at the primary election but does appear on the ballot at the general election, he shall not later than 20 days prior to the general election, file a statement covering the primary election and the general election, and he shall file a statement within 35 days after the general election. This section is not applicable to a committee supporting one or more candidates for judicial office.

CHAPTER 632

An act to amend Section 125.5 of the Business and Professions Code, relating to the Department of Consumer Affairs.

[Approved by Governor September 18, 1973 Filed with Secretary of State September 18, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 125.5 of the Business and Professions Code is amended to read:

125.5. (a) The superior court for the county in which any person has engaged or is about to engage in any act which constitutes a violation of a chapter of this code administered or enforced by a board within the department may, upon a petition filed by the board with the approval of the director, issue an injunction or other appropriate order restraining such conduct. The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that no undertaking shall be required. As used in this section, "board" includes commission, bureau, division and agency.

(b) The superior court for the county in which any person has engaged in any act which constitutes a violation of a chapter of this code administered or enforced by a board within the department

may, upon a petition filed by the board with the approval of the director, order such person to make restitution to persons injured as a result of such violation.

(c) The court may order a person subject to an injunction or restraining order, provided for in subdivision (a) of this section, or subject to an order requiring restitution pursuant to subdivision (b), to reimburse the petitioning board for expenses incurred by the board in its investigation related to its petition.

(d) The remedy provided for by this section shall be in addition to, and not a limitation on, the authority provided for in any other section of this code.

CHAPTER 633

An act to amend Section 21684.6 of the Public Utilities Code, relating to aviation.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 21684.6 of the Public Utilities Code is amended to read:

21684.6. (a) Notwithstanding the provisions of this article, inasmuch as they require matching funds, the department may allocate funds to a county or a city for the construction of recreational airports or reliever training airstrips in accordance with regulations of the department if the county or city supplies the land and maintains and operates all facilities of such airport or airstrip.

(b) Section 21682 shall not apply to the airports and airstrips mentioned in subdivision (a) unless the county or city reimburses the Aeronautics Account in the State Transportation Fund for the amount of the funds allocated under subdivision (a) less 1/20 of such amount for each year of operation of the airport or airstrip, or until the total amount of the payments not made to the county or city under Section 21682 equals the amount of the funds allocated under subdivision (a).

CHAPTER 634

An act to amend Section 26401 of the Education Code, relating to schools for the neurologically handicapped, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 26401 of the Education Code is amended to read:

26401. There are three schools for neurologically handicapped children known and designated as Diagnostic School for Neurologically Handicapped Children, Northern California, Diagnostic School for Neurologically Handicapped Children, Central California, and Diagnostic School for Neurologically Handicapped Children, Southern California.

SEC. 2. There is hereby appropriated from the General Fund for the fiscal year 1973–1974 the sum of five hundred thousand dollars ($500,000) to the Department of Education to be administered by the Superintendent of Public Instruction for the establishment of a Diagnostic School for Neurologically Handicapped Children to be located in central California. The Superintendent of Public Instruction shall not authorize such moneys to be used for major construction and shall limit the uses of such moneys to support and minor capital outlay costs.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

At present there is in excess of a 12-month waiting list before cerebral palsied children may gain admittance into the two existing state facilities for neurologically handicapped children. In order that the development of the new facilities authorized by this act may be commenced at the earliest possible time, it is essential that this act take effect immediately.

CHAPTER 635

An act to amend Sections 9887.2 and 9888.2 of the Business and Professions Code, relating to automotive repair.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 9887.2 of the Business and Professions Code is amended to read:

9887.2. Each application for a new or renewal license shall be accompanied by a fee of ten dollars ($10) for a new license or five dollars ($5) for a renewal license. The application shall be made upon a form furnished by the director. It shall contain such information concerning the applicant's background and experience as the

director may prescribe, in addition to other information required by law. No license as a lamp or brake adjuster or motor vehicle pollution control device installer shall be issued or renewed unless the applicant has demonstrated his experience and qualifications in accordance with such standards and examinations as the director may prescribe.

SEC. 2. Section 9888.2 of the Business and Professions Code is amended to read:

9888.2. The director shall adopt regulations which prescribe the equipment and other qualifications of any station as a condition to licensing the station as an official station for adjusting lamps or brakes and for installing, repairing, inspecting, or recharging motor vehicle pollution control devices and shall prescribe the qualifications of adjusters and installers employed therein. After consulting with the Department of the California Highway Patrol and the State Air Resources Board, the director may by regulation approve testing and calibrating equipment which is capable of measuring or calibrating the standards imposed by law for use in official stations, and may approve the testing laboratories used to certify the performance of such equipment.

CHAPTER 636

An act to add Section 27288.1 to, and to repeal Section 27288.1 of, the Government Code, relating to recordation.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 27288.1 of the Government Code is repealed.

SEC. 2. Section 27288.1 is added to the Government Code, to read:

27288.1. All documents described in this section now or hereafter authorized by law to be recorded in the official records of a county shall contain the following information in addition to such information as may be required by law pertaining to the particular document:

(a) If such document effects or evidences a transfer or encumbrance of an interest in real property, the name or names in which such interest appears of record, except that a notice of assessment recorded pursuant to Section 3114 of the Streets and Highways Code, and a notice of award of contract recorded pursuant to Section 5248 of the Streets and Highways Code, shall show the name or names of the assessed owners as they appear on the latest secured assessment role.

(b) If such document releases or terminates any interest, right or

encumbrance, it shall contain or have appended thereto all of the names of those persons and entities owning the title or interest being relieved thereby, or the names of the owners of such title or interest as they appeared at the time and in the document creating such interest, right or encumbrance.

(c) In cases where the county tax collector is filing documents with respect to Sections 3513, 3710 and 3805 of the Revenue and Taxation Code, the information contained in such sections shall be deemed to constitute compliance with this section.

No such document shall be recorded or indexed in the official records of a county unless it contains the information required by this section as well as any additional information required by law pertaining to the particular document, but the recorder may rely upon the information contained in or appended to the document being offered for record. The failure of any such document to include all of the names required by this section shall not affect the constructive notice which would otherwise be afforded by the recording of such document. This section shall not apply to a vacation or abandonment by a public agency of a public highway or road.

SEC. 3. This act shall not apply to documents executed and acknowledged prior to the effective date of this act if such documents were otherwise entitled to recordation under the law as it existed prior to this act.

SEC. 4. There are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 637

An act to amend Sections 13310 and 15113 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 13310 of the Revenue and Taxation Code, as amended by Chapter 579 of the Statutes of 1972, is amended to read:

13310. (a) In determining the classification of a transferee of any class for the purposes of this part, children adopted in conformity with the laws of this state while under the age of 18 years are deemed to be natural children of their adoptive parents and to be unrelated to any natural parent who has been replaced by the adoption.

(b) Any person adopted when over the age of 18 years shall be deemed to retain his relationship to his natural parents and to be unrelated to his adoptive parents unless:

(1) A period of five years has elapsed from the date of adoption; or

(2) If the decedent was the stepparent of such person, the stepparent-stepchild relationship or the combination of the stepparent-stepchild relationship and the adoptive relationship existed for at least five years prior to the date of death.

(c) Upon occurrence of either paragraph (1) or (2) of subdivision (b), such adopted person shall be deemed to be unrelated to any natural parent replaced by the adoptive parent and shall be deemed to be the natural child of the adoptive parent.

SEC. 2. Section 15113 of the Revenue and Taxation Code, as amended by Chapter 579 of the Statutes of 1972, is amended to read:

15113. (a) In determining the classification of a donee of any class for the purposes of this part, children adopted in conformity with the laws of this state while under the age of 18 years are deemed to be natural children of their adoptive parents and to be unrelated to any natural parent who has been replaced by the adoption.

(b) Any person adopted when over the age of 18 years shall be deemed to retain his relationship to his natural parents and to be unrelated to his adoptive parents unless:

(1) A period of five years has elapsed from the date of adoption; or

(2) If the donor was the stepparent of such person, the stepparent-stepchild relationship or the combination of the stepparent-stepchild relationship and the adoptive relationship existed for at least five years prior to the date of gift.

(c) Upon occurrence of either paragraph (1) or (2) of subdivision (b), such adopted person shall be deemed to be unrelated to any natural parent replaced by the adoptive parent and shall be deemed to be the natural child of the adoptive parent.

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 638

An act to amend Sections 8150.5, 8755, and 8780 of, to add Section 8150.7 to, and to repeal Sections 8152, 8154, 8155, and 8156 of, the Fish and Game Code, relating to sardines.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 8150.5 of the Fish and Game Code is amended to read:

8150.5. Sardines may not be taken or possessed on any boat, barge, or vessel except pursuant to Section 8150.7. However, loads or

lots of fish may contain 15 percent or less by weight of sardines taken incidentally to other fishing operations and which are mixed with the other fish in the load or lot.

Sardines so incidentally taken may be possessed and used for canning and reduction only.

This section does not prohibit the possession and use of sardines imported into this state under a bill of lading identifying the country of origin.

Imported sardines may be used for dead bait under such regulations as the commission may prescribe.

SEC. 2. Section 8150.7 is added to the Fish and Game Code, to read:

8150.7. It is the intent of the Legislature that the sardine resource be rehabilitated. During the process of rehabilitation a small fishery shall be allowed once the spawning population has reached 20,000 tons as determined by the department during the first 60 days of each calendar year. As the spawning population increases, in excess of 20,000 tons, the seasonal quota may also be increased but at such a rate as to allow the continued increase in the spawning population. This process shall continue with the objective of maximizing the sustained harvest.

When the department determines that the estimated spawning population of northern stocks of sardines has reached 20,000 tons, it shall establish a 1,000-ton-per-season quota which may be taken under permits issued by the department.

The department shall keep records of the catch and when it appears that the 1,000-ton limit will be reached, it shall notify all permitholders of the date when such limit will be reached and after which no sardines may be taken, and shall notify, by certified mail, all permittees of such closure.

The department shall increase the quota beyond 1,000 tons when, consistent with the intent of this section, it determines that an increased quota is warranted.

SEC. 3. Section 8152 of the Fish and Game Code is repealed.

SEC. 4. Section 8154 of the Fish and Game Code is repealed.

SEC. 5. Section 8155 of the Fish and Game Code is repealed.

SEC. 6. Section 8156 of the Fish and Game Code is repealed.

SEC. 7. Section 8755 of the Fish and Game Code is amended to read:

8755. In Districts 20A and 21, purse and round haul nets may be used.

(a) Purse and round haul nets may be used, except: (1) from sunrise Saturday to sunset Sunday, in that portion of District 20 from a line extending three nautical miles east magnetically from the extreme easterly end of Santa Catalina Island southwesterly and northerly to a line extending three nautical miles southwest magnetically from the most southerly promontory of China Point and (2) at any time during the period commencing on June 1st and ending on September 10 in each year, in that portion of District 20

from a line extending three nautical miles east magnetically from the extreme easterly end of Santa Catalina Island southerly to a line extending three nautical miles southeasterly magnetically from the United States government light on the southeasterly end of Santa Catalina Island.

(b) Subdivision (a) shall not be construed as restricting the right to use the waters therein specified for anchorage of vessels at any time.

SEC. 8. Section 8780 of the Fish and Game Code is amended to read:

8780. As used in this chapter, the term "bait net" means a lampara or round haul type net the mesh of which is constructed of twine not exceeding Standard No. 9 medium cotton seine twine or synthetic twine of equivalent size or strength. The net shall not have rings along the lead line or any method of pursing the bottom of the net.

Bait nets may be used to take fish for bait in Districts 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 19A, 19B, 20A, 21, 118 and 118.5.

In Districts 19A and 19B bait nets may be used only to take anchovies, queenfish, white croakers, and smelt for bait only. Such nets may not be used within 750 feet of Seal Beach Pier or Belmont Pier.

No other species of fish may be taken or possessed on any boat carrying a bait net in District 19A.

CHAPTER 639

An act to convey in trust the submerged lands in Clear Lake to the County of Lake, and to its successors, in furtherance of navigation and commerce and the fisheries and to provide for the government, management and control thereof, and to reserve certain rights to the state.

[Approved by Governor September 21, 1973 filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. There is hereby granted and conveyed in trust to the County of Lake, and to its successors, subject to the provisions of Section 16 of this act, all the right, title, and interest of the state held by the state by virtue of its sovereignty and in and to the submerged lands in Clear Lake. The low water mark for Clear Lake has not been determined, and such determination may have to be made by judicial adjudication. Subject to such later determination, and for the purpose of the administration of this grant only, the low water mark shall be considered by the parties to this grant as being zero on the Rumsey Gauge.

SEC. 2. The submerged lands granted and conveyed pursuant to this act shall be forever held by such county and by its successors in trust for the uses and purposes, and upon the express conditions following, to wit:

(a) That the lands shall be used by the county and its successors for purposes in which there is a general statewide interest as follows:

(1) For the protection of wildlife habitats, the improvement, protection, and conservation of the wildlife and fish resources and the ecology of the area, the providing of open-space areas and areas for recreational use with open access to the public, the enhancement of the aesthetic appearance of the lake and the area, control of dredging or filling of the lake, or both, and prevention of pollution of the lake.

(2) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snackbars, cafes, restaurants, motels, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas.

(3) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(4) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this section.

(b) The county, or its successors, shall not at any time grant, convey, give or alienate such lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that the county, or its successors, may grant franchises thereon for limited periods, not exceeding 66 years, for wharves and other public uses and purposes, and may lease the lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which the lands are held by the state, and with the requirements of commerce and navigation, and collect and retain

rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce and navigation. Nothing contained in this paragraph (b) shall be deemed to affect the validity or term of any franchise granted by said county under the Franchise Act of 1937, and any such franchise shall be effective with respect to the lands. Nothing contained in this act is intended to affect the rights, including riparian rights, of landowners adjacent to Clear Lake.

(c) Within 10 years from the effective date of this act, the lands shall be substantially improved within the meaning of subdivision (a) of this section by the county without expense to the state, and if the State Lands Commission determinates that the county has failed to improve the lands as herein required, all right, title, and interest of the county in and to all lands granted by this act shall cease and the lands shall revert and rest in the state.

Nothing contained in this act, however, shall preclude expenditures for the development of the lands for any public purpose not inconsistent with commerce, navigation and fishery, by the state, or any board, agency or commission thereof, when authorized or approved by the county, nor by the county of any funds received for such purpose from the state or any board, agency or commission thereof.

(d) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the county or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(e) The state shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon the lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the state.

(f) There is hereby reserved to the people of the state the right to fish in the waters on the lands with the right of convenient access to the water over the lands for such purpose.

(g) There is hereby excepted and reserved in the state all deposits of minerals, including oil and gas and geothermal resources, in the lands, and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from the lands.

(h) Such lands are granted subject to the express reservation and condition that the state may at any time in the future use the lands or any portion thereof for highway purposes without compensation to the county, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the state for such purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

SEC. 3. The county shall establish a separate trust fund or funds

in such manner as may be approved by the State Lands Commission and the county shall deposit in the fund or funds all moneys received directly from, or indirectly attributable to, the granted lands. An annual statement of financial condition and operations, to conform with such requirements as the State Lands Commission may prescribe, shall be submitted to the State Lands Commission each year by the county on or before September 30th of each year for the preceding fiscal year.

SEC. 4. Notwithstanding any other provision of law to the contrary, the county, acting either alone or jointly with another local or state agency, may use revenues accruing from or out of the use of the granted lands for any or all of the following purposes; provided, that they comply with the terms of the trust and are matters of statewide, as distinguished from local or purely private, interest and benefit:

(a) For the protection of wildlife habitats, the improvement, protection, and conservation of the wildlife and fish resources and the ecology of the area, the providing of open-space areas and areas for recreational use with open access to the public, the enhancement of the aesthetic appearance of the lake and the area, control of dredging or filling of the lake, or both, and prevention of pollution of the lake

(b) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snackbars, cafes, cocktail lounges, restaurants, motels, hotels, and other forms of transient living accommodations open to the public, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas and other compatible commercial and recreational activities and uses.

(c) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, public parks, public playgrounds, public bathhouses and public bathing facilities, public recreation and public fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(d) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the

promotion and accommodation of any of the uses set forth in this section.

(e) For the promotion, by advertising and such other means as may be reasonable and appropriate, of maximum public use of such granted lands or to encourage private investment in development of such granted lands for the highest and best use in the public interest.

(f) For any other uses or purposes of statewide, as distinguished from purely local or private, interest and benefit which are in fulfillment of those trust uses and purposes described in this act.

(g) For the acquisition of property and the rendition of services reasonably necessary to the carrying out of the uses and purposes described in this section, including the amortization or debt service of any capital improvement funding program which is consistent with the terms and conditions set forth in this act.

SEC. 5. Such revenues may be deposited in one or more reserve funds for use in accordance with the terms and conditions set forth in this act.

SEC. 6. As to the accumulation and expenditure of revenues for any single capital improvement on the granted lands involving an amount in excess of two hundred fifty thousand dollars ($250,000) in the aggregate, the county shall file with the State Lands Commission a detailed description of such capital improvement not less than 90 days prior to the time of any disbursement therefor or in connection therewith, excepting preliminary planning. The State Lands Commission may, within 90 days after the time of such filing, determine and notify the county that such capital improvement is not in the statewide interest and benefit or is not authorized by the provisions of Section 4 of this act. The State Lands Commission may request the opinion of the Attorney General on the matter, and if it does so, a copy of such opinion shall be delivered to the county with the notice of its determination. In the event the State Lands Commission notifies the county that such capital improvement is not authorized, the county shall not disburse any revenue for or in connection with such capital improvement, unless and until it is determined to be authorized by a final order or judgment of a court of competent jurisdiction. The county is authorized to bring suit against the state for the purpose of securing such an order or adjudication, which suit shall have priority over all other civil matters. Service shall be made upon the Executive Officer of the State Lands Commission and the Attorney General, and the Attorney General shall defend the state in such suit. If judgment be given against the state in such suit, no costs shall be recovered against it.

SEC. 7. At the end of every third fiscal year, beginning June 30, 1975, that portion of the county trust revenues in excess of two hundred fifty thousand dollars ($250,000) remaining after current and accrued operating costs and expenditures directly related to the operation or maintenance of trust activities have been made, shall be deemed excess revenues; provided, that any funds deposited in a

reserve fund for future capital expenditures or any funds used to retire bond issues for the improvement or operation of the granted lands shall not be deemed excess revenue. Capital improvements of the granted lands for purposes authorized by this act may be considered as expenditures for the purpose of determining net revenues; provided, however, that if made after the effective date of this act they may be so considered only if made in accordance with Section 6 of this act.

The excess revenue, as determined pursuant to this section, shall be divided as follows: 85 percent to the General Fund in the State Treasury, and 15 percent to the county to be deposited in the trust fund and used for any purpose authorized by Section 4 of this act; provided, however, that, of the first such excess revenues which would otherwise be allocated to the county, an amount equal to the cost of the State Lands Division survey conducted at Clear Lake during the period from November 5, 1962, to December 31, 1972, shall be deducted from the county's share and deposited in the General Fund in the State Treasury.

SEC. 8. The State Lands Commission, at the request of the county, shall grant an extension of time, not to exceed 30 calendar days, for filing any report or statement required by this act which was not filed due to mistake or inadvertence.

SEC. 9. In the event that the county fails or refuses to file with the State Lands Commission any report, statement, or document required by any provision of this act within the time period specified by this act, or any extension period granted pursuant to this act, or fails or refuses to carry out the terms of this act, the Attorney General shall, upon the request of the State Lands Commission, bring such judicial proceedings for correction and enforcement as are appropriate, and shall act to protect any improvements to, or assets situated upon, the granted lands or derived therefrom. The State Lands Commission shall notify the Chief Clerk of the Assembly and the Secretary of the Senate within 30 days of the occurrence of such failure or refusal and of actions taken as a result thereof.

SEC. 10. The County of Lake and the State Lands Commission, on behalf of the state, are authorized to enter into boundary agreements with private parties to settle existing boundary disputes. Any such agreement shall not be a precedent for the determination of any subsequent boundary line dispute; however, any subsequent survey shall incorporate the boundary agreement entered into by the commission, the county, and a private party.

SEC. 10.1. The County of Lake, with the approval of the State Lands Commission, is hereby authorized to settle, by agreement, exchange, or quitclaim, any dispute concerning whether or not particular land within the Clear Lake area constitutes land in private or proprietary ownership by reason of title traceable to a state or federal patent or other valid source, or rather constitutes lands granted by this act. In settlement of such disputes, the county, with approval of the State Lands Commission, may, by such agreement,

exchange or quitclaim, establish boundary or compromise boundary lines between the lands granted by this act and bordering private or proprietary lands.

SEC. 10.5. The county shall identify past and future trespasses upon the lands granted by this act and take appropriate steps to terminate such trespasses.

SEC. 11. The State Lands Commission shall, from time to time, recommend to the Legislature such amendments as it may deem necessary in the terms and conditions of this act.

SEC. 12. The State Lands Commission shall, from time to time, institute a formal inquiry to determine that the terms and conditions of this act, and amendments thereto, have been complied with, and that all other applicable provisions of law concerning these specific granted lands are being complied with in good faith.

SEC. 13. The State Lands Commission shall, on or before December 31st of each year, report to the Chief Clerk of the Assembly and to the Secretary of the Senate, the full details of any transaction or condition reported to the commission pursuant to this act which it deems in probable conflict with the requirements of this act, or with any other provision of law.

SEC. 14. The Legislature reserves the right to amend, modify, or revoke, in whole or in part, the submerged lands granted and conveyed in trust pursuant to this act; provided, that the state shall thereupon assume and be bound by all lawful transactions and obligations related to such lands entered into or created by the county during its holding of such lands.

SEC. 15. The Attorney General, on request by resolution of either house of the Legislature, or upon formal request of the State Lands Commission made only after a noticed public hearing at which the grantee has been given an opportunity to fully express any disagreement with the commission's findings or to describe any extenuating circumstances causing the violation, shall bring an action in the Superior Court in the County of Lake to declare that the grant under which the county holds such submerged lands is revoked for gross and willful violation of the provisions of this act or other legislative enactment, or to compel compliance with the terms and conditions of the grant and any other provision of law, including, but not limited to, this act.

SEC. 16. The grant and conveyance in trust of submerged lands to the county provided for by this act shall become effective only upon the written acceptance of such grant and conveyance by the county prior to September 1, 1974.

SEC. 17. 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 640

An act to amend Section 18300 of, to add Sections 18613 and 18614 to, and to repeal Section 18401 of, the Health and Safety Code, relating to mobilehomes.

[Approved by Governor September 21, 1973. Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 18300 of the Health and Safety Code is amended to read:

18300. The provisions of this part apply to all parts of the state and supersede any ordinance enacted by any city, county, or city and county, whether general law or chartered, applicable to the provisions of this part. The commission may adopt regulations to interpret and make specific the provisions of this part and when adopted such regulations shall apply to all parts of the state. Upon 30 days' written notice from the governing body to the department, any city, county, or city and county, may assume the responsibility for the enforcement of this part and the regulations adopted pursuant thereto.

Except as provided in this part, assumption of responsibility for enforcement of this part by a city, county, or city and county does not authorize such city, county, or city and county to impose more restrictive requirements than those imposed by this part and the regulations adopted pursuant thereto or to prescribe fees for permits.

In the event of nonenforcement of this part or the regulations adopted pursuant thereto, the provisions of this part and the regulations adopted pursuant thereto shall be enforced by the department in any such city, county, or city and county after the department has given 30 days' written notice to the governing body of such city, county, or city and county setting forth in what respects the city, county, or city and county has failed to discharge its responsibility, and has failed to initiate corrective measures to carry out its responsibility.

Any city, city and county, or county, upon written notice from the governing body to the department, may cancel its assumption of responsibility for the enforcement of this part. The department, upon receipt of such notice, shall assume such responsibility within 30 days.

Every city, county, or city and county, within its jurisdiction, shall enforce all of the provisions of this part and the regulations adopted pursuant thereto, as they relate to mobilehomes and to mobilehome accessory buildings or structures located outside of mobilehome parks.

The provisions of this part shall not prevent local authorities of any city, county, or city and county, within the reasonable exercise of

their police powers:

(a) From prohibiting mobilehomes or mobilehome parks, travel trailers, travel trailer parks, recreational trailer parks, temporary trailer parks, or tent camps within all or certain zones within such city, county, or city and county, or from adopting rules and regulations by ordinance or resolution prescribing standards of lot, yards, or park area, landscaping, walls or enclosures, signs, access, and vehicle parking or from prescribing the prohibition of certain uses for mobilehome parks, travel trailer parks, recreational trailer parks, temporary trailer parks, or tent camps; or

(b) From regulating the construction and use of equipment and facilities located outside of a mobilehome or camp car used to supply gas, water, or electricity thereto, except facilities owned, operated, and maintained by a public utility, or to dispose of sewage or other waste therefrom when such facilities are located outside a mobilehome park, travel trailer park, recreational trailer park, or temporary trailer park for which a permit is required by this part, or the regulations adopted pursuant thereto; or

(c) From requiring a permit to use a mobilehome or camp car outside a mobilehome park, travel trailer park, recreational trailer park, or temporary trailer park for which a permit is required by this part or by regulations adopted pursuant thereto, and require a fee therefor by local ordinance commensurate with the cost of enforcing this part and local ordinance with reference to the use of mobilehomes and camp cars, which permit may be refused or revoked if such use violates any provisions of this part or Part 2 (commencing with Section 18000) of this division, any regulations adopted pursuant thereto, or any local ordinance applicable to such use; or

(d) From requiring a local building permit to construct an accessory structure for a mobilehome when such mobilehome is located outside a mobilehome park, travel trailer park, recreational trailer park or temporary trailer park, under circumstances which the provisions of this part or Part 2 (commencing with Section 18000) of this division and the regulation adopted pursuant thereto do not require the issuance of a permit therefor by the department.

SEC. 2. Section 18401 of the Health and Safety Code is repealed.

SEC. 3. Section 18613 is added to the Health and Safety Code, to read:

18613. On and after July 1, 1974, a permit shall be obtained from the enforcement agency each time a mobilehome, which is required to be moved under a permit, is to be located or installed on any site for the purpose of human habitation or occupancy as a dwelling.

The contractor engaged to install the mobilehome shall obtain the permit, except when the owner of the mobilehome proposes to perform the installation. When a contractor applies for a permit to install a mobilehome, he shall display a valid contractor's license. The contractor shall complete the installation of the mobilehome in accordance with the regulations adopted by the commission within

the time limitations which shall be established by regulations of the commission. Such time limitations shall allow contractors a reasonable amount of time within which to complete mobilehome installations. If inspection of the mobilehome installation by the enforcement agency determines that the mobilehome cannot be approved for occupancy due to defective material, systems, or equipment of the mobilehome, the contractor shall be allowed a reasonable amount of time, as determined by regulations of the commission, to complete the installation after the defects in the mobilehome have been corrected. The enforcement agency shall immediately notify the department whenever any mobilehome cannot be approved for occupancy due to defects of the mobilehome. If the mobilehome fails the installation inspection because of conditions which do not endanger the health or safety of the occupant, the owner may occupy the mobilehome. If, however, the installation fails inspection due to immediate hazards to the health or safety of the occupant, as determined by the enforcement agency, the mobilehome shall not be occupied. Any necessary inside inspection by the enforcement agency shall be limited to the electrical, water, and gas systems.

The commission shall adopt regulations for such installations. The regulations adopted by the commission pursuant to this section shall establish such requirements as the commission determines are reasonably necessary for the protection of life and property and to carry out the purposes of this section. In promulgating regulations pursuant to this section, the commission shall consider reassembly of the mobilehome, stabilizing devices and load-bearing supports, and utility connections and connectors.

The commission shall establish a schedule of fees for the permits required by this section commensurate with the cost of the enforcement of this section and the regulations adopted pursuant thereto. Where a city, county, or city and county is responsible for such enforcement, such a city, county, or city and county may establish a schedule of fees commensurate with the cost of enforcement. The fee for an installation permit shall in no case exceed thirty dollars ($30). If, however, the mobilehome cannot be approved for occupancy when inspected, a reinspection fee not to exceed thirty dollars ($30) may be required. Permit fees and reinspection fees shall be paid to the enforcement agency by the permittee.

This section does not apply to recreational vehicles or commercial coaches.

SEC. 4. Section 18614 is added to the Health and Safety Code, to read:

18614. If the installation of a mobilehome by a contractor has failed the inspection of the enforcement agency and he has failed to perform corrections to remedy the reasons for the failure within the time permitted by regulations of the commission adopted pursuant to Section 18613, the enforcement agency shall promptly notify the

registrar of contractors of such fact and the name of the contractor.

Upon such notification, the registrar shall investigate the actions of the contractor. Failure by the contractor to comply with the provisions of Section 18613 and the regulations adopted pursuant thereto may constitute cause for disciplinary action.

SEC. 5. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because self-financing authority is provided to cover any costs added by this act.

CHAPTER 641

An act to amend Sections 10241, 10245, and 10246 of, and to add Sections 10241.1, 10242.5, 10242.6, 10244.1, 10248.1, and 10248.2 to, the Business and Professions Code, relating to real estate loans.

[Approved by Governor September 21, 1973. Filed with Secretary of State September 21, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 10241 of the Business and Professions Code is amended to read:

10241. The statement required by Section 10240, the form of which shall be approved by the commissioner, shall set forth separately the following items:

(a) The estimated maximum costs and expenses of making the loan, which are to be paid by the borrower, including but not limited to:

(1) Appraisal fees.
(2) Escrow fees.
(3) Title charges.
(4) Notary fees.
(5) Recording fees.
(6) Credit investigation fees.

If a real estate licensee performs or is to perform any of the services provided for in this subdivision, such licensee shall be entitled to the costs and expenses thereof in addition to the charges provided for in subdivision (b).

(b) The total of the bonuses, brokerage or commissions contracted for or to be received by any person for negotiating, procuring, or arranging or making such a loan.

(c) Any liens against the real property, as disclosed by the borrower, and the approximate amount thereof.

(d) The estimated amounts to be paid on the order of the

borrower, as disclosed by the borrower, including but not limited to:

(1) Fire insurance premiums.

(2) Amounts due on prior liens, including interest or other charges arising in connection with the payment, release, reconveyance, extinction or other removal of record of such prior liens.

(3) Amounts due other creditors.

(4) Assumption, transfer, forwarding and beneficiary statement fees.

(e) The estimated balance of the loan funds to be paid to the borrower after deducting the total of subdivisions (a), (b) and (d).

(f) The principal amount of the loan.

(g) The rate of interest.

(h) The term of the loan, the number of installments, the amount of each installment, and the approximate balance, due at maturity.

(i) A statement containing the name of the real estate licensee negotiating the loan, his license number, and the address of his licensed place of business

(j) A statement that the real estate licensee is not the lender, either directly or indirectly.

(k) The terms of prepayment privileges, and penalties, if any.

(*l*) A statement that the purchase of credit life or credit disability insurance is not required as a condition for the making of the loan.

SEC 2 Section 10241.1 is added to the Business and Professions Code, to read:

10241.1. (a) The purchase of credit life insurance on the life of the borrower or credit disability insurance to provide indemnity for payments becoming due on the indebtedness shall not be required as a condition of making a loan under this article.

(b) The licensee may provide through duly licensed agents and collect the costs for credit life insurance on the life of a borrower and credit disability insurance to provide indemnity for payments becoming due on the indebtedness, with his or her consent, the form and rate to be approved by the Insurance Commissioner, as provided in Section 779.9 of the Insurance Code, and in an amount not in excess of that reasonably necessary to discharge the obligation of the borrower, and for a term not exceeding the term of the loan. Only one premium may be collected by the licensee in connection with any loan contract irrespective of the number of borrowers, and only one borrower may be insured.

(c) The licensee may collect the costs for fire and hazard insurance on the property offered as security for a loan reasonably insured against loss for a reasonable term considering the circumstances of the loan when the policy or policies of insurance are 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 agents.

(d) If premiums for any insurance provided under the provisions of this section are to be paid for from the proceeds of the loan, any

such amount and any commission under subdivision (b) of Section 10242 attributable to borrowing such amount, shall not be considered in determining whether said loan is exempt from the provisions of this article under Section 10245.

SEC. 3. Section 10242.5 is added to the Business and Professions Code, to read:

10242.5. (a) A charge which may be imposed for late payment of an installment due on a loan secured by a mortgage or deed of trust on real property shall not exceed the equivalent of 10 percent of the installment due, provided that a minimum charge of five dollars ($5) may be imposed when the late charge permitted by this section would otherwise be less than such minimum charge.

The charge permitted by this section may be assessed only as a percentage of the principal and interest part of any installment due.

(b) No charge may be imposed more than once for the same late payment of an installment. No late charge may be imposed on any installment which is paid or tendered in full within 10 days after its scheduled due date, even though an earlier maturing installment or a late charge on an earlier installment may not have been paid in full. For purposes of this subdivision, a payment or tender of payment made within 10 days of a scheduled installment due date shall be considered to have been made or tendered for payment of such installment.

SEC. 4. Section 10242.6 is added to the Business and Professions Code, to read:

10242.6. (a) The principal and accrued interest on any loan secured by a mortgage or deed of trust on real property containing only a single-family, owner-occupied dwelling may be prepaid in whole or in part at any time but only a prepayment made within seven years of the date of execution of such mortgage or deed of trust may be subject to a prepayment charge and then solely as herein set forth. An amount not exceeding 20 percent of the unpaid balance may be prepaid in any 12-month period. A prepayment charge may be imposed on any amount prepaid in any 12-month period in excess of 20 percent of the unpaid balance which charge shall not exceed an amount equal to the payment of six months' advance interest on the amount prepaid in excess of 20 percent of the unpaid balance.

(b) As used in this section, "single-family, owner-occupied dwelling" means a dwelling which will be owned and occupied by a signatory to the mortgage or deed of trust secured by such dwelling within 90 days of the execution of such mortgage or deed of trust.

SEC. 5. Section 10244.1 is added to the Business and Professions Code, to read:

10244.1. Notwithstanding the provisions of Section 10244, on a loan secured directly or collaterally by a lien on real property comprising an owner-occupied dwelling, for a term of six years or less, no installment, whether providing for payment of principal and interest or interest only, shall be greater than twice the amount of the smallest installment. This section does not apply to a note given

back to the seller by the purchaser on account for the purchase price or any collateral loans secured solely by such a note. As used in this section, "owner-occupied dwelling" means a single dwelling unit in a condominium or cooperative or a residential building of less than three separate dwelling units, one of which will be owned and occupied by a signatory to the mortgage or deed of trust secured by such dwelling within 90 days of the execution of the mortgage or deed of trust.

SEC. 6. Section 10245 of the Business and Professions Code is amended to read:

10245. The provisions of this article do not apply to any bona fide loan secured directly or collaterally by a first trust deed, the principal of which is sixteen thousand dollars ($16,000) or more, or to any bona fide loan secured directly or collaterally by any lien junior thereto, the principal of which is eight thousand dollars ($8,000) or more.

SEC. 7. Section 10246 of the Business and Professions Code is amended to read:

10246. If any amount:

(a) In excess of the charges referred to in Section 10241 and limited by Section 10242,

(b) In excess of the charges permitted by Section 10242.5, or

(c) Prohibited by Section 10248.1, is received, the borrower may recover, from the person who shall have taken or received the excess or prohibited amount, three times the amount of the excess or prohibited amount and the borrower shall be entitled to costs and a reasonable attorney's fee; provided that any action for recovery must be brought within two (2) years from the date such excess or prohibited charge was received. However, if the excess or prohibited amount is the result of a bona fide error the borrower may only recover such excess or prohibited amount.

SEC 8. Section 10248.1 is added to the Business and Professions Code, to read:

10248.1. No real estate licensee shall charge, receive or negotiate for the payment by the borrower of any service charge or fee other than charges and fees specified in Sections 10241, 10241.1, 10242, and 10242.5, prepayment penalties as authorized by law, extinction, release, reconveyance or other removal of record fees, and trustees costs and fees in accordance with Sections 2924, 2924c, 2924g, and 2924h of the Civil Code and Section 692 of the Code of Civil Procedure.

SEC. 9. Section 10248.2 is added to the business and Professions Code, to read:

10248.2. (a) A borrower may not waive any right or remedy under this article. This subdivision shall not be deemed to prohibit a bona fide settlement, release or compromise of any claim under this article.

(b) If a loan is negotiated in violation of any section of this article, the licensee, on demand, shall return to the borrower any bonus, brokerage or commission paid or payable under subdivision (b) of

Section 10242 for negotiation of such loans. In the event such demand is not satisfied within 20 days from the date of written demand, the borrower may commence an action under this subdivision and may recover actual damages or twice any bonus, brokerage, or commission paid or payable under subdivision (b) of Section 10242 for the negotiation of said loan whichever is greater, plus costs and reasonable attorney's fees.

The "date of written demand" shall mean either the date upon which the written demand is personally delivered to the licensee or the date upon which the written demand is mailed to the licensee.

A licensee may not be held liable in any action brought under this section for a violation of this article if the licensee shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

If the borrower proceeds under this section he may not proceed under Section 10246 as to the same breach.

(c) If a real estate licensee subject to the provisions of this article violates any provision of Section 10241.1 he shall be liable for, and pay over to the borrower, any commission or experience rating dividend attributable to the insurance written on that loan received by the licensee as a result of the sale of such insurance to the borrower in violation of Section 10241 1 in addition to any premium loss due to short rate cancellation of any insurance subject to Section 10248.1 which was purchased by the borrower.

(d) No action for damages shall be maintained under this section unless brought within two years after the maturity of the loan.

(e) The provisions of this article are not exclusive. The remedies provided for herein shall be in addition to any other procedures or remedies provided under law.

SEC. 10. The provisions of this act shall be operative with respect to loans made on or after the effective date of this act.

SEC. 11. It is the intent of the Legislature that Section 4 of this act shall be inoperative if either Senate Bill 200 or Assembly Bill 2114 is enacted and, if enacted, affects loans made pursuant to Article 7 (commencing with Section 10240) of Chapter 3 of Part 1 of Division 4 of the Business and Professions Code.

SEC. 12. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 642

An act to amend Sections 74904, 74905, 74906, 74907, 74908, 74909, 74911, and 74912 of, and to repeal Sections 74902, 74914, and 74915 of, the Government Code, relating to municipal courts.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 74902 of the Government Code is repealed.

SEC. 2. Section 74904 of the Government Code is amended to read:

74904. Any judge of the Ventura County Municipal Court sitting in any department of the court or at any session situated or held at a place other than the place designated for holding regular sessions of the department of the court to which he is regularly assigned shall receive from the county the amount of the actual and necessary traveling expenses incurred by him. Traveling expenses shall not be computed upon a greater distance than that between the place regularly assigned and the place temporarily sitting. Each judge shall be regularly assigned to a particular department by the presiding judge for the purposes of this section. Unless and until otherwise determined by a majority of the judges of the Ventura County Municipal Court, with the approval of the board of supervisors, municipal court sessions shall be held in the Cities of Ventura, Oxnard, Port Hueneme, Camarillo, Fillmore, Santa Paula, Ojai, and Simi Valley. A majority of the judges of the Ventura County Municipal Court, with the approval of the board of supervisors, shall designate any additional places within the district where municipal court sessions shall be held and shall designate the principal office of each municipal court department.

SEC. 3. Section 74905 of the Government Code is amended to read:

74905. (a) There shall be one Clerk of the Ventura County Municipal Court, who shall be known as the court executive officer and who shall be appointed by and serve at the pleasure of a majority of the judges of the court. The court executive officer shall receive the biweekly compensation specified in Section 74909.

(b) There shall be one assistant clerk of the Ventura County Municipal Court who shall be appointed by and serve at the pleasure of a majority of the judges of the court. The assistant clerk shall receive the biweekly compensation of eight hundred twelve dollars and seventy-seven cents ($812.77).

SEC. 4. Section 74906 of the Government Code is amended to read:

74906. There shall be one Marshal of the Ventura County Municipal Court who shall be appointed by and serve at the pleasure of a majority of the judges of the court. The marshal shall have

control and supervisorial responsibility over the personnel within the marshal's office. The marshal shall receive the biweekly compensation specified in Section 74909. In no event shall the compensation of the marshal be less than 12½ percent higher than that specified for the position of marshal's captain.

SEC. 5. Section 74907 of the Government Code is amended to read:

74907. The court executive officer may appoint the following positions who shall receive biweekly compensation specified in Section 74909:

(a) Three chief deputy municipal court clerks.

(b) Eight deputy municipal court clerks IV.

(c) Fourteen deputy municipal court clerks III.

(d) Twenty-one deputy municipal court clerks II.

However, one deputy municipal court clerk II position shall be filled by one former incumbent deputy municipal court clerk V, who shall receive a salary not less than eight hundred thirty-eight dollars ($838) per month until such time as the salary range of the deputy municipal court clerk II as herein described reaches said incumbent salary of eight hundred thirty-eight dollars ($838).

(e) Twelve deputy municipal court clerks I.

(f) One deputy municipal court legal process clerk.

(g) Four deputy municipal court clerk interpreters.

(h) Two senior secretaries.

(i) One principal keypunch operator.

(j) One senior keypunch operator.

(k) Two keypunch operators.

(*l*) One clerk.

SEC. 6. Section 74908 of the Government Code is amended to read:

74908. The Marshal of the Ventura County Municipal Court may appoint the following positions who shall receive biweekly compensation specified in Section 74909:

(a) One captain.

(b) Two lieutenants.

(c) Four sergeants.

(d) Twenty-three deputy marshals.

(e) Six senior marshal's process clerks.

(f) Five marshal's process clerks.

(g) One senior secretary.

(h) Such deputies who shall be keepers as may be reasonably required pursuant to law at the fee allowed by law for keeping property.

The occupants of positions of senior marshal's process clerk and marshal's process clerk shall, when required, be assigned to additional duties as matron, and during the period of such assignment shall receive no additional compensation.

SEC. 7. Section 74909 of the Government Code is amended to read:

74909. (a) The following biweekly salary schedule, which is consistent with the salary ordinance of the County of Ventura, shall apply to the personnel of the Ventura County Municipal Court.

Municipal court classification	Biweekly rate
Court executive officer	842.77–1,024.61
Assistant clerk	669.23– 812.77
Chief deputy municipal court clerk	420.91– 511.89
Deputy municipal court clerk IV	338.55– 411.34
Deputy municipal court clerk III	307.43– 373.03
Deputy municipal court clerk II	265.29– 322.27
Deputy municipal court clerk I	228.89– 278.22
Deputy municipal court clerk legal process clerk	284.92– 346.21
Deputy municipal court clerk interpreter	265.29– 322.27
Principal keypunch operator	252.84– 307.43
Senior keypunch operator	223.15– 271.51
Keypunch operator	213.09– 258.58
Senior secretary	284.92– 346.21
Clerk	192.98– 234.64

Municipal court/marshal classification	Biweekly rate
County marshal	660.92–802.61
Captain	584.48–710.50
Lieutenant	517.00–628.63
Sergeant	458.45–557.31
Deputy marshal	386.73–469.60
Senior secretary	284.92–346.21
Senior marshal's process clerk	284.92–346.21
Marshal's process clerk	246.61–299.76

Merit increases within the salary range shall consist of 5 percent.

(b) In the event that the above biweekly salary schedule is not applicable, then Section 74912 shall apply.

SEC. 8. Section 74911 of the Government Code is amended to read:

74911. All officers, attachés and employees of the Ventura County Municipal Court shall be entitled to anniversary dates and salary step increases in the manner provided in the Ventura County Personnel and Salary Ordinance and shall receive the same vacation, sick leave, leave of absence, overtime and similar privileges and benefits provided for the officers and employees of Ventura County.

Except as otherwise provided in this article, the provisions of the Ventura County Ordinance Code relating to the civil service system of the county, and the rules of the civil service commission adopted pursuant thereto, shall be applicable to all officers, attachés, and employees of the Ventura County Municipal Court in the same

manner and to the same extent as applicable generally to the officers and employees of Ventura County and the Ventura County Civil Service Commission shall exercise the same jurisdiction over the officers, attachés and employees of the Ventura County Municipal Court as it exercises over the officers and employees of the county.

SEC. 9. Section 74912 of the Government Code is amended to read:

74912. (a) Certain classifications in the Ventura County Municipal Court are deemed to be equivalent in position responsibility and salary level to certain classifications in the service of Ventura County and whenever the salary of an equivalent classification in the Ventura County service is adjusted by the board of supervisors, the salary of the equivalent classification in the Ventura County Municipal Court shall be adjusted an equivalent amount. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to classifications in the Ventura County service. Any salary increases granted or reclassifications made pursuant to this article shall be effective only until the effective date of general legislation enacted by the Legislature at its next regular session following the date such salary increases are granted or reclassifications made. Classifications deemed to be equivalent are as follows:

Municipal court classification	County classification
Court executive officer	County clerk-recorder
Chief deputy municipal court clerk	Chief superior court clerk
Deputy municipal court clerk IV	Superior court clerk IV
Deputy municipal court clerk III	Superior court clerk III
Deputy municipal court clerk II	Superior court clerk II
Deputy municipal court clerk I	Superior court clerk I
Deputy municipal court legal process clerk	Legal process clerk
Principal keypunch operator	Principal keypunch operator
Senior keypunch operator	Senior keypunch operator
Keypunch operator	Keypunch operator
Senior secretary	Senior secretary
Clerk	Clerk

Municipal court/marshal classification	County classification
Captain	Sheriff's captain
Lieutenant	Sheriff's lieutenant
Sergeant	Sheriff's sergeant
Deputy marshal	Deputy sheriff
Senior secretary	Senior secretary
Senior marshal's process clerk	Legal process clerk
Marshal's process clerk	Civil process clerk

In order to carry out the intent of Section 74912 herein, whenever the salary of the class of deputy municipal court clerk I is adjusted as described above, the salary of deputy municipal court clerk interpreter shall be adjusted an equivalent number of ranges or steps as necessary on the salary schedule.

SEC. 10. Section 74914 of the Government Code is repealed.

SEC. 11. Section 74915 of the Government Code is repealed.

SEC. 12. Notwithstanding Section 2164.3 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 643

An act to add Article 3 (commencing with Section 35040) to Chapter 1 of Part 4 of Division 13 of the Water Code, relating to California water districts.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Article 3 (commencing with Section 35040) is added to Chapter 1 of Part 4 of Division 13 of the Water Code, to read:

Article 3. Alternative Method of Conducting Elections

35040. The voting procedure within a district shall be changed from that of a landowner voting district to that of a resident voting district at such time as the board of directors shall determine by a resolution adopted in conformity with the provisions of this article.

35041. Between January 1 and March 30 of each year, the secretary of the district shall inspect the assessable area within the district. At such time as at least 50 percent of the assessable area within the district is devoted to and developed for residential, industrial, or nonagricultural commercial use, or any combination thereof, such fact shall be certified to the board of directors by the secretary of the district. Any time after such certification the registered voters residing within the district may petition for a change in the voting procedure from a landowner voting district to a resident voting district.

35042. The petition shall be signed by not less than 25 percent of the registered voters who reside within the district, but shall contain a minimum of 25 signatures.

35043. The petition shall be substantially in the following form:

The secretary of the _____ Water District having heretofore certified to the board of directors of the district that at least 50 percent of the assessable area within the district is devoted to and developed for residential, industrial, or nonagricultural commercial use, or any combination thereof, the undersigned voters who reside within the boundaries of _____ Water District hereby petition the board of directors thereof to hold all elections on the basis of resident voting district, rather than a landowner voting district.

Date	Signature	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____

35044. Duplicate copies of the petition form shall constitute one petition when filed. If the district is in more than one county, signatures shall be obtained on separate copies of the petition in each county so that such petitions shall contain the signature only of residents of the county in which the copy was circulated.

35045. Each petition shall be signed and dated by registered voters who reside within the district and shall show their residence address.

35046. Each page of the petition which contains the signature of one or more registered voters shall show thereon the affidavit of the circulator in the following form:

The undersigned circulator of the above petition hereby declares under penalty of perjury that the circulator of this petition was over the age of 18 years, and that the signatures hereon are the signatures of the persons named and were signed in the presence of the circulator.

35047. All signatures on the petition shall be obtained within the six-month period immediately preceding the filing thereof.

35048. The petition shall be filed with the county clerk of the principal county at least six months prior to the date of the next general district election.

35049. The signatures to the petition shall be verified as follows:

(a) If the district is wholly in one county, the county clerk shall examine the signatures and from the records of registration ascertain whether or not the petition is signed by the requisite number of registered voters.

(b) If the district is situated in more than one county, each county clerk shall examine that portion of the petition bearing signatures obtained in his county and from the records of registration ascertain the number of signatures of registered voters in that portion of the district lying in his county. The county clerk of a county other than the principal county shall prepare a certificate, and file the same with the county clerk of the principal county, showing the number of valid signatures of registered voters in that county who signed the petition, and shall also show the total number of registered voters in

that county within the district on the date of filing the petition.

(c) The county clerk of the principal county shall attach to the petition his certificate showing the total number of valid signatures thereon, and the total number of registered voters within the district as of the date of filing the petition.

35050. If the number of signatures is not sufficient, a supplemental petition, in the form of a duplicate petition, but bearing additional signatures, may be filed with the county clerk of the principal county within 10 days from the date on which the county clerk of the principal county certified the results of his examination. The supplemental petition shall be verified in the same manner as the original petition. If the signatures on the petition are still insufficient, no action shall be taken thereon. The petition shall remain on file as a public record and failure to secure sufficient signatures shall not prejudice the later filing of an entirely new petition.

35051. If the petition contains at least 25 valid signatures and if the total number of valid signatures on the petition constitutes 25 percent or more of the registered voters within the district as of the date of filing the petition, the county clerk of the principal county shall prepare a certificate to that effect, attach the same to the petition, and deliver, by mail or personal delivery, the petition and the certificate to the secretary of the district.

35052. At the next regular meeting following the delivery by the county clerk of the petition and the certificate to the secretary of the district, the board of directors shall adopt a resolution reciting the delivery of such petition and certificate and specifying that all future elections in the district shall be conducted as a resident voting district, rather than a landowner voting district.

35053. The secretary of the district shall file with the county clerk of each county in which any portion of the district is located, a certified copy of such resolution. The secretary shall cause a copy of the resolution to be published once a week for three successive weeks in a newspaper of general circulation used for the publication of district notices.

35054. After adoption of the resolution by the board of directors, all elections within the district for elective offices, bonds, or other purposes shall be conducted under laws relating to resident voting districts and all provisions of this article shall prevail over any contrary provisions in this division relating to landowner voting districts.

35055. All directors thereafter elected shall be residents of the district, and shall be registered voters at the time of their election and during their term of office. Such directors need not be landowners.

35056. After the establishment of a resident voting district, the provisions set forth in Article 2 (commencing with Section 35025) of this chapter are no longer applicable. The board of directors may at any time establish divisions within the district. After such divisions

shall have been established, or if divisions have previously been established in the district, the board of directors shall from time to time reestablish the boundaries on the basis of equalizing as nearly as practicable the number of registered voters in each division. The creation or modification of divisions shall not affect the term of any director until his term shall expire.

35057. At the first election of directors following the adoption of the resolution by the board establishing a resident voting district, the number of directors to be elected shall correspond with the number of directors whose terms expire. The directors whose terms have not expired shall serve their unexpired terms under the qualifications to hold office that existed prior to the adoption of the resolution establishing a resident voting district. In such first election and in all subsequent elections, the form of the ballot and the conduct of the election shall be governed by the Uniform District Election Law for resident voting districts.

35058. The adoption, in accordance with the provisions of this article, of a resolution changing the method of voting shall in no way invalidate any act of the district, its directors, officers, and employees, made or performed while the district was operating as a landowner voting district.

35059. Any bonds of the district, authorized or issued in any manner provided by law, and any proceedings taken by the district in connection therewith, prior to the adoption of the resolution changing the method of voting, shall not be affected by such resolution, and the bonds shall continue to be legally authorized or issued bonds. Bonds of the district to which this section is applicable shall include, but not be limited to, any of the following:

(a) Bonds authorized pursuant to Chapter 3 (commencing with Section 35150) of this part.

(b) Bonds authorized on behalf of an improvement district pursuant to Chapter 4.9 (commencing with Section 36410) of Part 6 of this division.

(c) Bonds authorized pursuant to Chapter 3.5 (commencing with Section 36250) of Part 6 of this division.

(d) Bonds, including additional bonds, authorized pursuant to Chapter 2 (commencing with Section 35950) of Part 6 of this division.

35060. After establishment of a resident voting district, the provisions of Sections 35305 and 35306 shall no longer be applicable. The board of directors may at any time alter, repeal, or amend the bylaws by a majority vote. Any alteration, repeal, or amendment to the bylaws shall be recorded with the county recorder of each affected county.

SEC 2. Notwithstanding Section 2164.3 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 644

An act to add Section 333.1 to the Streets and Highways Code, relating to state highways.

[Approved by Governor September 21, 1973. Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 333.1 is added to the Streets and Highways Code, to read:

333.1. Notwithstanding Section 253.3, no portion of the adopted Route 33 freeway between Foster Park and Cozy Dell Canyon Road shall be constructed as a freeway or expressway until a transportation corridor study, on a transportation corridor approximating such portion of the adopted Route 33 freeway, is undertaken and carried to a conclusion by the department in cooperation with the affected local governing agencies, including the County of Ventura and the City of Ojai, and a plan of action for fulfilling the corridor transportation needs has been mutually agreed upon by the parties conducting the study.

The transportation corridor study shall, when undertaken, follow a process which includes community involvement and participation in reaching a finding on the transportation needs, and in selection of the optimum means of fulfilling those needs, for the corridor and its related service area.

CHAPTER 645

An act to amend Section 11926 of the Revenue and Taxation Code, relating to the Documentary Transfer Tax Act.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 11926 of the Revenue and Taxation Code is amended to read:

11926. Any tax imposed pursuant to this part shall not apply with respect to any deed, instrument, or writing to a beneficiary or mortgagee, which is taken from the mortgagor or trustor as a result of or in lieu of foreclosure; provided, that such tax shall apply to the extent that the consideration exceeds the unpaid debt, including accrued interest and cost of foreclosure.

When any such deed, instrument, or writing itself fails to establish entitlement to this exemption, the mortgagee or beneficiary may establish within a reasonable time of the payment of the tax that the

transfer is exempt under this section and any refund thereafter made shall not bear interest.

CHAPTER 646

An act to add Section 12923 to the Insurance Code, relating to insurance.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 12923 is added to the Insurance Code, to read:

12923. (a) With respect to classes of insurance (1) and (6) as defined in Sections 101 and 106 of this code, the term actuary, for the purposes of this section, means:

(1) A member of the American Academy of Actuaries, or

(2) An individual who has demonstrated by training and experience actuarial competence to the satisfaction of the Insurance Commissioner.

(b) The commissioner shall, after notice and hearing, pursuant to the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, promulgate reasonable rules and regulations (1) describing the documents which must be signed by an actuary when such documents are filed with the commissioner, and (2) implementing the provisions of paragraph (2) of subdivision (a) of this section.

CHAPTER 647

An act to amend Sections 9400, 9441, 9442, 9443, 9465, 9485, and 9485.5 of, and to add and repeal Section 9443.1 to, the Education Code, relating to instructional materials.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 9400 of the Education Code is amended to read:

9400. The state board shall biennially adopt a list of textbooks and instructional materials for use in the elementary school grades subject to the following provisions:

(a) The state board shall adopt not less than five but not more

than 15 of any of the following, per subject, per grade: (1) instructional materials, (2) instructional materials systems, (3) instructional materials sets, (4) a combination of instructional materials, instructional materials systems, and instructional materials sets. The state board may designate each instructional material, instructional material system, instructional material set, or any combination thereof, as basic or supplementary. The state board shall not adopt more than two instructional materials sets per subject.

(b) Fewer than five instructional materials, instructional materials systems, and instructional materials sets may be adopted per subject, per grade if publishers and manufacturers of instructional materials do not submit a sufficient number of educationally useful materials or systems, as determined by the state board; however, in no event shall the state board adopt less than two basic instructional materials systems per subject, per grade.

(c) In the event that a district board establishes to the satisfaction of the state board that the adoption of basic instructional materials does not promote the maximum efficiency of pupil learning in the district, the state board shall authorize that district board to use its instructional materials credit to purchase, through the Department of Education, additional instructional materials specified by the state board in accordance with standards and procedures established by the state board.

(d) The state board shall biennially adopt lists of instructional materials for the following subjects: (1) language arts, (2) arithmetic, (3) social sciences, (4) reading, (5) science, and (6) any other subject in which the board shall determine the need and desirability for instructional materials to promote the maximum efficiency of pupil learning. The state board may establish a cycle for adoptions by designating subjects to be adopted in even-numbered years and subjects to be adopted in odd-numbered years.

(e) The state board shall, at the time of the adoption, determine the date upon which state-adopted instructional materials shall be available for use by district boards.

(f) The state board may adopt instructional materials, instructional materials systems, and instructional materials sets without designating a grade or subject and the state board may designate more than one grade or subject whenever the state board determines that a single subject designation or a single grade designation would not promote the maximum efficiency of pupil learning. Any materials so designated may be placed on a single grade or single subject list or may be placed on separate lists including other materials with similar grade or subject designations; however, all materials so designated shall be adopted subject to the numerical limitations of subdivision (a).

SEC. 2. Section 9441 of the Education Code is amended to read:

9441. The fund shall be administered by the State Department of Education under policies established by the state board. The state board shall encumber part of the fund to:

(a) Pay for the cost of royalties, warehousing, and shipping for those textbooks in the state textbook warehouse as of July 1, 1973, and adopted by the state board prior to March 7, 1973.

(b) Pay for the costs of instructional materials to be loaned to nonpublic school pupils pursuant to Section 9505.

(c) Pay for the costs of braille and large print textbooks to be furnished for visually handicapped pupils pursuant to Sections 9502 and 9503.

(d) Pay for the costs of warehousing and transporting textbooks printed by the Department of General Services. Such costs shall not exceed 10 percent of the cost of each textbook printed by the Department of General Services.

(e) Establish, commencing with the 1974–75 fiscal year, a reserve account, of not to exceed two hundred thousand dollars ($200,000) to pay for the cost of:

(1) Acquisition of instructional materials, including those ordered for purchase by persons and entities pursuant to subdivisions (a) and (b) of Section 9500.

(2) Replacement of instructional materials obtained by a school district with its credit, which are lost or destroyed by reason of fire, theft, natural disaster, or vandalism.

SEC. 3. Section 9442 of the Education Code is amended to read:

9442. After the application of Section 9441, the state board shall encumber the balance of the fund for the purpose of:

(a) Establishing a credit for each district board with which instructional materials adopted by the state board may be ordered.

(b) Establishing a cash allotment in an amount determined by the state board for use in purchasing instructional materials from any source, or for the purchase of tests or in-service training pursuant to Sections 9424 and 9425.

(c) Obtaining instructional materials in subsequent fiscal years.

In establishing the credit and cash allotments for each school district, the board may take into consideration estimated increases or decreases in average daily attendance for the year in which the instructional materials are to be used.

SEC. 4. Section 9443 of the Education Code is amended to read:

9443. District boards ordering instructional materials from lists adopted by the state board shall have deducted from their credit a unit cost based on the information provided by publishers or manufacturers pursuant to subdivision (b) of Section 9422. In the event that the state board arranges for the manufacture of such instructional materials at a lower actual cost the savings shall be deposited in the State Instructional Materials Fund, to be used for additional textbook credit in subsequent years.

SEC. 5. Section 9443 1 is added to the Education Code, to read:

9443.1. Where the adoption period of any adoption made prior to October 1, 1972, has expired after such date but prior to the first biennial adoption to be made for that subject pursuant to the statutes enacted at the 1972 Regular Session of the Legislature, the state

board may extend the prior adoption period for such books for any period up to but not beyond the date determined by the state board pursuant to subdivision (e) of Section 9400 for the first biennial adoption in that subject. Acquisition and distribution of books under an extended adoption shall be in accordance with the law and agreements with publishers in effect at the time of original adoption except that:

(a) No minimum order or ratio of textbooks shall be required of district governing boards, except that each district board shall provide sufficient quantities of the state-adopted textbooks to meet the needs of their pupils and the requirements of Section 7.5 of Article IX of the California Constitution.

(b) The unit cost price of books ordered for use after July 1, 1974, whether by purchase from the publisher or printed by the Department of General Services shall be deducted from the credit of the district board ordering such books.

(c) In the event that the books under an extended adoption are found to be in violation of the requirements in Article 3 (commencing with Section 9240) of Chapter 1 of this division, and the governing board is unable to acquire other books which meet the requirements of that article in time for them to be used when the acquired books were planned to be used, the governing board may use the acquired books but only for that academic year.

This section shall remain in effect until July 1, 1977, and on that date is repealed.

SEC. 6. *Section 9465 of the Education Code is amended to read:*

9465. After any instructional material, including any state-adopted textbook, has been placed in use by a district board subsequent to a biennial adoption, it shall be retained in use by the district for a period of not less than two years nor more than six years after the date of its first use.

Any textbook which has been placed in use by a district board prior to July 1, 1974, pursuant to a state board adoption made prior to August 15, 1972, may be retained in use by the district up to but not beyond the date determined by the state board pursuant to subdivision (e) of Section 9400 for the second biennial adoption in that particular subject.

However, the Superintendent of Public Instruction may exempt materials from these requirements whenever the district board demonstrates that the continued use of the material will contribute to the maximum efficiency of pupil learning.

SEC. 7. Section 9485 of the Education Code is amended to read:

9485. The state board, in order to procure textbooks, shall tabulate all orders for each textbook title received from school districts and nonpublic school pupils. The Department of General Services shall select from the tabulation those titles which can be manufactured by that department at a unit cost lower than that specified in the price schedule submitted by the publisher or manufacturer pursuant to subdivision (b) of Section 9422 and which

that department can complete manufacture of in time to permit delivery to the school districts and nonpublic school pupils prior to the opening of school in the year in which the textbooks are to be used.

SEC. 8. Section 9485.5 of the Education Code is amended to read:

9485.5. All textbooks not printed pursuant to Section 9485 and all other instructional materials shall be obtained by the state board pursuant to Section 9481.

CHAPTER 648

An act to amend Section 1568 of the Elections Code, relating to precincts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 21, 1973. Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 1568 of the Elections Code is amended to read:

1568. No precinct shall be established so as to embrace more than one supervisorial district, nor so that its boundary crosses the boundary of any supervisorial district, congressional district, senatorial district, assembly district, judicial district, incorporated city, ward, or, to the extent possible, census tract.

If at any election any precinct contains an insufficient number of qualified persons to make up a precinct board, the precinct may be consolidated with an adjoining precinct.

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 apply to the forthcoming local elections, it is necessary that this act go into immediate effect.

CHAPTER 649

An act to amend Sections 20079 and 20080 of, and to add Section 25505.9 to, the Education Code, relating to community colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 20079 of the Education Code is amended to read:

20079. Upon securing approval of a proposed project pursuant to Sections 20076 and 20077, the governing board of a community college may submit to the chancellor for approval preliminary plans for the project. In order that a project shall be eligible for inclusion in the budget and the Budget Bill submitted to the Legislature by the Governor at each regular session of the Legislature, the preliminary plans for the project shall be submitted by the governing board of the district to the chancellor prior to the first day of October each year preceding the commencement of such regular session.

Preliminary plans for a project shall include outline specifications, and drawings, and all other data and information necessary to determine detailed estimates of cost.

In the event that the governing board of a community college district has decided to submit a request for funds for working drawings only, in the first fiscal year, it may submit initial preliminary plans based upon the program for the project and include drawings and all other data necessary to show location, function, scope, and approximate cost.

SEC. 2. Section 20080 of the Education Code is amended to read:

20080. The chancellor shall review and evaluate preliminary plans for a project and shall either finally approve or disapprove the same on or before the 15th day of November each year following the date of their submission by the governing board of the district. Following the review and evaluation, approved preliminary plans for a project shall be transmitted to the Department of Finance not later than the 15th day of November each year. Preliminary plans not receiving approval may be returned to the governing board of the community college submitting them.

For purposes of this section, the chancellor shall have the authority to confer with and advise the governing board of a community college district or the representatives of such board and to effect modifications and alterations in preliminary plans for a project.

SEC. 3. Section 25505.9 is added to the Education Code, to read:

25505.9. The governing board of a necessary small community college district, as defined in Section 17666.3, which has constructed and is operating student dormitories under provisions of the Community College Revenue Bond Act of 1961 (Article 2 (commencing with Section 25545) of Chapter 5 of this division) may elect to be exempted from the provisions of Section 25505.8 until January 1, 1980, provided that such governing board shall charge a nonresident tuition fee equal to the statewide average current expenditure for education in the preceding fiscal year. The same per unit rate shall be charged all nonresident students attending any summer sessions maintained by the community college district.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into

immediate effect. The facts constituting such necessity are:

In order that working drawing funds authorized by this act, and in order that exemption from the general nonresident tuition fee requirements authorized by this act, may both be obtained on or about the commencement of the 1973–74 academic year and thereby facilitate the administration of the community colleges in this state, it is necessary that this act go into immediate effect.

CHAPTER 650

An act to amend Section 211.5 of the Streets and Highways Code, relating to freeway route location, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 211.5 of the Streets and Highways Code is amended to read:

211.5. Where the commission has adopted a location for a freeway, a local agency may request the commission to consider modifications in the route. Should the commission, in its discretion, determine that the suggested modifications in route location merit consideration, the commission shall, on its own motion, hold an adequately publicized public hearing to consider the suggested modifications. The commission, in exercising its discretion, may consider the effect, if any, that the suggested modifications will have upon adjacent local agencies.

If the requested modifications involve locations that extend beyond the boundaries of the local agency requesting the reconsideration, the department shall, after studying the matter and with the approval of the commission, notify the other local agencies within whose boundaries the proposed route modifications are located at least 75 days prior to such a hearing. The commission shall not proceed with the consideration of such proposed modification if any of such local agencies indicates by resolution, adopted at least 45 days prior to the hearing, that it opposes such modification.

The Office of Planning and Research and other affected state agencies shall be notified regarding such suggested modifications; and their recommendations, if any, together with the recommendations of the director and the chief engineer of the Division of Highways, shall be presented to the local agency or agencies and shall be publicized in advance of the public hearing.

Following such public hearing, the commission may, without further notice or hearings, adopt the modified route or any portion thereof. In the event such an adoption is made, the commission shall

prepare and disseminate a report as provided by Section 75.7.

The purpose of this section is to provide an expeditious procedure for the commission to consider and make modifications to adopted freeway routes; provided, however, that unless or until such modifications are adopted by the commission, the previous route adoption shall not be affected, and the commission and the department may take any and all actions permitted by law as to the adopted route during the time the commission is considering the suggested route modification.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the California Highway Commission may have a procedure to consider freeway route location modifications requested by local officials, without the necessity of reopening the question of the entire freeway route location and thereby causing needless state expenditures, it is necessary that this act take effect immediately.

CHAPTER 651

An act to add Section 10703.4 to the Education Code, relating to student body funds, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 10703.4 is added to the Education Code, to read:

10703.4. The funds of a student body organization established for students attending a regional occupational center or program, as provided by Section 7451, may be used to finance activities for noninstructional periods or to augment or to enrich the programs provided by the center or program, subject to such procedure as may be established by the student body organization and subject to the approval of a representative of the particular student body organization and the governing authority of the center or program before any such funds may be expended.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that unexpended funds presently being accumulated by student body organizations established for students attending

regional occupational centers or programs may be used to finance activities for noninstructional periods to augment or enrich programs provided by the center or program at the earliest possible time, and particularly prior to the commencement of the 1973–1974 school year, it is necessary that this act go into immediate effect.

CHAPTER 652

An act to amend Sections 54790 and 54796 of the Government Code, relating to local agency formation commissions.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 54790 of the Government Code is amended to read:

54790. The commission shall have the following powers and duties, subject to the limitations upon its jurisdiction herein set forth:

(a) To review and approve or disapprove with or without amendment, wholly, partially or conditionally proposals for:

(1) The incorporation of cities;

(2) The formation of special districts, and

(3) The annexation of territory to local agencies, (other than local agencies the annexation of territory to which is required to be made pursuant to the provisions of Division 1 (commencing with Section 56000) of Title 6 of this code); provided that a commission shall not impose any conditions which would directly regulate land use or subdivision requirements. Nothing in this subsection, however, shall be construed as prohibiting a commission from requiring, as a condition to annexation, that a city prezone the territory to be annexed; provided that the commission shall not specify how or in what manner the territory shall be prezoned.

(4) The exclusion of territory from a city.

(5) The disincorporation of a city.

(6) The consolidation of two or more cities.

(7) The development of new communities within the jurisdiction of the commission pursuant to Sections 33021 and 33298 of the Health and Safety Code.

(b) To adopt standards and procedures for the evaluation of proposals, including standards for each of the factors enumerated in Section 54796.

(c) To make and enforce rules and regulations for the orderly and fair conduct of hearings by the commission.

(d) To incur usual and necessary expenses for the accomplishment of its functions.

(e) To appoint and assign staff personnel and to employ or

contract for professional or consulting services to carry out and effect the functions of the commission.

(f) To review the boundaries of the territory involved in any proposal with respect to the definiteness and certainty thereof, the nonconformance of proposed boundaries with lines of assessment or ownership, and other similar matters affecting the proposed boundaries.

(g) To waive the restrictions of Section 34312 and of subdivision (1) of Section 35002.3, and Sections 35158 and 35326 if it finds that the application of the restrictions would be detrimental to the orderly development of the community and that the area that would be enclosed by the annexation or incorporation is so located that it cannot reasonably be annexed to another city or incorporated as a new city.

SEC. 2. Section 54796 of the Government Code is amended to read:

54796. Factors to be considered in the review of a proposal shall include but not be limited to:

(a) Population, population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.

(b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for such services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. As used in this subdivision, "services" is to be construed as referring to governmental services whether or not the services are such as would be provided by local agencies subject to this chapter, and as including the public facilities necessary to provision of services.

(c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests and on the local governmental structure of the county.

(d) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries

(e) Conformity with appropriate city or county general and specific plans.

(f) The "sphere of influence" of any local agency which may be applicable to the proposal being reviewed.

CHAPTER 653

An act to amend Section 53216 of, to add Sections 53220, 53221, 53222, and 53223 to, and to repeal Section 53220 of, the Government Code, relating to pension trusts.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 53216 of the Government Code is amended to read:

53216. The legislative body of a local agency may establish a pension trust funded by individual life insurance contracts, individual annuities, group policies of life insurance, or group annuities, or any one or combination of them, for the benefit of its officers and employees.

The legislative body of a local agency may make participation in any plan under such pension trust optional with the officers and employees of the local agency or it may make participation in such pension trust plan compulsory for the officers and employees of such agency.

Officers and employees who participate in such pension trust plan, whether it is optional or compulsory, shall have their plan contributions deducted from their compensation.

SEC. 2. Section 53220 of the Government Code is repealed.

SEC. 3. Section 53220 is added to the Government Code, to read:

53220. Unless the legislative body of the local agency specifically provides that a pension trust plan established pursuant to this article is compulsory upon the officers and employees of the local agency, it shall not be compulsory for an officer or employee of such agency to accept or join in such plan.

If, pursuant to Section 53216, the legislative body of the local agency makes such plan compulsory, it may provide that every officer and employee of the local agency who is eligible for membership, except for elective officers, shall on the start of the first pay period following the effective date of this section automatically become a member of said plan; and, that thereafter each other employee and officer of said agency who is eligible for membership in said plan under its terms, except for elective officers, automatically becomes a member of said plan on the day of his entry into employment with said agency. The legislative body of the local agency may provide that elective officers of said agency become members of said plan either on the first day of taking office or on the first day of the payroll period following the filing of a declaration by such an officer with the board of trustees of the pension trust to become a member.

SEC. 4. Section 53221 is added to the Government Code, to read:

53221. The legislative body of the local agency which establishes

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a pension trust plan pursuant to the provisions of this article may provide for waiver of membership by prospective employees in the case of newly hired employees who have obtained the age of 60 years of age. Such legislative body may also provide that an employee shall at the end of the pay period in which he or she obtains the age of 70 automatically cease to be an employee of the agency which hired him.

SEC. 5. Section 53222 is added to the Government Code, to read:

53222. The legislative body of a local agency which establishes a pension trust plan pursuant to the provisions of this article may grant reciprocal retirement benefits to members who are entitled to retirement rights or benefits from other retirement systems established under this article, Chapter 2 (commencing with Section 45300) of Division 5 of Title 4 of this code, the Public Employees' Retirement Law, or the County Employees Retirement Law of 1937.

SEC. 6. Section 53223 is added to the Government Code, to read:

53223. The legislative body of the local agency which establishes a pension trust plan pursuant to the provisions of this article may adopt any other provisions and regulations concerning such plan which are not specifically prohibited by statute.

CHAPTER 654

An act to add Article 27 (commencing with Section 74600) to Chapter 10 of Title 8 of the Government Code, relating to municipal court districts.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Article 27 (commencing with Section 74600) is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 27. San Luis Obispo County

74600. There is hereby created a municipal court district which embraces the entire County of San Luis Obispo. This article applies to the municipal court established within the district, which shall be known as the San Luis Obispo County Municipal Court.

74601. There shall be two judges. The two judges shall select one of them to be presiding judge of the court. Thereafter, the duties of the presiding judge of the court shall alternate annually between the two judges.

74602. Facilities for the court shall be maintained in the City of San Luis Obispo, Grover City, and the City of Paso Robles. The court shall hold sessions at each facility, as business requires. At the

direction of the court, any traffic referee appointed pursuant to subdivision (a) of Section 74605 may perform his duties at such facilities and in Atascadero and the City of Morro Bay. At the direction of the court, arraignment of criminal defendants who are in custody at the San Luis Obispo County Jail facility shall be held at the facility.

74603. Notwithstanding any other provision of law, justice court district boundaries in effect immediately prior to the operative date of this article shall apply for the purposes of selecting trial jurors pursuant to Section 203 of the Code of Civil Procedure. Justice Court Judicial Districts 1 and 5 shall be considered consolidated and Districts 2 and 3 shall also be considered consolidated for such purposes.

74604. There shall be one clerk of the court known as the clerk-administrator who shall be appointed by the presiding judge and who shall hold office at his pleasure. He shall receive an annual salary of seventeen thousand dollars ($17,000). In addition to any other duties imposed upon him by law, at the direction of the presiding judge, the clerk-administrator shall have the following duties:

(a) To direct and coordinate the nonjudicial activities of the court.

(b) To coordinate the personnel practices in compliance with rules of the court.

(c) To prepare and administer the budget of the court.

(d) To coordinate with other county agencies the acquisition, utilization, maintenance and disposition of county facilities, equipment and supplies necessary for operation of the court.

(e) To initiate studies and prepare appropriate recommendations and reports to the presiding judge relating to the business of the court, including, but not limited to, such matters as standardization of forms, procedures, and classification and compensation of officers and employees.

(f) To collect, compare, and analyze statistical data on a continuing basis concerning the status of judicial and nonjudicial business of the court and to prepare periodic reports and recommendations based on such data.

(g) To serve as liaison for the court with other persons, committees, boards, groups, and associations as directed by the presiding judge.

74605. (a) Notwithstanding Section 72400, the presiding judge of the court may also appoint the clerk-administrator to serve as traffic referee without additional compensation, provided he is a member of the State Bar of California or has had five years' experience as a justice court judge in this state within the eight years immediately preceding his appointment as a traffic referee.

(b) Notwithstanding any other provision of law, a clerk-administrator who used to be a judge of a superseded justice court within San Luis Obispo County may be appointed by the juvenile court judge of the superior court to serve as a juvenile court

hearing officer without additional compensation.

74606. The county sheriff shall be ex officio marshal of the court and shall act as such without additional compensation. He may appoint four of his deputies to be ex officio deputy marshals, each of whom shall receive a monthly salary at a rate specified in range 44.

74607. The presiding judge of the court may appoint:

(1) Three deputy court clerks, each of whom shall receive a monthly salary at a rate specified in range 38.

(2) One senior account clerk, who shall receive a monthly salary at a rate specified in range 36.

(3) Two senior typist-clerks, each of whom shall receive a monthly salary at a rate specified in range 35.

(4) Two intermediate typist clerks, each of whom shall receive a monthly salary at a rate specified in range 32.

(5) Seven typist-clerks, each of whom shall receive a monthly salary at a rate specified in range 30.

74608. The clerks, the constables, their deputies and attachés, and all other officers or employees of the superseded justice courts in San Luis Obispo County, shall become the deputy clerks, deputy sheriffs and ex officio deputy marshals, and officers or employees of the municipal court upon its organization so far as such equivalent positions are provided in Sections 74606 and 74607.

If it appears that two or more clerks, constables, deputies and other officers or attachés of the superseded justice courts are equally entitled by virtue of the office held in any such court, to any office in the municipal court, the presiding judge of the municipal court shall determine which person is entitled to the office over which the conflict exists.

74609. All employees of the San Luis Obispo County Municipal Court shall be entitled to the same vacation, sick leave, leave of absence, right to participate in the county retirement system, and similar benefits.

74610. The positions enumerated in Sections 74606 and 74607 are deemed to be comparable in job and salary level to certain positions in the classified service of San Luis Obispo County. The following table sets forth the court classifications with the comparable county classifications shown opposite thereto:

Court classification	County classification
Deputy marshal	Deputy sheriff
Deputy court clerk	Superior court clerk
Senior account clerk	Senior account clerk
Senior typist-clerk	Senior typist-clerk
Intermediate typist-clerk	Intermediate typist-clerk
Typist-clerk	Typist-clerk

In the event that the salary for any classification which is shown above is increased by the board of supervisors, a commensurate increase shall be made in the salary for the comparable court

classification. Salary adjustments made pursuant to this section shall be effective the same date as the effective date of action of the board of supervisors applicable to the respective and comparable county classifications, but shall remain effective only until January 1 of the second year following the year in which such an adjustment in salary is made.

74611. Whenever reference to a numbered salary range is made in any section of this article, the following schedule of monthly salaries shall apply:

Range Number	1	2	3	4	5
30	414	433	452	473	496
31	433	452	473	496	520
32	452	473	496	520	544
33	473	496	520	544	569
34	496	520	544	569	596
35	520	544	569	596	627
36	544	569	596	627	655
37	569	596	627	655	688
38	596	627	655	688	718
39	627	655	688	718	752
40	655	688	718	752	789
41	688	718	752	789	827
42	718	752	789	827	865
43	752	789	827	865	908
44	789	827	865	908	948
45	827	865	908	948	990
46	865	908	948	990	1,037
47	908	948	990	1,037	1,085
48	948	990	1,037	1,085	1,135
49	990	1,037	1,085	1,135	1,191
50	1,037	1,085	1,135	1,191	1,245

In the event the board of supervisors amends the resolution establishing salary ranges and monthly salary rates for the personnel of the county of San Luis Obispo effective on the date of this act, or passes a new resolution which provides for a change in compensation for ranges or steps, such changes shall be effective for court employees on the effective date of the action of the board of supervisors and shall remain effective only until January 1 of the second year following the year in which such a change is made.

74612. The presiding judge may appoint as many reporters as the business of the court requires, who shall be known as official reporters pro tempore, and who shall hold office at his pleasure. The reporters shall serve without salary but shall receive for their services in reporting testimony and proceedings in such court, the same compensation as is paid reporters pro tempore of the superior court of San Luis Obispo County, which, in criminal cases, shall upon order of the court be a charge against the general fund of the county.

74613. Fees for transcription of testimony and proceedings in the court shall be paid by the litigants to official reporters pro tempore as otherwise provided by law. In all cases where by law the court may direct the payment of transcription fees out of the county treasury, such fees shall, upon order of the court, be paid from the general funds, including fees for transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive, which shall be paid from the county treasury.

SEC. 2. Notwithstanding the state-mandated local costs contained in this act, there shall be no reimbursement pursuant to Section 2164.3 of the Revenue and Taxation Code, nor shall any appropriation be made by this act because the affected local agency has requested the Legislature to revise state law in accordance with the provisions of this act and that the agency desires to bear the expense of any increased costs resulting from such revision without reimbursement by the state.

CHAPTER 655

An act to amend Sections 17064.6, 17112.7, 17206.5, 17932, and 18823 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 17064.6 of the Revenue and Taxation Code is amended to read:

17064.6. For the purposes of this chapter, the term "net business loss" means adjusted gross income (as defined in Section 17072) less the deductions allowed by Section 17252 (relating to expenses for production of income), only if such net amount is a loss.

SEC. 2. Section 17112.7 of the Revenue and Taxation Code is amended to read:

17112.7. (a) (1) This section shall apply to amounts—

(A) Distributed to a distributee, in the case of an employees' trust described in Section 17501 which is exempt from tax under Section 17631, or

(B) Paid to a payee, in the case of an annuity plan described in Section 17511,

if the total distributions or amounts payable to the distributee or payee with respect to an employee (including an individual who is an employee within the meaning of subdivision (a) of Section 17502.2) are paid to the distributee or payee within one taxable year of the distributee or payee, but only to the extent that subdivision (b) of Section 17503 or subdivision (a) of Section 17511 does not apply to such amounts.

(2) This section shall apply only to distributions or amounts paid—

(A) On account of the employee's death,

(B) With respect to an individual who is an employee without regard to subdivision (a) of Section 17502.2, on account of his separation from the service,

(C) With respect to an employee within the meaning of subdivision (a) of Section 17502.2, after he has attained the age of 59½ years, or

(D) With respect to an employee within the meaning of subdivision (a) of Section 17502.2, after he has become disabled (within the meaning of subdivision (g) of Section 17112.5).

(3) This section shall apply to amounts distributed or paid to an employee from or under a plan only if he has been a participant in the plan for five or more taxable years prior to the taxable year in which such amounts are distributed or paid.

(4) This section shall not apply to amounts described in subparagraphs (B) and (C) of paragraph (1) of subdivision (e) of Section 17112.5 (but, in the case of amounts described in subparagraph (B) of such paragraph, only to the extent that subdivision (e) of Section 17112.5 applies to such amounts).

(b) In any case to which this section applies, the tax attributable to the amounts to which this section applies for the taxable year in which such amounts are received shall not exceed whichever of the following is the greater.

(1) Five times the increase in tax which would result from the inclusion in gross income of the recipient of 20 percent of so much of the amount so received as is includable in gross income, or

(2) Five times the increase in tax which would result if the taxable income of the recipient for such taxable year equaled 20 percent of

the amount of the taxable income of the recipient for such taxable year determined under paragraph (1) of subdivision (c).

(c) Notwithstanding Section 17073 (relating to definition of taxable income), for purposes only of computing the tax under this part attributable to amounts to which this section or subdivision (e) of Section 17112.5 applies and which are includable in gross income—

(1) The taxable income of the recipient for the taxable year of receipt shall be treated as being not less than the aggregate of such amounts so includable in gross income; and

(2) In making ratable inclusion computations under paragraph (2) of subdivision (e) of Section 17112.5, the taxable income of the recipient for each taxable year involved in such ratable inclusion shall be treated as being not less than the amount required by such paragraph (2) of subdivision (e) to be treated as includable in gross income for such taxable year.

In any case in which the preceding sentence results in an increase in taxable income for any taxable year, the resulting increase in the taxes imposed by Section 17041 or 17048 for such taxable year shall not be reduced by any credit under this part which, but for this sentence, would be allowable.

(d) In the case of amounts to which this section applies which are distributed or paid with respect to an individual who is an employee without regard to subdivision (a) of Section 17502.2, subdivision (b) shall be applied with the following modifications:

(1) "Seven times" shall be substituted for "five times", and "14⅔ percent" shall be substituted for "20 percent".

(2) Any amount which is received during the taxable year by the employee as compensation (other than as deferred compensation within the meaning of Sections 17513 to 17525, inclusive) for personal services performed for the employer in respect of whom the amounts distributed or paid are received shall not be taken into account.

(3) No portion of the total distributions or amounts payable (of which the amounts distributed or paid are a part) to which subdivision (b) of Section 17503 or subdivision (a) of Section 17511 applies shall be taken into account.

Paragraph (2) shall not apply if the employee has not attained the age of 59½ years, unless he has died or become disabled (within the meaning of subdivision (g) of Section 17112.5).

SEC. 3. Section 17206.5 of the Revenue and Taxation Code is amended to read:

17206.5. Notwithstanding the provisions of subdivision (a) of Section 17206, any loss attributable to a disaster occurring in an area subsequently determined by the President of the United States to warrant assistance by the federal government under the Disaster Relief Act of 1970 may, at the election of the taxpayer, be deducted for the taxable year immediately preceding the taxable year in which the disaster occurred. Such deduction shall not be in excess of so much of the loss as would have been deductible in the taxable year

in which the casualty occurred, based on facts existing at the date the taxpayer claims the loss. If an election is made under this section, the casualty resulting in the loss will be deemed to have occurred in the taxable year for which the deduction is claimed.

SEC. 4. Section 17932 of the Revenue and Taxation Code is amended to read:

17932. Every partnership shall make a return for each taxable year, stating specifically the items of gross income and the deductions allowed by this part. The return shall include the names and addresses of the persons, whether residents or nonresidents, who would be entitled to share in the net income if distributed and the amount of the distributive share of each person. The return shall contain or be verified by a written declaration that it is made under the penalties of perjury, signed by one of the partners.

SEC. 5. Section 18823 of the Revenue and Taxation Code is amended to read:

18823. (a) Every employer or person required to deduct and withhold from an employee a tax under Section 18806, or who would have been required to deduct and withhold a tax under Section 18806 (determined without regard to paragraph (1) of subdivision (f)) if the employee had claimed no more than one withholding exemption, shall furnish to each such employee in respect of the remuneration paid by such person to such employee during the calendar year, on or before January 31 of the succeeding year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of remuneration is made, a written statement showing the following:

(1) The name of such person;

(2) The name of the employee (and his social security or identifying number if wages as defined in Section 18807 have been paid);

(3) The total amount of wages as defined in Section 18807; and

(4) The total amount deducted and withheld as tax under Section 18806.

In the case of tips received by an employee in the course of his employment, the amounts required to be shown by paragraph (3) shall include only such tips as are included in statements furnished to the employer pursuant to Section 18824.

(b) The statement required to be furnished pursuant to this section in respect of any remuneration shall be furnished at such other times, shall contain such other information, and shall be in such form as the Franchise Tax Board may by regulations prescribe

(c) A duplicate of any statement made pursuant to this section and in accordance with regulations prescribed by the Franchise Tax Board shall, when required by such regulations be filed with the Franchise Tax Board.

(d) Every employer shall make an annual return on forms prescribed by the Franchise Tax Board, summarizing the total compensation paid and the tax withheld for each employee during

the calendar year, which shall be filed at such time as may be prescribed by the Franchise Tax Board.

SEC. 6. The amendments to Section 17064.6 made by this act are intended merely to clarify the meaning and application of Section 17064.6 and not to impose new or different requirements.

SEC 7. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 656

An act to amend Sections 69895 and 69900 of the Government Code, relating to courts.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 69895 of the Government Code is amended to read:

69895. In any county or city and county with a population of less than 850,000 but more than 710,000, as ascertained pursuant to Section 28020, the superior court shall appoint an executive officer who shall act as secretary to the judges of the superior court and perform the duties of jury commissioner pursuant to Section 69893. The salary of the executive officer shall be a minimum salary of two thousand three hundred twelve dollars ($2,312) monthly during his first year of service, two thousand four hundred thirty-five dollars ($2,435) monthly during his second year of service, two thousand six hundred eighty-eight dollars ($2,688) during his third year of service, and two thousand eight hundred eleven dollars ($2,811) monthly during his fourth year of service and thereafter.

In such a county or city and county, on the authorization of the judges, the executive officer shall have three administrative assistants who shall each receive a salary of one thousand four hundred seventy-two dollars ($1,472) monthly during his first year of service, one thousand five hundred thirty-four dollars ($1,534) monthly during his second year of service, one thousand six hundred twenty-three dollars ($1,623) monthly during his third year of service, and one thousand seven hundred four dollars ($1,704) monthly during his fourth year of service and thereafter; and one criminal courts coordinator who shall be paid a minimum salary of one thousand three hundred forty-eight dollars ($1,348) monthly during his first year of service, a salary of one thousand four hundred ten dollars ($1,410) monthly during his second year of service, a salary of one thousand four hundred sixty-eight dollars ($1,468) monthly during his third year of service, and a maximum salary of one thousand five hundred forty-two dollars ($1,542) monthly

thereafter.

The increment shall be paid commencing on the first day of the month following the first, second, and third anniversary of the incumbent's appointment. All service included prior to the effective date of the amendment to this section enacted during the 1973–74 Regular Session of the Legislature shall constitute service for purpose of determining entitlement to increments.

The administrative assistants shall assist also in the performance of the duties of jury commissioner. The salaries of the executive officer and administrative assistants and such assistants shall be paid by the county or city and county in which they serve.

The court may delegate to the executive officer any administrative powers and duties as are now or hereafter by law may be vested in or required to be exercised by such court.

SEC. 2. Section 69900 of the Government Code is amended to read:

69900. In each county or city and county with a population of over 710,000 and under 850,000, as determined by the 1970 federal census, a majority of the judges of the superior court may appoint the following employees, whose monthly salaries shall be as set forth hereafter:

	Step 1	Step 2	Step 3	Step 4
Eight judicial secretaries	$835	$856	$894	$939
One senior clerk	821	843	866	910
One junior clerk-typist	471	510	550	591
Two information clerks	704	722	763	801
One chief assistant calendar clerk	1,045	1,097	1,146	1,211
One chief calendar clerk	1,348	1,410	1,468	1,542
One domestic relations commissioner	1,519	1,569	1,646	1,728
Four deputy domestic relations commissioners	1,175	1,203	1,262	1,325
One counselor of conciliation	1,230	1,261	1,292	1,353
One counselor in mental health	1,425	1,496	1,571	1,650
Six court commissioners	2,035	2,085	2,189	2,294
Four assistant court commissioners	1,366	1,446	1,518	1,594
One traffic hearing officer	1,290	1,355	1,424	1,481
One administrative assistant (juvenile court)	1,258	1,303	1,369	1,438
Two court assistants	783	850	923	1,007
Two clerk-typists	581	624	666	708
One civil courts coordinator	1,410	1,468	1,542	1,602
One pretrial assistant and statistician	1,410	1,468	1,542	1,602
One administrative assistant to the master calendar judge				

(criminal division)	1,246	1,290	1,355	1,424
Three legal research assistants	1,000	1,040	1,082	1,125

All figures in the above columns represent the salaries to be paid monthly to each of the employees so appointed. All original appointments shall be at step 1, provided that on the first of the month following the first anniversary of the employee's appointment he shall advance to the second step, and thereafter on the first of the month following the second anniversary of the employee's appointment he shall advance to step 3, and thereafter on the first of the month following the third anniversary of the employee's appointment he shall advance to step 4, and thereafter shall be paid at the rate established by step 4. Service in any position enumerated herein prior to the effective date of the amendments to this section enacted at the 1973–74 Regular Session of the Legislature shall constitute service for the purpose of determining the step at which the attaché is to be paid. Service in any position wherein substantially the same duties have been performed shall also be deemed service for the purpose of determining at which step the attaché is to be paid.

With the approval of the board of supervisors the court may establish such additional titles and pay rates as are required and with the approval of the board of supervisors may appoint and employ such additional commissioners, officers and assistants and other employees as it deems necessary for the performance of the duties and exercise of the powers conferred by law upon it and its members. Rates of compensation of all officers and assistants and other employees may be adjusted by joint action and approval of the board of supervisors and a majority of the judges of the court. Such appointments or changes in compensation made pursuant to this paragraph shall be on an interim basis and shall expire on January 1 of the second year following the date of the appointment or change in compensation unless ratified by the Legislature.

The salaries of such employees shall be paid by the county or city and county in which they serve.

SEC. 3. There are no state-mandated local costs which may be incurred by a local agency under this act and require reimbursement by the state under Section 2164.3 of the Revenue and Taxation Code, because the affected local agency has requested the Legislature to revise state law in accordance with the provisions of this act in order to carry on any program and perform any service required by the act.

CHAPTER 657

An act to amend Section 11860 of the Insurance Code, relating to the State Compensation Insurance Fund.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 11860 of the Insurance Code is amended to read:

11860. Each quarter the manager of the State Compensation Insurance Fund shall make a report to the Governor of the business done by the State Compensation Insurance Fund during the previous quarter and a statement of the fund's resources and liabilities at the close of that previous quarter. The State Compensation Insurance Fund shall, at its own expense, hire a recognized firm of certified public accountants to audit annually the books and records of the State Compensation Insurance Fund and cause an abstract summary thereof to be published one or more times in at least two newspapers of general circulation in the state. The manager of the fund shall likewise make to the commissioner all reports required by law to be made to him by other insurers.

CHAPTER 658

An act to amend Section 2903 of the Business and Professions Code, relating to psychologists.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 2903 of the Business and Professions Code is amended to read:

2903. No person may engage in the practice of psychology, or represent himself to be a psychologist, without a license granted under this chapter, except as otherwise provided in this chapter. The practice of psychology is defined as rendering or offering to render for a fee to individuals, groups, organizations or the public any psychological service involving the application of psychological principles, methods, and procedures of understanding, predicting, and influencing behavior, such as the principles pertaining to learning, perception, motivation, emotions, and interpersonal relationships; and the methods and procedures of interviewing, counseling, psychotherapy, behavior modification, and hypnosis; and of constructing, administering, and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, and motivations.

The application of such principles and methods includes, but is not restricted to: diagnosis, prevention, treatment, and amelioration of psychological problems and emotional and mental disorders of individuals and groups.

Psychotherapy within the meaning of this chapter means the use

of psychological methods in a professional relationship to assist a person or persons to acquire greater human effectiveness or to modify feelings, conditions, attitudes and behavior which are emotionally, intellectually, or socially ineffectual or maladjustive.

As used in this chapter, "fee" means any money or other valuable consideration paid or permitted to be paid for services rendered.

CHAPTER 659

An act to amend Section 2949 of the Business and Professions Code, relating to psychologists.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 2949 of the Business and Professions Code is amended to read:

2949. The amount of the fees prescribed by this chapter shall be determined by the committee as follows:

(a) The application fee for a psychologist shall not be more than twenty-five dollars ($25).

(b) The examination fee for a psychologist shall not be more than seventy-five dollars ($75).

(c) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license will expire less than one year after its issuance, then the initial license fee is an amount equal to 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the license is issued.

(d) The biennial renewal fee for a psychologist shall not be more than seventy-five dollars ($75).

(e) The delinquency fee for a psychology license shall be one-half of the biennial renewal fee, but in no case shall exceed twenty-five dollars ($25).

(f) The application fee for registration of a psychological assistant shall not be more than fifteen dollars ($15).

(g) The annual renewal fee for registration of a psychological assistant shall not be more than twenty-five dollars ($25).

(h) The delinquency fee for annual renewal of the registration of a psychological assistant shall be one-half of the annual renewal fee.

CHAPTER 660

An act to amend Section 25425.1 of the Education Code, relating to community colleges.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 25425.1 of the Education Code is amended to read:

25425.1. The governing board of a district maintaining a community college may require of pupils in attendance in grades 13 and 14 and employees of the district, the payment of a toll, in an amount not to exceed twenty dollars ($20) per semester or forty dollars ($40) per regular school year to be fixed by the board, for parking services.

Such toll shall only be required of pupils and employees using such services.

All such tolls collected shall be deposited in the general fund of the district and shall be expended only for parking services or for purposes of reducing the costs to students and faculty of the college of using public transportation to and from the college.

Tolls collected for use of parking services provided for by investment of student body funds under the authority of Section 10703.5 shall be deposited in a special fund for repayment to the student organization.

"Parking services," as used in this section, means the purchase, construction, and operation and maintenance of parking facilities.

CHAPTER 661

An act to amend Section 13746 of the Education Code, relating to school classified employees.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 13746 of the Education Code is amended to read:

13746. Classified employees shall be subject to layoff for lack of work or lack of funds. Whenever a classified employee is laid off, the order of layoff within the class shall be determined by length of service. The employee who has been employed the shortest time in the class, plus higher classes, shall be laid off first. Reemployment shall be in the reverse order of layoff.

For purposes of this section, for service commencing or continuing after July 1, 1971, "length of service" means all hours in paid status, whether during the school year, a holiday, recess, or during any period that a school is in session or closed, but does not include any hours compensated solely on an overtime basis as provided for in Section 13590.2.

Nothing contained in this section shall preclude the granting of "length of service" credit for time spent on military leave of absence, or unpaid illness leave, or unpaid industrial accident leave.

"Hours in paid status" shall not be interpreted to mean any service performed prior to entering into a probationary or permanent status in the classified service of the district except service in restricted positions as provided in this chapter.

CHAPTER 662

An act making an appropriation to pay the claim of Theresa Zwick and Mary Zwick, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 21, 1973. Filed with Secretary of State September 21, 1973.]

The people of the State of California do enact as follows:

SECTION 1. The sum of ninety thousand dollars ($90,000) is hereby appropriated from the General Fund to the Department of Justice for settlement of the claim of Theresa Zwick and Mary Zwick against the State of California.

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 settle, out of court, an action against the state for the wrongful death of John Zwick who was the husband of Theresa Zwick and the son of Mary Zwick, thereby terminating a lengthy court procedure and ending a hardship to the damaged persons as quickly as possible, it is necessary for this act to take effect immediately.

CHAPTER 663

An act to add Section 4607 to the Labor Code, relating to workmen's compensation.

[Approved by Governor September 21, 1973. Filed with Secretary of State September 21, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 4607 is added to the Labor Code, to read:

4607. Where a party to a proceeding institutes proceedings to terminate an award made by the appeals board to an applicant for continuing medical treatment and is unsuccessful in such proceedings, the appeals board may determine the amount of attorney's fees reasonably incurred by the applicant in resisting the proceeding to terminate the medical treatment, and may assess such reasonable attorney's fees as a cost upon the party instituting the proceedings to terminate the award of the appeals board.

CHAPTER 664

An act to amend Section 6253 of the Government Code, relating to public records.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 6253 of the Government Code is amended to read:

6253. (a) Public records are open to inspection at all times during the office hours of the state or local agency and every citizen has a right to inspect any public record, except as hereafter provided. Every agency may adopt regulations stating the procedures to be followed when making its records available in accordance with this section.

The following state and local bodies shall establish written guidelines for accessibility of records by July 1, 1974. A copy of these guidelines shall be posted in a conspicuous public place at the offices of such bodies by July 1, 1974, and a copy of such guidelines shall thereafter be available upon request free of charge to any person requesting that body's records:

Department of Motor Vehicles
Department of Consumer Affairs
Department of Transportation
Department of Real Estate
Department of Corrections
California Youth Authority
Department of Justice
Department of Insurance
Department of Corporations
Secretary of State
Air Resources Board
Department of Water Resources

Department of Parks and Recreation
Bay Conservation and Development Commission
Department of Health
Department of Human Resources Development
Department of Social Welfare
Public Employees' Retirement System
Teachers' Retirement System
Department of Industrial Relations
Department of General Services
Department of Veterans Affairs
Public Utilities Commission
California Coastline Commission
All regional coastline commissions
State Water Quality Control Board
Bay Area Rapid Transit District
All regional water quality control boards
Los Angeles Air Pollution Control District
Bay Area Air Pollution Control District
Golden Gate Bridge, Highway, and Transportation District.

(b) Guidelines and regulations adopted pursuant to this section shall be consistent with all other sections of this chapter and shall reflect the intention of the Legislature to make such records accessible to the public.

SEC. 2. There are no state-mandated local costs that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 665

An act to amend Section 11547 of the Business and Professions Code, Sections 3065, 3462, 3463, 3464 and 3465 of the Civil Code, Sections 34080 and 35576 of the Government Code, Section 7061 of the Harbors and Navigation Code, Sections 16614 and 22258 of the Public Utilities Code, Section 12834 of the Revenue and Taxation Code, Section 8734 of the Streets and Highways Code, and Section 70270 of the Water Code, relating to government.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 11547 of the Business and Professions Code is amended to read:

11547. A local ordinance may require the payment of a fee as a condition of approval of a final subdivision map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing bridges.

Such local ordinance may require payment of fees pursuant to this section if:

(1) The ordinance refers to the circulation element of the general plan and to flood control provisions thereof which identify streams for which bridge crossings are required on general plan or local roads; provided, such flood control provisions have been adopted by the local agency 30 days prior to the filing of a subdivision map or application for a building permit.

(2) The ordinance provides that there will be a public hearing held by the governing body for each area benefited. Notice shall be given pursuant to Section 65905 of the Government Code. In addition to the requirements of Section 65905 of the Government Code, such notice shall contain preliminary information related to the boundaries of the area of benefit, estimated cost and the method of fee apportionment. The area of benefit may include land or improvements in addition to the land or improvements which are the subject of the subdivision map or building permit application considered at such proceedings.

(3) The ordinance provides that at such public hearing, the boundaries of the area of benefit, the costs, whether actual or estimated, and a fair method of fee apportionment are established. A description of the boundaries of the area of benefit, the costs, whether actual or estimated, and the method of fee apportionment established at the hearing shall be recorded by the governing body conducting the hearing with the recorder of the county in which the area of benefit is located. Such apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final subdivision map or as a condition of issuing a building permit for such property or portions thereof.

(4) The ordinance provides that payment of fees shall not be required unless the planned bridge facility is in addition to any existing bridge facilities serving the area at the time of the adoption of the boundaries of the area of benefit.

(5) The ordinance provides that if, within the time when protests may be filed under the provisions of such ordinance, there is a written protest, filed with the clerk of the legislative body, by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefited, then the proposed proceedings shall be abandoned, and the legislative body shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of this section.

Any protests may be withdrawn by the owner making the same, in writing, at any time prior to the conclusion of a public hearing held pursuant to the ordinance.

If any majority protest is directed against only a portion of the improvement then all further proceedings under the provisions of

this section to construct that portion of the improvement so protested against shall be barred for a period of one year, but the legislative body shall not be barred from commencing new proceedings not including any part of the improvement or acquisition so protested against. Nothing in this section shall prohibit the legislative body, within such one-year period, from commencing and carrying on new proceedings for the construction of a portion of the improvement so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of a majority of the property within the area of benefit are in favor of going forward with such portion of the improvement or acquisition.

Fees paid pursuant to an ordinance adopted pursuant to this section shall be deposited in a planned bridge facility fund. A separate fund shall be established for each planned bridge facility project. Moneys in such fund shall be expended solely for the construction or reimbursement for construction of the bridge facility serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the county or city for the cost of constructing the bridge facility.

An ordinance adopted pursuant to this section may provide for the acceptance of considerations in lieu of the payment of fees.

A county or city imposing fees pursuant to this section may advance money from its general fund or road fund to pay the cost of constructing the bridge facilities and may reimburse the general fund or road fund for such advances from planned bridge facility funds established to finance the construction of such bridge facilities.

A county or city imposing fees pursuant to this section may incur an indebtedness for the construction of bridge facilities; provided that the sole security for repayment of such indebtedness shall be moneys in planned bridge facility funds.

The term "construction" as used in this section includes design, acquisition of right-of-way, administration of construction contracts and actual construction.

SEC. 2. Section 3065 of the Civil Code is amended to read:

3065. Any person who shall, by his own labor, or by using his livestock, machinery or appliances, or both, do or perform any work or render any service in connection with felling, preparing or transporting any logs, or in manufacturing lumber or other timber products from such logs, including the production of tanbark, shall have a lien upon any and all of such logs and upon any and all of the lumber and other timber products manufactured therefrom, whether said work was done or service was rendered on the logs themselves, or any of them, or in manufacturing the lumber or other timber products from them, for the value of such labor done and for the value of the use of such livestock, machinery and appliances, or both, whether said work was done or service was rendered at the instance of the owner of such logs or timber products manufactured therefrom, or of any other person acting by his authority or under him, directly or indirectly, as contractor or otherwise; and every

contractor, subcontractor or other person having charge of the felling, preparing or transporting of the said logs or of their manufacture into timber products shall be held to be the agent of the said owner for the purposes of this section.

The liens provided for in this section shall attach from the date of the commencement of such work or labor, or the date of the commencement of the use of such livestock, machinery or appliances, as the case may be, and shall be preferred liens, prior in dignity to all other liens, claims or encumbrances, except the landowner's claim for a reasonable stumpage in cases where the landowner himself is not the direct employer or contractor, as the case may be. They shall not be limited as to amount by any contract price agreed upon between the owner of said logs or timber products manufactured therefrom and any contractor, except as hereinafter provided, but said several liens shall not in any case exceed in amount the reasonable value of the labor done, or the reasonable value of the use of the livestock, machinery or appliances for which the lien is claimed, nor the price agreed upon for the same between the claimant and the person by whom he was employed or with whom the agreement to use livestock, machinery or appliances was made, nor in any case, where the claimant was employed by a contractor, or subcontractor, shall the lien extend to any labor or the use of any livestock, machinery or appliances not embraced within, contemplated by, covered by, or reasonably necessary to the execution of, the original contract between the contractor and the owner of such logs or timber products manufactured therefrom, or any modification thereof made by or with the consent of such owner, and of which said contract, or modification thereof, the claimant shall have had actual notice before the performance of such labor or the use of such livestock, machinery or appliances.

The recording of such original contract, or modification thereof, in the office of the county recorder of the county in which the timberland on which the work is to be done is situated or in which the logs are to be manufactured into timber products, as the case may be, before the commencement of the work, shall be equivalent to the giving of such actual notice by the owner to all persons performing work or using livestock, machinery or appliances thereunder. In case said original contract shall, before the work is commenced, be so recorded, together with a bond of the contractor with good and sufficient sureties in an amount not less than fifty (50) percent of the contract price named in said contract, which bond shall in addition to any conditions for the performance of the contract, be also conditioned for the payment in full of the claims of all persons performing labor, or using livestock, machinery or appliances, in the execution of such contract and shall also by its terms be made to inure to the benefit of any and all persons who perform labor or use livestock, machinery or appliances in the execution of the work to be done under the contract so as to give such persons, and their assigns or successors in interest, a right of action to recover upon said bond

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in any suit brought to enforce the liens provided for in this section, or in a separate suit brought on said bond, then the court must, where it would be equitable so to do, restrict the recovery under such liens to an aggregate amount equal to the amount found to be due from the owner of the said logs or timber products manufactured therefrom to the contractor, and render judgment against the contractor and his sureties on said bond for any deficiency or difference there may remain between said amount so found to be due to the claimants for such labor and for the use of such livestock, machinery and appliances. It is the intent and purpose of this section to limit the owner's liability, in all cases, to the measure of the contract price where he shall have filed or cause to be filed, in good faith, with his original contract a valid bond with good and sufficient sureties in the amount and upon the conditions herein provided. It shall be lawful for the owner of such logs and timber products to protect himself against any failure of the contractor to perform his contract and make full payment for all work done thereunder by exacting such bond or other security as he may deem satisfactory.

SEC. 3. Section 3462 of the Civil Code is amended to read:

3462. An affidavit must be made by every assignor executing an assignment for the benefit of creditors, to be annexed to and filed with the inventory mentioned in the last section, to the effect that the same is in all respects just and true according to the best of such assignor's knowledge and belief. If the assignor neglects or refuses to make and file such inventory and affidavit within said 20 days, the assignment shall not, for that reason, be affected in any way, but in that event the assignee or assignees elected by the creditors shall within 20 days thereafter make and record in the office of the county recorder where the assignment is first recorded, a verified inventory of all assets received by them; and such assignee or assignees may at any time, or from time to time, after the transfer to them by the sheriff, by petition to the superior court of the county or city and county where the assignment is first recorded, cause the assignor, by order or citation to appear before said court, or a commissioner or referee to be appointed by it, at a time and place within the county, or city and county, to be designated in the order or citation, to be examined touching the matters mentioned in Section 3461, and any other matters relative to the assignment, and to have with him all books of account, vouchers, and papers relating to the assigned property; and such court may by its order require the surrender to such assignee or assignees of such books, vouchers, and papers, to be by them retained until their trust is fully completed and performed.

SEC. 4. Section 3463 of the Civil Code is amended to read:

3463. An assignment for the benefit of creditors, and the inventory required by Section 3461, shall be recorded with the county recorder of the county in which the assignor resided at the date of the assignment; or, if he did not then reside in this state, with the recorder of the county in which his principal place of business was then situated; or, if he had not then a residence or place of

business in this state, with the recorder of the county in which the principal part of the assigned property was then situated.

SEC. 5. Section 3464 of the Civil Code is amended to read:

3464. If an assignment for the benefit of creditors is executed by more than one assignor, it may be recorded with a copy of the inventory required by Section 3461 by the recorder of the county in which any of the assignors resided at its date, or in which any of them, not then residing in this state, had then a place of business.

SEC. 6. . Section 3465 of the Civil Code is amended to read:

3465. An assignment for the benefit of creditors is void against creditors of the assignor and against purchasers and incumbrancers in good faith and for value unless it is recorded as provided in this title, and unless either the inventory required by Section 3461, or the inventory required of the assignee or assignees by Section 3462 is recorded in the manner provided in this title and within the time designated.

SEC. 7. Section 34080 of the Government Code is amended to read:

34080. The clerk of the legislative body conducting the proceeding shall record with the recorder of the county in which the city is located, an affidavit stating that all requirements of law pertaining to the proceeding have been complied with, if it relates to:

(a) Incorporation of territory as a city.

(b) Consolidation of cities.

(c) Change of name of a city.

(d) Disincorporation of a city.

(e) Annexation of territory to, or exclusion of territory from, a city.

(f) The boundaries of any city.

The city shall not perform any official act, the validity of which depends upon such proceedings, until the affidavit of completion has been recorded. If the proceeding is a proceeding for the incorporation of territory as a city or for the annexation of territory to a city the territory shall be deemed to be unincorporated territory until the affidavit required by this section is recorded by the city clerk, or until a later specified date if a later date is specified pursuant to Section 35146 or 35318.

The affidavit shall have attached to it the certificate of the Secretary of State describing the document filed in his office which is required to complete the proceedings, and the date of such filing.

SEC. 8. Section 35576 of the Government Code is amended to read:

35576. Upon approval by the legislative body of the city, the clerk of the board of supervisors shall file a certified copy of each ordinance with the Secretary of State and record a certified copy with the county recorder.

SEC. 9. Section 7061 of the Harbors and Navigation Code is amended to read:

7061. By resolution the board may change the name of the district. A change of name shall be effective upon the filing of a certified copy of the resolution with the Secretary of State and recording a certified copy in the office of the county recorder of the county in which the district is situated.

SEC. 10. Section 16614 of the Public Utilities Code is amended to read:

16614. The expert's report shall be made in duplicate to the electors of the district. One copy shall be filed with the board in the office of the clerk of the district, and one copy shall be recorded in the office of the county recorder of the county in which the district, or the greater part of its population, is situated. The county recorder shall record, index, and keep the report as a public record in his office, and shall make no charge for such recording.

SEC. 11. Section 22258 of the Public Utilities Code is amended to read:

22258. A certified copy of the resolution shall be recorded in the office of the recorder of each affected county and filed with the Secretary of State.

SEC. 12. Section 12834 of the Revenue and Taxation Code is amended to read:

12834. The certified copies of lists of corporations which have failed to pay the taxes, interest, and penalties imposed upon insurers transmitted by the Controller to county clerks and county recorders for filing or recording in their respective offices, or a copy of these lists certified by the Controller, are receivable in evidence in any court in lieu of the original record of suspension or forfeiture on file with the Controller, and are prima facie evidence of the truth of all statements contained.

SEC. 13. Section 8734 of the Streets and Highways Code is amended to read:

8734. The clerk shall file the amended assessment as confirmed or modified by the legislative body with the auditor, who shall annually thereafter enter upon the assessment roll the installments becoming due on each component part of the original parcel opposite a description of the respective parcels so assessed. The amount charged for fees and costs as shown on the amended assessment as to each parcel shall be entered upon the assessment roll and shall be collected along with the first installment of the amended assessment. The street superintendent shall deposit all such costs and fees in the general fund of the treasury.

When a city is conducting the proceedings and collections upon the assessments are made by county officials the city clerk shall transmit a copy of the amended assessment to the county auditor.

The amended assessment shall be accompanied by an amended map or plat prepared pursuant to Section 8731. Such amended map or plat shall be designated "amended assessment diagram amending Assessment No. ____, Assessment District ____, State of California." The amended map or plat shall substantially conform to the

requirements and specifications provided for in Section 3114, and shall be filed by the clerk in the office of the county recorder. The county recorder may charge an appropriate fee for the expense incurred in filing the amended map or plat. The map or plat shall be cross-indexed by the recorder to the original assessment diagram which it amends.

The amended map or plat shall include on its face that it amends the assessment diagram for (here insert name or number of assessment district or both name and number of assessment district, together with city or county or both city and county), State of California prior recorded at Book ____ of Maps of Assessment Districts at page ____, in the office of the County Recorder for the County of _____, State of California.

SEC. 14. Section 70270 of the Water Code is amended to read:

70270. Whenever any district formed under the Protection District Act of 1880 or any other act for the protection of lands from overflow desires to reorganize under this part the district may bring itself within the provisions of this part by unanimously adopting a resolution stating that they have elected to reorganize under this part. Upon the filing of a certified copy of such resolution with the county clerk and the recording of a certified copy of such resolution with the county recorder of the county wherein said district is located the district shall thereafter be organized and shall operate under and pursuant to the provisions of this part.

SEC. 15. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service to be carried on or performed by it by this act.

CHAPTER 666

An act to amend Section 146.5 of the Streets and Highways Code, relating to parking facilities.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 146.5 of the Streets and Highways Code is amended to read:

146.5. The department may construct fringe and transportation corridor parking facilities along the state highway system when such construction is financed, in whole or in part, with federal funds and the entire balance of the cost of such construction is financed with funds contributed by the local agency or transit district. For the

purposes of this code, such facilities shall be considered as part of the state highway and the department shall acquire the right-of-way necessary for such facilities in accordance with all of the laws and procedures applicable to other state highway projects, including, but not limited to, the provisions of Sections 104 to 104.3, inclusive.

The rights and obligations of the department and the local agency or transit district with respect to such fringe and transportation corridor parking facilities shall be determined by agreement between the department and the local agency or transit district.

CHAPTER 667

An act to add Section 23619 to the Education Code, relating to the California State University and Colleges.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 23619 is added to the Education Code, to read:

23619. The trustees may authorize the allowance of actual and necessary traveling expenses to students, who are serving on study teams, task forces, or similar groups formed by the trustees or by the office of the chancellor, and are attending meetings of any association, organization, or agency having as its principal purpose the study of matters relating to education at state universities and colleges or to a particular field or fields of education at the state universities and colleges. Traveling expenses shall not be allowed with respect to student lobbyists or representatives in Sacramento or for travel out of the state.

The provisions of Section 11032 of the Government Code shall not apply to allowances authorized by this section.

CHAPTER 668

An act to amend Section 70045.5 of the Government Code, relating to official court reporters, declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 70045.5 of the Government Code is amended to read:

70045.5 In a county with a population of 74,492 and not over 76,000 as determined by the 1970 federal census, the biweekly salary of each regular official reporter shall be based on a six-step salary schedule as follows:

Step A	$489.60
Step B	$514.40
Step C	$540.00
Step D	$566.40
Step E	$595.20
Step F	$624.80

A regular official reporter may on or after the effective date of the amendment made to this section at the 1973–74 Regular Session of the Legislature be appointed to an advanced step determined on the basis of prior years service. Step advancement shall be authorized annually in accordance with salary ordinances and regulations adopted by the board of supervisors.

Regular official reporters shall be entitled to the same privileges with respect to retirement, vacation, sick leave and other benefits allowed to employees of the county.

Each official reporter shall perform the duties required of him by law. In addition, reporters shall render stenographic or clerical assistance, or both, to the judges of the superior court, as any such judge may direct.

Reporters pro tempore shall be paid a per diem as provided in Section 69948 and other fees set forth in Article 9 (commencing with Section 69941) of Chapter 5 of Title 8, and shall receive from the county necessary traveling and other expenses when necessarily called from other counties, but a reporter pro tempore shall be paid a per diem or expenses by the county only when the regular official court reporters are unavailable due to the performance of official duties or authorized leave of absence.

SEC. 2. There are no state-mandated local costs which may be incurred by a local agency under this act and require reimbursement by the state under Section 2164.3 of the Revenue and Taxation Code, because the affected local agency has requested the Legislature to revise state law in accordance with the provisions of this act in order to carry on any program and perform any service required by the act.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The County of Imperial currently needs a court reporter and the current salary range for such position has not attracted any qualified candidates, so that it is necessary that the salary range be raised so that this position may be filled.

CHAPTER 669

An act to amend Section 25457 of the Government Code, relating to county construction contracts.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 25457 of the Government Code is amended to read:

25457. In counties employing a purchasing agent, furnishings, materials, supplies and employment of independent contractors used in the construction or repair of any of the works mentioned in Section 25450 costing not more than six thousand five hundred dollars ($6,500) in total may be purchased by the purchasing agent in accordance with Article 7 of this chapter without the formality of obtaining bids, letting contracts, preparing specifications, and the other things required by this article and Article 7 for purchases or contracts costing more than six thousand five hundred dollars ($6,500).

CHAPTER 670

An act to amend Section 21658 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 21658 of the Vehicle Code is amended to read:

21658. Whenever any roadway has been divided into two or more clearly marked lanes for traffic in one direction, the following rules apply:

(a) A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from the lane until such movement can be made with reasonable safety.

(b) Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction, and drivers of vehicles shall obey the directions of the traffic device.

(c) Except as may otherwise be provided by directions given by traffic devices erected pursuant to subdivision (b), no housecar, or motor vehicle upon which is mounted a camper, which, if operated during darkness, would be subject to the provisions of Section 25100,

shall be driven in the extreme left lane of a freeway which has three or more marked lanes in one direction.

This subdivision shall not apply to a driver who is preparing for a left turn or who is in the process of entering into, or exiting from, a highway, or to a driver who is necessarily required to drive in other than the right-hand lanes to continue on his intended route.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 671

An act to amend Section 12092 of the Education Code, relating to school eye safety.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 12092 of the Education Code is amended to read:

12092. For purposes of this article the eye protective devices utilized shall be industrial quality eye protective devices which meet the standards of the American National Standards Institute for "Practice for Occupational and Educational Eye and Face Protection" (Z87.1-1968), and subsequent standards that are adopted by the American National Standards Institute for "Practice for Occupational and Educational Eye and Face Protection."

CHAPTER 672

An act to amend Section 15008 of the Education Code, relating to public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 15008 of the Education Code is amended to read:

15008. The governing board of any school district may:

(a) Rent suitable quarters for administrative offices for a period of not to exceed 22 years.

(b) Lease buildings and other facilities such as warehouses,

athletic facilities, outdoor assembly facilities, auditoriums, and quarters for adult education for a period not to exceed three years. At the expiration of such lease, the governing board may continue to renew the lease for a period not to exceed three years and may continue to renew for periods not to exceed three years as long as the buildings and other facilities are needed.

(c) Lease property from the federal government, the state, and any county, city and county, city, or district for the purpose of constructing school buildings and facilities thereon for a term not to exceed 99 years. Subject to the approval of the Superintendent of Public Instruction, such lease shall be on such terms and conditions as may be agreed upon between the governing board of the school district and the governmental entity executing such lease.

(d) Lease transportation facilities or communication facilities, or both, for a period not to exceed six years. At the expiration of such lease, the governing board may continue to renew the lease for a period not to exceed six years and may continue to renew for periods not to exceed six years as long as the facilities are needed.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Many school districts in the state are unable to lease specialized facilities for the maintenance, storage, and operation of their transportation equipment due to the restriction of a three-year lease arrangement. In order for such districts to obtain these specialized facilities at the lowest possible cost to the taxpayers in time for the 1973–74 school year, it is necessary that this act take effect immediately.

CHAPTER 673

An act to amend Section 13132 of the Education Code, relating to teaching credentials.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 13132 of the Education Code is amended to read:

13132. The minimum requirements for the designated subjects teaching credential shall be successful passage of an approved designated subjects examination which shall be selected and interpreted by the commission, and either

(a) Adequate, successful, and recent experience in the technical skill, trade or vocation named on the credential with a minimum of

five years experience; a program of personalized in-service training to provide preparation as approved by the commission; and possession of a high school diploma or the passage of an equivalency examination as designated by the commission; or

(b) Possession of a valid teaching credential.

This credential shall authorize the holder to teach in such subject or trade at such grade level approved by the commission and designated on the credential.

SEC. 2. Section 13132 of the Education Code is amended to read:

13132. The minimum requirements for the designated subjects teaching credential shall be adequate, successful, and recent experience in the technical skill, trade or vocation named on the credential with a minimum equivalent to five years experience; a program of personalized in-service training to provide preparation as approved by the commission; and possession of a high school diploma or the passage of an equivalency examination as designated by the commission. If in the judgment of the commission an examination in the subject to be taught is necessary or desirable, such an examination may also be required.

This credential shall authorize the holder to teach in such subject or trade at such grade level approved by the commission and designated on the credential.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 111 are both chaptered and amend Section 13132 of the Education Code, and this bill is chaptered after Senate Bill No. 111, that the amendments to Section 13132 proposed by both bills be given effect and incorporated in Section 13132 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. 111 are both chaptered, both amend Section 13132, and Senate Bill No. 111 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 674

An act to repeal Sections 2 and 3 of Chapter 116 of the Statutes of 1970, relating to California Polytechnic State University, San Luis Obispo, and making an appropriation therefor.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of Chapter 116 of the Statutes of 1970 is repealed.

SEC. 2. Section 3 of Chapter 116 of the Statutes of 1970 is repealed.

SEC. 3. Notwithstanding the provisions of Section 24753 of the Education Code, the proceeds from the sale of the 1.45 acres located at the southeastern corner of Santa Rosa and Foothill Boulevards in San Luis Obispo, California, and the 3.5 acres located on the west side of North Chorro Street and Santa Rosa Boulevard in San Luis Obispo, California, by the Trustees of the California State University and Colleges shall be deposited in the Capital Outlay Fund for Public Higher Education to be used for the purposes for which funds in the Capital Outlay Fund for Higher Education may be used.

SEC. 4. There is hereby appropriated from the Capital Outlay Fund for Public Higher Education the net proceeds from the sale of the 1.45 acres located at the southeast corner of Santa Rosa and Foothill Boulevards, San Luis Obispo, and the 3.5 acres located on the west side of North Chorro Street and Santa Rosa Boulevard in San Luis Obispo, or so much thereof as shall be necessary, to the Trustees of the California State University and Colleges, in augmentation of their appropriations for capital outlay to create additional permanent faculty office space or for other purposes at California Polytechnic State University, San Luis Obispo, consistent with policies of the Trustees of the California State University and Colleges.

SEC 5. The appropriation made pursuant to Section 4 of this act shall be available for encumbrances by the Trustees of the California State University and Colleges without regard to fiscal year.

CHAPTER 675

An act to amend Section 613 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 613 of the Revenue and Taxation Code is amended to read:

613. A mistake in the name of the owner or supposed owner of real estate does not render invalid an assessment or any tax sale.

A mistake in the name of an owner or supposed owner of property on the unsecured roll which does not prevent the person from reasonably ascertaining that he is the assessee does not render invalid an assessment or any tax sale.

CHAPTER 676

An act to amend Sections 69903 and 69903.3, and to repeal Sections 69903.1 and 69903.2, of the Government Code, relating to courts.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 69903 of the Government Code is amended to read:

69903. In any county with a population of less than 1,073,200, but more than 1,069,700 as determined by the 1970 federal census, a majority of the judges of the superior court may appoint the listed officers and employees whose salaries shall be paid by the county as follows:

	Title	Schedule
1	Administrative assistant	186
1	Chief calendar deputy	203
1	Chief deputy jury commissioner	193
3	Clerk II	144
4	Clerk III	154
1	Clerk IV	164
1	Court administrator/jury commissioner	271
2	Legal research assistant	209
1	Secretary II	171
1	Probate commissioner	261
2	Referee	262
1	Senior calendar clerk	168
2	Stenographer II	560X
1	Supervising conciliation counselor	228

The schedule number set forth in the previous paragraph refers to the salary schedule contained in the Alameda County salary ordinance.

All personnel appointed pursuant to this section shall be exempt from civil service laws serving at the pleasure of the judges of the court and may at any time be removed by a majority thereof at their discretion. Notwithstanding any other provision of this section, each judge may appoint a competent phonographic reporter who shall perform, in addition to his other duties, such secretarial services for the appointing judge as he requires in the performance of his official duties

With the approval of the board of supervisors, a majority of the judges may establish such additional titles and pay rates as are required and may appoint such additional commissioners, officers, assistants, and other employees as they deem necessary for the performance of the duties and exercise of the powers conferred by

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law upon the court and its members. Rates of compensation of all such officers, assistants, and other employees may be adjusted by joint action and approval of the board of supervisors and a majority of the judges of the court. Such additional appointments or changes in compensation made pursuant to this section shall be on an interim basis and shall expire on the effective date of appropriate ratifying or modifying state legislation.

All personnel shall be entitled to salary advancement, vacation, sick leave, holiday benefits, other leaves of absence, and other benefits, not more than that provided in the Alameda County Administrative Code for county employees. However, vacation benefits for commissioner and referee classifications shall be determined by written court policy.

All personnel shall be included in the Alameda County retirement system.

If the board of supervisors provides by ordinance or resolution a rate of compensation for positions in any of the superior court classes specified in this section which is higher than that herein otherwise provided for, such higher rate of compensation shall be effective at the same time and in the same manner as rates of pay for Alameda County employees generally. Comparative classes shall be determined by a majority of the judges and the board of supervisors.

SEC. 2. Section 69903.3 of the Government Code is amended to read:

69903.3. Notwithstanding any other provisions of this article, in any county with a population of less than 1,000,000 but more than 800,000 as determined by the 1960 federal census, and if the superior court does not have a position of assistant jury commissioner, the positions of administrative assistant and chief calendar deputy in Section 69903 shall be compensated at a rate of 10 percent more than the salary to which they would be entitled otherwise.

SEC. 3. Section 69903.1 of the Government Code is repealed.

SEC. 4. Section 69903.2 of the Government Code is repealed.

SEC. 5. There are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code because this act is in accordance with the request of a local government entity or entities which desires legislative authority to act to carry out the program specified in this act.

CHAPTER 677

An act to amend Section 4700 of the Penal Code, relating to the administration of justice.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 4700 of the Penal Code is amended to read:

4700. Whenever a trial is had of any person under any of the provisions of Section 4530 of this code, whenever a hearing is had on the return of a writ of habeas corpus prosecuted by or on behalf of any prisoner in the state prison, whenever a prisoner in the state prison is tried for any crime committed therein, or whenever a prisoner transferred to a county correctional facility pursuant to Section 2910 or to a community correctional center pursuant to Section 6253 is prosecuted for a crime committed in such institution or for escape, and whenever a trial or hearing is had on the question of the insanity of any such prisoner, the county clerk of a county or the city finance officer of a city incurring any costs in connection with such matter must make out a statement of all the costs incurred by the county or city for the investigation, and the preparation of the trial, and actual trial of such case, or of the hearing on the return of such writ, and all guarding and keeping of such prisoner, while away from the prison, the transportation of the prisoner to and from the prison (when such transportation was performed by the county or city), the costs of appeal, and of the execution of the sentence of such prisoner, properly certified to by a judge of the superior court of such county. The statement must be sent to the Department of Corrections for its approval, and after such approval said department must cause the amount of such costs to be paid out of the money appropriated for the support of the Department of Corrections to the county treasurer of the county or the city finance officer of the city incurring such costs.

CHAPTER 678

An act to amend Section 469 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 469 of the Revenue and Taxation Code is amended to read:

469. In any case in which locally assessable business tangible personal property owned, claimed, possessed or controlled by a taxpayer engaged in a profession, trade, or business has a full cash value of fifty thousand dollars ($50,000) or more, the assessor shall audit the books and records of such profession, trade, or business before October 6, 1971, and at least once each four years thereafter. If the board determines the value of property pursuant to Chapter 2 (commencing with Section 1815) of Part 3 of this division, such determination may be deemed an audit by the assessor for purposes

of this section.

Equalization of the property by a county board of equalization or assessment appeals board pursuant to Chapter 1 (commencing with Section 1601) or Chapter 1.5 (commencing with Section 1750) of Part 3 of this division shall not preclude a subsequent audit and shall not preclude the assessor from levying an escape assessment in appropriate instances, but shall preclude an escape assessment being levied on that portion of any such assessment which was the subject of any such equalization hearing.

CHAPTER 679

An act to add Section 10127 to the Insurance Code, relating to insurance.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 10127 is added to the Insurance Code, to read:

10127. Every policy of individual life insurance with a face value of less than ten thousand dollars ($10,000) which is delivered or issued for delivery in this state on and after July 1, 1974, shall have printed thereon or attached thereto a notice stating in substance that, at any time within 10 days after receipt of the policy by the owner, the policy may be returned by the owner for cancellation by delivering it or mailing it to the insurer or to the agent through whom it was purchased. Such delivery or mailing of the policy by the owner shall void the policy from the beginning, and the parties shall be in the same position as if no policy or contract had been issued. All premium paid and any policy fee paid for the policy shall be refunded to the owner.

This section shall not apply to individual life insurance policies issued in connection with a credit transaction or issued under a contractual policy change or conversion privilege provision contained in a policy.

CHAPTER 680

An act to amend Sections 23365, 23951, and 23953 of, and to add Section 23405.2 to, the Business and Professions Code, relating to partnership interests, and declaring the urgency thereof, to take effect immediately.

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[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 23365 of the Business and Professions Code is amended to read:

23365. Neither a corporation nor a limited partnership required to maintain a register under Section 23405.1 or licensed under Section 23405.2 engaged in the manufacture of distilled spirits shall, directly or indirectly, through affiliates, subsidiaries, or otherwise, distribute distilled spirits to its stockholders by dividend, or to its limited partners by return of capital contribution or share of profits, either by distribution in kind or the granting of purchase privileges. This section does not restrict the sale of alcoholic beverages to persons holding manufacturer's, distilled spirits manufacturer's agent's, rectifier's, or wholesaler's licenses.

SEC. 2. Section 23405.2 is added to the Business and Professions Code, to read:

23405.2. Notwithstanding any other provision of this division, the department may issue a license to a limited partnership in which there are more than 10 limited partners and which is not required to file periodic reports with the Securities and Exchange Commission. The application for such license shall be signed by, and the license shall be issued in the names of, the general partners and each limited partner who owns 10 percent or more of the capital or profits of such limited partnership.

The issuance of a license under this section shall be conditioned upon the following:

(a) Any and all articles or agreements of limited partnership or certificates or amendments thereto shall be filed with the department at the time of filing the application for the license. Any and all articles, agreements, certificates or amendments executed after the issuance of the license shall be filed with the department within 30 days after execution.

(b) The general partners and limited partners who are required to sign the application shall certify to the department on such forms as prescribed by the department whether or not any general partner or any limited partner holds the ownership, directly or indirectly, in any license within or without this state to manufacture, import, distribute, rectify, or sell alcoholic beverages.

The department may deny any application or suspend or revoke any license under this section where conditions exist relative to any general partner or any limited partner who owns 10 percent or more of the capital or profits of the limited partnership which would cause grounds for denial or action against such person if he were a licensee or applicant.

The department may deny any application or suspend or revoke any license under this section in the event any general partner or any limited partner holds or acquires any prohibited ownership interest,

directly or indirectly, in any licensed business in violation of the tied-house provisions of Chapter 15 of this division.

Notwithstanding any other provision of this division, the department may issue a license under this section where it is determined by the department that the interest in the limited partnership by a limited partner who also holds the ownership, directly or indirectly, in any other license issued under this division, is diminutive and, if the department so requires, the license issued under this section may contain a condition thereon prohibiting any business transaction, direct or indirect, between the business licensed under this section and any other such licensed business.

SEC. 3. Section 23951 of the Business and Professions Code is amended to read:

23951. The application shall contain the following:

(a) The name of the applicant.

(b) In the case of a copartnership, the names of the individual partners; provided, however, that in the case of a limited partnership required to maintain a register in California under Section 23405.1 or applying for a license authorized under Section 23405.2 the application shall contain the names of the general partners and of the limited partners owning 10 percent or more of the capital or profits of such limited partnership.

(c) In the case of a corporation, the principal officers and directors.

(d) The location of the premises for which the license is applied.

SEC. 4. Section 23953 of the Business and Professions Code is amended to read:

23953. The application shall be signed by the applicant. In the case of a partnership the application shall be signed by each of the partners, and for the purposes of this division such partners shall be deemed the applicant for any such license and the licensees under any license issued pursuant to such application; provided, however, that in the case of a limited partnership which is required by law to file periodic reports with the Securities and Exchange Commission, the application for any license other than a retail license shall be signed by each of the general partners, and for purposes of this division such general partners shall be deemed to be the applicant for any such license and the licensees under any license issued pursuant to said application; and provided, further, that in the case of a limited partnership which is applying for a license authorized under Section 23405.2, the application for such license shall be signed by each of the general partners and by each limited partner who owns 10 percent or more of the capital or profits of such limited partnership. In the case of a corporation the application shall be signed by an officer and under the seal of the corporation.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Certain large publicly traded limited partnerships of over 10 limited partners and which are not required to file periodic reports with the Securities and Exchange Commission wishing to engage in licensed activities under the Alcoholic Beverage Control Act would be required to submit applications from each individual limited partner, when such large entities could more reasonably be treated as corporations for most licensing purposes. In order that these partnerships may be licensed as soon as possible and that the licensing procedures required of such partnerships by the Department of Alcoholic Beverage Control may be facilitated, it is necessary that this act take effect immediately.

SEC. 6. The Legislature declares that it is its intention that nothing contained in Section 23405.2 of the Business and Professions Code shall be construed to affect the licensing under other sections of Division 9 (commencing with Section 23000) of the Business and Professions Code of limited partnerships of over 10 limited partners and which are required to file periodic reports with the Securities and Exchange Commission.

CHAPTER 681

An act to amend Section 1157.4 of the Government Code, relating to county employees.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 1157.4 of the Government Code is amended to read:

1157.4. (a) Employees of a county employing more than 20,000 persons, other than a city and county, may authorize deductions to be made from their salaries or wages for the payment of dues in, or for any other services provided by, any bona fide association (a) whose members are comprised exclusively of the employees of such county, other than a city and county, or (b) whose members are comprised exclusively of the employees of such county, other than a city and county, and one or more other public agencies the payrolls of which are prepared by the same finance officer, or (c) whose members are comprised exclusively of the employees of such county, other than a city and county, or agencies as provided in (a) or (b) above, together with former employees of such county, other than a city and county, or agencies if such former employees (1) were employees of such county, other than a city and county, or other agencies at the time of joining such association, and (2) were members of such association at the time of ceasing to be such employees.

In addition to the other requirements of this section, any employee organization for which dues are to be deducted from pay warrants shall have in membership at least 1 percent of the employees of such county, other than a city and county, provided that an employee organization which is formally recognized as the majority representative of employees of such county, other than a city and county, in an established employee representational unit shall qualify as an employee organization for which dues are to be deducted from pay warrants.

(b) Notwithstanding subdivision (a), an employee organization which has in membership at least 1 percent of the total number of employees of such county, other than a city and county, on April 30, 1973, and which, on April 30, 1973, was an employee organization for which dues could be deducted from pay warrants, shall not lose such qualification for the reason that such employee organization does not have after April 30, 1973, a membership of at least 1 percent of the total number of employees of such county, other than a city and county.

(c) No employee may have deductions for more than a total of two organizations under this section and under Section 1157.5.

CHAPTER 682

An act to add Section 137.6 to the Streets and Highways Code, relating to state highways.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 137.6 is added to the Streets and Highways Code, to read:

137.6. The design of, the drafting of specifications for, and the inspection and approval of state highway structures shall be by civil engineers licensed pursuant to the Professional Engineers Act (Chapter 7 (commencing with Section 6700), Division 3, Business and Professions Code).

The approval of plans for, and the inspection and approval of, temporary structures erected by contractors in connection with the construction of state highway structures shall also be by such licensed civil engineers.

CHAPTER 683

An act to add Section 29182 to the Elections Code, relating to elections.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 29182 is added to the Elections Code, to read:

29182. Every person is guilty of a misdemeanor who knowingly causes to be mailed or distributed, or knowingly mails or distributes, literature to any voter which includes a designation of the voter's precinct polling place other than a precinct polling place listed for that voter in an official precinct polling list which constituted the latest official precinct polling list at some time not more than 30 days prior to such mailing or distribution.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 684

An act to amend Sections 74693 and 74693.1 of the Government Code, relating to municipal courts.

[Approved by Governor September 21, 1973. Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 74693 of the Government Code is amended to read:

74693. The clerk may appoint:

(a) One assistant municipal court clerk, who shall receive a biweekly salary at the rate specified in range 54 of the salary schedule provided in Section 74693.1.

(b) Two deputy court clerks, grade IV, who shall receive a biweekly salary at the rate specified in range 45 of the salary schedule provided in Section 74693.1.

(c) Nine deputy court clerks, grade III, who shall receive a biweekly salary at the rate specified in range 40 of the salary schedule provided in Section 74693.1.

(d) Eleven deputy court clerks each of whom shall be either grade I or grade II. Grade II deputy clerks shall receive a biweekly salary at the rate specified in range 32 of the salary schedule in

Section 74693.1. Grade I deputy clerks shall receive a biweekly salary at the rate specified in range 27 of the schedule.

(e) One typist-clerk, grade I, who shall receive a biweekly salary at the rate specified in range 24 of the salary schedule provided in Section 74693.1.

(f) One account clerk, grade II, who shall receive a biweekly salary at the rate specified in range 33 of the salary schedule provided in Section 74693.1.

SEC. 2. Section 74693.1 of the Government Code is amended to read:

74693.1. Whenever reference to a numbered salary range is made in any section of this article, the following schedule of biweekly salaries shall apply:

Range	Step 1	Step 2	Step 3	Step 4	Step 5
23	$199.20	$208.80	$218.40	$228.00	$238.40
24	204.00	213.60	223.20	233.60	244.80
25	208.80	218.40	228.00	238.40	250.40
26	213.60	223.20	233.60	244.80	256.00
27	218.40	228.00	238.40	250.40	262.40
28	223.20	233.60	244.80	256.00	268.00
29	228.00	238.40	250.40	262.40	273.60
30	233.60	244.80	256.00	268.00	280.80
31	238.40	250.40	262.40	273.60	286.40
32	244.80	256.00	268.00	280.80	294.40
33	250.40	262.40	273.60	286.40	300.00
34	256.00	268.00	280.80	294.40	308.00
35	262.40	273.60	286.40	300.00	315.20
36	268.00	280.80	294.40	308.00	322.40
37	273.60	286.40	300.00	315.20	329.60
38	280.80	294.40	308.00	322.40	337.60
39	286.40	300.00	315.20	329.60	345.60
40	294.40	308.00	322.40	337.60	353.60
41	300.00	315.20	329.60	345.60	361.60
42	308.00	322.40	337.60	353.60	370.40
43	315.20	329.60	345.60	361.60	379.20
44	322.40	337.60	353.60	370.40	388.00
45	329.60	345.60	361.60	379.20	397.60
46	337.60	353.60	370.40	388.00	406.40
47	345.60	361.60	379.20	397.60	416.00
48	353.60	370.40	388.00	406.40	427.20
49	361.60	379.20	397.60	416.00	436.00
50	370.40	388.00	406.40	427.20	447.20
51	379.20	397.60	416.00	436.00	456.80
52	388.00	406.40	427.20	447.20	468.00
53	397.60	416.00	436.00	456.80	479.20
54	406.40	427.20	447.20	468.00	490.40
55	416.00	436.00	456.80	479.20	502.40
56	427.20	447.20	468.00	490.40	515.20

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57	436.00	456.80	479.20	502.40	525.60
58	447.20	468.00	490.40	515.20	539.20
59	456.80	479.20	502.40	525.60	552.00
60	468.00	490.40	515.20	539.20	565.60
61	479.20	502.40	525.60	552.00	579.20
62	490.40	515.20	539.20	565.60	592.80
63	502.40	525.60	552.00	579.20	606.40
64	515.20	539.20	565.60	592.80	621.60
65	525.60	552.00	579.20	606.40	636.80

Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to a salary range set forth in this section, shall for the first six months of service, receive the rate of biweekly compensation specified in the first step of the salary range for the position to which he is appointed. On and after the first day of the pay period following each ensuing 12 months of such service such compensation shall be increased upon approval of the appointing authority to the rate specified in the next higher step of the salary range for the position occupied until such compensation equals the sum specified in step 5 of such range.

In the case of persons in the positions specified in Sections 74692 and 74693, on the effective date of the amendments to this section enacted at the 1971 Regular Session of the Legislature, they shall have their existing salaries adjusted to the same relative step in the new range, and such adjustment shall not alter the anniversary date or eligibility of the employee for consideration for a regular step increase under this section.

SEC. 3. There are no state-mandated local costs which require reimbursement by the state under Section 2164.3 of the Revenue and Taxation Code because the affected local agency has requested the Legislature to revise state law in accordance with the provisions of this act in order to carry on any program and perform any service required by the act.

CHAPTER 685

An act to amend Sections 76001 and 76003 of the Government Code, relating to grand juror's compensation.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 76001 of the Government Code is amended to read:

76001. In a county of the first class, each member of the grand jury shall be allowed not less than ten dollars ($10) and not more than

twenty-five dollars ($25), as determined by the county board of supervisors, for each day's attendance upon sessions of the grand jury, or for each day's attendance as a member of any committee of the grand jury, even though a full jury quorum of 12 is not present, and mileage, at the rates payable to officers and employees of such county, for each mile actually and necessarily traveled in attending meetings of the grand jury, or any session of a grand jury committee duly called by the foreman or committee chairman.

SEC. 2. Section 76003 of the Government Code is amended to read:

76003. In a county of the third class the fees of the grand jurors shall be not less than ten dollars ($10) and not more than twenty-five dollars ($25), as determined by the county board of supervisors, for each day's attendance and mileage at the rate of ten cents ($0.10) a mile necessarily traveled in attending court, in going and returning.

The fees of trial jurors in the superior courts are the amounts provided by law for each day's attendance and mileage at the rate of fifteen cents ($0.15) a mile for each mile necessarily traveled in attending court, in going only. In criminal cases fees and mileage of trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the court in which the juror was in attendance, and the treasurer of the county shall pay the warrants.

SEC. 3. Because any increase above the current $10 fee paid to grand jurors is discretionary with the board of supervisors, there is no state-mandated local cost that requires reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 686

An act to amend Section 232 of the Civil Code, relating to parental custody and control.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 232 of the Civil Code is amended to read:

232. (a) An action may be brought for the purpose of having any person under the age of 18 years declared free from the custody and control of either or both of his parents when such person comes within any of the following descriptions:

(1) Who has been left without provision for his identification by his parent or parents or by others or has been left by both of his parents or his sole parent in the care and custody of another for a period of six months or by one parent in the care and custody of the

other parent for a period of one year without any provision for his support, or without communication from such parent or parents, with the intent on the part of such parent or parents to abandon such person. Such failure to provide identification, failure to provide, or failure to communicate shall be presumptive evidence of the intent to abandon. Such person shall be deemed and called a person abandoned by the parent or parents abandoning him. If in the opinion of the court the evidence indicates that such parent or parents have made only token efforts to support or communicate with the child, the court may declare the child abandoned by such parent or parents. In those cases in which the child has been left without provision for his identification and the whereabouts of the parents are unknown, a petition may be filed after the 120th day following the discovery of the child and citation by publication may be commenced. The petition may not be heard until after the 180th day following the discovery of the child.

The fact that a child is in a foster care home, licensed under subdivision (a) of Section 16000 of the Welfare and Institutions Code, shall not prevent a licensed adoption agency which is planning adoption placement for the child, from instituting, under this subdivision, an action to declare such child free from the custody and control of his parents. When the requesting agency is a licensed county adoption agency, the county counsel and if there is no county counsel, the district attorney shall institute such action.

(2) Who has been cruelly treated or neglected by either or both of his parents, if such person has been a dependent child of the juvenile court, and such parent or parents deprived of his custody for the period of one year prior to the filing of a petition praying that he be declared free from the custody and control of such cruel or neglectful parent or parents.

(3) Whose parent or parents suffer a disability because of the habitual use of alcohol, or any of the controlled substances specified in Schedules I to V, inclusive, of Division 10 (commencing with Section 11000) of the Health and Safety Code, except when such controlled substances are used as part of a medically prescribed plan, or are morally depraved, if such person has been a dependent child of the juvenile court, and the parent or parents deprived of his custody because of such disability, or moral depravity, for the period of one year continuously immediately prior to the filing of the petition praying that he be declared free from the custody and control of such parent or parents. As used in this subdivision, "disability" means any physical or mental incapacity which renders the parent or parents unable to adequately care for and control the child.

(4) Whose parent or parents are convicted of a felony, if the felony of which such parent or parents were convicted is of such nature as to prove the unfitness of such parent or parents to have the future custody and control of the child, or if any term of sentence of such parent or parents is of such length that the child will be

deprived of a normal home for a period of years.

(5) Whose parent or parents have been declared by a court of competent jurisdiction wherever situated to be mentally deficient or mentally ill, if, in the state or country in which the parent or parents are hospitalized or resident, the State Director of Health, or his equivalent, if any, and the superintendent of the hospital of which, if any, such parent or parents are inmates or patients certify that such parent or parents so declared to be mentally deficient or mentally ill will not be capable of supporting or controlling the child in a proper manner.

(6) Whose parent or parents are, and will remain incapable of supporting or controlling the child in a proper manner because of mental deficiency or mental illness, if there is testimony to this effect from two physicians and surgeons each of which must have been certified either by the American Board of Psychiatry and Neurology or under Section 6750 of the Welfare and Institutions Code. If, however, the parent or parents reside in another state or in a foreign country, the testimony herein may be supplied by two physicians and surgeons who are residents of such state or foreign country, if such physicians and surgeons have been certified by a medical organization or society of that state or foreign country to practice psychiatric or neurological medicine and if the court determines that the certification requirements of such organization or society are comparable to those of the American Board of Psychiatry and Neurology.

The parent or parents shall be cited to be present at the hearing, and if he or they have no attorney, the court shall appoint an attorney or attorneys to represent the parent or parents and fix the compensation to be paid by the county for such services, if he determines the parent or parents are not financially able to employ counsel.

(7) Who has been cared for in one or more foster homes under the supervision of the juvenile court, the county welfare department or other public or private licensed child-placing agency for two or more consecutive years, providing that the court finds beyond reasonable doubt that return of the child to his parent or parents would be detrimental to the child and that the parent or parents have failed during such period, and are likely to fail in the future, to

(i) Provide a home for said child;

(ii) Provide care and control for the child; and

(iii) Maintain an adequate parental relationship with the child.

Physical custody of the child by the parent or parents for insubstantial periods of time during the required two-year period will not serve to interrupt the running of such period.

(b) A licensed adoption agency may institute under this section, an action to declare a child, as described in this section, free from the custody and control of his parents. When the requesting agency is a licensed county adoption agency, the county counsel, or if there is no county counsel, the district attorney shall in a proper case institute

such action.

CHAPTER 687

An act to amend Section 13311 of the Education Code, relating to public school employees.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 13311 of the Education Code is amended to read:

13311. Nothing in Sections 13303 to 13308, inclusive, shall be construed to give permanent classification to a person in the evening school who is already classified as a permanent employee in the day school. In case a teacher obtains permanent classification in the evening school and later is eligible for the same classification in the day school by reason of having served the probationary period therein, he shall be given his choice as to which he shall take.

Notwithstanding any other provision to the contrary, service in the evening school shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee in the day school, except service in the evening school rendered by a person rendering services in the day school who is directed or specifically requested by the school district to render services in the evening school either in addition to, or instead of, rendering service in the day school. Service in the day school shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee in the evening school, except service in the day school rendered by a person rendering services in the evening school who is directed or specifically requested by the school district to render service in the day school either in addition to, or instead of, rendering service in the evening school.

CHAPTER 688

An act to amend Sections 6370 and 6371 of, and to add Sections 6370.1 and 6370.2 to, the Public Resources Code, relating to state lands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 6370 of the Public Resources Code is amended to read:

6370. The commission, acting in concert with the Resources Agency and the Office of Planning and Research, and in cooperation with other appropriate state, federal, and local agencies, shall inventory unconveyed state school and tide and submerged lands and identify such lands which possess significant environmental values, including scenic, historic, natural, or aesthetic values of statewide interest. The commission, upon identification of such lands, shall adopt regulations necessary to assure permanent protection to these lands.

SEC. 2. Section 6370.1 is added to the Public Resources Code, to read:

6370.1. The Office of Planning and Research shall, for purposes of Section 6370, define "significant environmental values", which definition shall include, but not be limited to, the criteria developed pursuant to Section 65041 of the Government Code. Such definition shall be submitted to the commission for its approval and adoption at a public hearing. The commission shall submit the adopted definition, including reasons in support of the adopted definition, to the Legislature no later than January 15, 1974.

SEC. 3 Section 6370.2 is added to the Public Resources Code, to read:

6370.2. The commission shall submit a final report to the Legislature by January 15, 1975, which identifies those lands determined by the commission to possess significant environmental values and sets forth the applicable criteria upon which such determinations were made, including the findings and regulations adopted pursuant to Section 6370. The report shall further contain recommended additional actions necessary to assure permanent protection of such lands. In its investigation, the commission shall consider the California Protected Waterways Plan required pursuant to the provisions of Chapter 1278 of the Statutes of 1968, and any and all other reports and plans relating to the protection of scenic, historic, natural, or aesthetic values.

SEC. 4. Section 6371 of the Public Resources Code is amended to read:

6371. Until submission of the report required in Section 6370.2 the State Lands Commission shall not sell any of the lands under its jurisdiction unless it has made a finding at a public meeting that such sale is necessary for the health, welfare or safety of the people of the state or a finding that such land would not meet the intent of environmentally significant lands indicated in Section 6370; provided, however, that this section and Sections 6372, 6373, 6374, and 6375 shall not be applicable to settlements of title and boundary problems by the commission and exchanges in connection therewith. The commission shall not lease any of the lands under its jurisdiction unless it shall have complied with the environmental impact report requirements of Division 13 (commencing with Section 21000) and

rules and regulations adopted by the commission pursuant to Section 21082.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Present law requires the State Lands Commission to inventory unconveyed state school and tide and submerged lands in order that those which possess unique environmental values may be permanently protected. The commission was required to submit a report to the Legislature by January 1, 1973, identifying such lands, but submission of the report has been delayed. In order to assure that this information is received as soon as possible so that proper steps can be taken to protect such lands, it is necessary that this act take immediate effect.

CHAPTER 689

An act to amend Section 1205 of the Penal Code, relating to fines and imprisonment.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 1205 of the Penal Code is amended to read:

1205. A judgment that the defendant pay a fine, with or without other punishment, may also direct that he be imprisoned until the fine is satisfied and may further direct that such imprisonment begin at and continue after the expiration of any imprisonment imposed as a part of the punishment or of any other imprisonment to which he may theretofore have been sentenced. Every such judgment shall specify the extent of the imprisonment for nonpayment of the fine, which shall not be more than one day for each twenty dollars ($20) of the fine, nor exceed in any case the term for which the defendant might be sentenced to imprisonment for the offense of which he has been convicted. A defendant held in custody for nonpayment of a fine shall be entitled to credit on the fine for each day he is so held in custody, at the rate specified in the judgment. When the defendant has been convicted of a misdemeanor, a judgment that the defendant pay a fine may also direct that he pay the fine within a limited time or in installments on specified dates and that in default of payment as therein stipulated he be imprisoned in the discretion of the court either until the defaulted installment is satisfied or until the fine is satisfied in full; but unless such direction is given in the judgment, the fine shall be payable forthwith.

Except as otherwise provided in case of fines imposed as conditions

of probation, the defendant must pay the fine to the clerk of the court, or to the judge thereof if there is no clerk, unless the defendant is taken into custody for nonpayment of the fine, in which event payments made while he is in custody shall be made to the officer who holds him in custody and all amounts so paid shall be forthwith paid over by such officer to the court which rendered the judgment. The clerk shall report to the court every default in payment of a fine or any part thereof, or if there is no clerk, the court shall take notice of such default. If time has been given for payment of a fine or it has been made payable in installments, the court shall, upon any default in payment immediately order the arrest of the defendant and order him to show cause why he should not be imprisoned until the fine or installment thereof, as the case may be, is satisfied in full. If the fine, or installment, is payable forthwith and it is not so paid, the court shall without further proceedings, immediately commit the defendant to the custody of the proper officer to be held in custody until the fine or installment thereof, as the case may be, is satisfied in full. The provisions of this section shall apply to any violation of any of the codes or statutes of the State of California punishable by a fine or by a fine and imprisonment.

CHAPTER 690

An act to amend Section 13263 of the Education Code, relating to school certificated employees.

[Approved by Governor September 21, 1973. Filed with Secretary of State September 21, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 13263 of the Education Code is amended to read:

13263. Every probationary or permanent employee employed after June 30, 1947, shall be deemed to have been employed on the date upon which he first rendered paid service in a probationary position.

In any district in which appointments are made from eligible lists established by examination, if two or more employees rendered their first paid service on the same date, the board shall determine the order of employment of employees so appointed by lot drawn as follows:

First, those who were highest on their respective eligible lists, except as they have waived appointment, shall draw lots for preferred order as among such employees.

Second, those who were next highest on their respective eligible lists shall similarly draw lots for preferred order as among themselves.

In like manner, drawings shall continue until the order of employment of all shall have been determined. Employees appointed subject to examination shall draw last of all.

In districts in which employees are not appointed from eligible lists, all who first rendered paid service on the same date shall participate in a single drawing except that in school districts having an average daily attendance in excess of 15,000, an independent auditing firm may be employed to assign to such employees numbers at random which shall determine the order of employment. Any determination of an employee's order of employment pursuant to this section shall be made within 30 days of the date service was first rendered by the employee.

CHAPTER 691

An act to add Sections 32110.1, 32110.2, 32110.3, and 32110.4 to the Education Code, relating to continuous school programs.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 32110.1 is added to the Education Code, to read:

32110.1. Whenever the governing board of any school district, pursuant to Section 32110, determines to operate one or more schools of the district on a continuous school program, it shall publish, not later than January 1st of the school year preceding the commencement of such a program, its intention to operate a continuous school program in a newspaper of general circulation within the district, or if there is no such newspaper, then in any newspaper of general circulation that is regularly circulated in the district. The notice shall specify whether participation in the program shall be mandatory or permissive.

Publication of notice pursuant to this section shall be once each week for three successive weeks. Three publications in a newspaper regularly published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient.

SEC. 2. Section 32110.2 is added to the Education Code, to read:

32110.2. If after notice of intention to establish a continuous school program has been given and participation in the program is to be mandatory, 25 percent of the electors of the district may present, not later than March 15th, a petition to the county superintendent of schools requesting that the school district not establish the continuous school program intended. Thereupon the decision as to whether or not the continuous school program shall be

authorized to commence shall be made by the electors of the district at either the direct primary election as provided for by Section 2501 of the Elections Code in even-numbered years or the school district election as provided for by Section 1111 in odd-numbered years, by an appropriate addition to either of such ballots as provided in Section 32110.3.

SEC. 3. Section 32110.3 is added to the Education Code, to read:

32110.3. (a) The county superintendent of schools shall examine the petition and, if he finds it to be sufficient and signed as required by law, order a ballot provision, as provided by subdivision (b), to be added to either the ballot of the forthcoming direct primary election or school district election, within the district, to determine the question.

(b) The ballot provision used in the election shall contain the words "For continuous school program of the (name of district) District for (name of school or schools) School or Schools" followed by the words "Yes" and "No" so placed that the voter may clearly indicate his choice.

SEC. 4. Section 32110.4 is added to the Education Code, to read:

32110.4. (a) If a majority of those voting for the ballot provision, as provided by subdivision (b) of Section 32110.3, at the election vote "yes" then the school district shall be permitted to commence the continuous school program so designated on the ballot.

(b) If a majority of those voting for the ballot provision, as provided by subdivision (b) of Section 32110.3, at the election vote "no" then the school district shall not be permitted to commence the continuous school program so designated on the ballot.

CHAPTER 692

An act to amend Section 6103.7 of the Government Code, and to amend Section 19132.9 of the Health and Safety Code, relating to fees.

[Approved by Governor September 21, 1973. Filed with Secretary of State September 21, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 6103.7 of the Government Code is amended to read:

6103.7. Section 6103 does not apply to any fee or charge for official services established by a city, county, city and county, or district as a reasonable and nondiscriminatory inspection fee to defray the costs of the inspection by such city, county, city and county, or district of building construction work performed within the boundaries of such city, county, city and county, or district, whether such work is done pursuant to franchise, statutory authority, or otherwise. Section 6103

does not apply to a reasonable and nondiscriminatory fee or charge established by a city, county, city and county, or district ordinance to defray the costs of providing plan-checking services to any applicant, whether such plan-checking services are performed by the city, county, city and county, or district having jurisdiction over the construction or are contracted by such city, county, city and county, or district to an independent plan-checking firm. This section does not authorize a fee or charge for the mere issuance of a permit to do such work, nor does this section authorize the assessment against, or collecting of any fee or charge from, the state or its agencies when, and to the extent that, such inspection or services are otherwise required by law, to be, and are in fact, performed by another governmental agency.

SEC. 2. Section 19132.9 of the Health and Safety Code is amended to read:

19132.9. The United States, the State of California, school or other districts, counties and cities shall not be required to pay a fee for filing an application for a building permit pursuant to this chapter.

CHAPTER 693

An act to add Title 9 (commencing with Section 5150) to Part 5 of the Civil Code, relating to the Uniform Child Custody Jurisdiction Act.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Title 9 (commencing with Section 5150) is added to Part 5 of the Civil Code, to read:

TITLE 9. UNIFORM CHILD CUSTODY JURISDICTION ACT

5150. (1) The general purposes of this title are to:

(a) Avoid jurisdiction competition and conflict with courts of other states in matters of child custody which have in the past resulted in the shifting of children from state to state with harmful effects on their well-being.

(b) Promote cooperation with the courts of other states to the end that a custody decree is rendered in that state which can best decide the case in the interest of the child.

(c) Assure that litigation concerning the custody of a child take place ordinarily in the state with which the child and his family have the closest connection and where significant evidence concerning his care, protection, training, and personal relationships is most readily available, and that courts of this state decline the exercise of

jurisdiction when the child and his family have a closer connection with another state.

(d) Discourage continuing controversies over child custody in the interest of greater stability of home environment and of secure family relationships for the child.

(e) Deter abductions and other unilateral removals of children undertaken to obtain custody awards.

(f) Avoid relitigation of custody decisions of other states in this state insofar as feasible.

(g) Facilitate the enforcement of custody decrees of other states.

(h) Promote and expand the exchange of information and other forms of mutual assistance between the courts of this state and those of other states concerned with the same child.

(i) To make uniform the law of those states which enact it.

(2) This title shall be construed to promote the general purposes stated in this section.

5151. As used in this title:

(1) "Contestant" means a person, including a parent, who claims a right to custody or visitation rights with respect to a child;

(2) "Custody determination" means a court decision and court orders and instructions providing for the custody of a child, including visitation rights; it does not include a decision relating to child support or any other monetary obligation of any person.

(3) "Custody proceeding" includes proceedings in which a custody determination is one of several issues, such as an action for dissolution of marriage, or legal separation, and includes child neglect and dependency proceedings;

(4) "Decree" or "custody decree" means a custody determination contained in a judicial decree or order made in a custody proceeding, and includes an initial decree and a modification decree.

(5) "Home state" means the state in which the child immediately preceding the time involved lived with his parents, a parent, or a person acting as parent, for at least six consecutive months, and in the case of a child less than six months old the state in which the child lived from birth with any of the persons mentioned. Periods of temporary absence of any of the named persons are counted as part of the six-month or other period.

(6) "Initial decree" means the first custody decree concerning a particular child.

(7) "Modification decree" means a custody decree which modifies or replaces a prior decree, whether made by the court which rendered the prior decree or by another court.

(8) "Physical custody" means actual possession and control of a child.

(9) "Person acting as parent" means a person, other than a parent, who has physical custody of a child and who has either been awarded custody by the court or claims a right to custody.

(10) "State" means any state, territory, or possession of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

5152. (1) A court of this state which is competent to decide child custody matters has jurisdiction to make a child custody determination by initial or modification decree if the conditions as set forth in any of the following paragraphs are met:

(a) This state (i) is the home state of the child at the time of commencement of the proceeding, or (ii) had been the child's home state within six months before commencement of the proceeding and the child is absent from this state because of his removal or retention by a person claiming his custody or for other reasons, and a parent or person acting as parent continues to live in this state.

(b) It is in the best interest of the child that a court of this state assume jurisdiction because (i) the child and his parents, or the child and at least one contestant, have a significant connection with this state, and (ii) there is available in this state substantial evidence concerning the child's present or future care, protection, training, and personal relationships.

(c) The child is physically present in this state and (i) the child has been abandoned or (ii) it is necessary in an emergency to protect the child because he has been subjected to or threatened with mistreatment or abuse or is otherwise neglected or dependent.

(d) (i) It appears that no other state would have jurisdiction under prerequisites substantially in accordance with paragraphs (a), (b) (c), or another state has declined to exercise jurisdiction on the ground that this state is the more appropriate forum to determine the custody of the child, and (ii) it is in the best interest of the child that this court assume jurisdiction.

(2) Except under paragraphs (c) and (d) of subdivision (1), physical presence in this state of the child, or of the child and one of the contestants, is not alone sufficient to confer jurisdiction on a court of this state to make a child custody determination.

(3) Physical presence of the child, while desirable, is not a prerequisite for jurisdiction to determine his custody.

5153. Before making a decree under this title, reasonable notice and opportunity to be heard shall be given to the contestants, any parent whose parental rights have not been previously terminated, and any person who has physical custody of the child. If any of these persons is outside this state, notice and opportunity to be heard shall be given pursuant to Section 5154.

5154. (1) Notice required for the exercise of jurisdiction over a person outside this state shall be given in a manner reasonably calculated to give actual notice, and may be made in any of the following ways:

(a) By personal delivery outside this state in the manner prescribed for service of process within this state.

(b) In the manner prescribed by the law of the place in which the service is made for service of process in that place in an action in any of its courts of general jurisdiction.

(c) By any form of mail addressed to the person to be served and

requesting a receipt.

(d) As directed by the court (including publication, if other means of notification are ineffective).

(2) Notice under this section shall be served, mailed, delivered, or last published at least 10 days before any hearing in this state.

(3) Proof of service outside this state may be made by affidavit of the individual who made the service, or in the manner prescribed by the law of this state, the order pursuant to which the service is made, or the law of the place in which the service is made. If service is made by mail, proof may be a receipt signed by the addressee or other evidence of delivery to the addressee.

(4) Notice is not required if a person submits to the jurisdiction of the court.

5155. (1) A court of this state shall not exercise its jurisdiction under this title if at the time of filing the petition a proceeding concerning the custody of the child was pending in a court of another state exercising jurisdiction substantially in conformity with this title, unless the proceeding is stayed by the court of the other state because this state is a more appropriate forum or for other reasons.

(2) Before hearing the petition in a custody proceeding the court shall examine the pleadings and other information supplied by the parties under 5159 and shall consult the child custody registry established under 5165 concerning the pendency of proceedings with respect to the child in other states. If the court has reason to believe that proceedings may be pending in another state it shall direct an inquiry to the state court administrator or other appropriate official of the other state.

(3) If the court is informed during the course of the proceeding that a proceeding concerning the custody of the child was pending in another state before the court assumed jurisdiction it shall stay the proceeding and communicate with the court in which the other proceeding is pending to the end that the issue may be litigated in the more appropriate forum and that information be exchanged in accordance with Sections 5168 through 5171. If a court of this state has made a custody decree before being informed of a pending proceeding in a court of another state it shall immediately inform that court of the fact. If the court is informed that a proceeding was commenced in another state after it assumed jurisdiction it shall likewise inform the other court to the end that the issues may be litigated in the more appropriate forum.

5156. (1) A court which has jurisdiction under this title to make an initial or modification decree may decline to exercise its jurisdiction any time before making a decree if it finds that it is an inconvenient forum to make a custody determination under the circumstances of the case and that a court of another state is a more appropriate forum.

(2) A finding of inconvenient forum may be made upon the court's own motion or upon motion of a party or a guardian ad litem or other representative of the child.

(3) In determining if it is an inconvenient forum, the court shall consider if it is in the interest of the child that another state assume jurisdiction. For this purpose it may take into account the following factors, among others:

(a) If another state is or recently was the child's home state.

(b) If another state has a closer connection with the child and his family or with the child and one or more of the contestants.

(c) If substantial evidence concerning the child's present or future care, protection, training, and personal relationships is more readily available in another state.

(d) If the parties have agreed on another forum which is no less appropriate.

(e) If the exercise of jurisdiction by a court of this state would contravene any of the purposes stated in Section 5150.

(4) Before determining whether to decline or retain jurisdiction the court may communicate with a court of another state and exchange information pertinent to the assumption of jurisdiction by either court with a view to assuring that jurisdiction will be exercised by the more appropriate court and that a forum will be available to the parties.

(5) If the court finds that it is an inconvenient forum and that a court of another state is a more appropriate forum, it may dismiss the proceedings, or it may stay the proceedings upon condition that a custody proceeding be promptly commenced in another named state or upon any other conditions which may be just and proper, including the condition that a moving party stipulate his consent and submission to the jurisdiction of the other forum.

(6) The court may decline to exercise its jurisdiction under this title if a custody determination is incidental to an action for divorce or another proceeding while retaining jurisdiction over the divorce or other proceeding.

(7) It if appears to the court that it is clearly an inappropriate forum it may require the party who commenced the proceedings to pay, in addition to the costs of the proceedings in this state, necessary travel and other expenses, including attorney's fees, incurred by other parties or their witnesses. Payment is to be made to the clerk of the court for remittance to the proper party.

(8) Upon dismissal or stay of proceedings under this section the court shall inform the court found to be the more appropriate forum of this fact, of if the court which would have jurisdiction in the other state is not certainly known, shall transmit the information to the court administrator or other appropriate official for forwarding to the appropriate court.

(9) Any communication received from another state informing this state of a finding of inconvenient forum because a court of this state is the more appropriate forum shall be filed in the custody registry of the appropriate court. Upon assuming jurisdiction the court of this state shall inform the original court of this fact.

5157. (1) If the petitioner for an initial decree has wrongfully

taken the child from another state or has engaged in similar reprehensible conduct the court may decline to exercise jurisdiction if this is just and proper under the circumstances.

(2) Unless required in the interest of the child, the court shall not exercise its jurisdiction to modify a custody decree of another state if the petitioner, without consent of the person entitled to custody has improperly removed the child from the physical custody of the person entitled to custody or has improperly retained the child after a visit or other temporary relinquishment of physical custody. If the petitioner has violated any other provision of a custody decree of another state the court may decline to exercise its jurisdiction if this is just and proper under the circumstances.

(3) In appropriate cases a court dismissing a petition under this section may charge the petitioner with necessary travel and other expenses, including attorney's fees, incurred by other parties or their witnesses.

5158. (1) Every party in a custody proceeding in his first pleading or in an affidavit attached to that pleading shall give information under oath as to the child's present address, the places where the child has lived within the last five years, and the names and present addresses of the persons with whom the child has lived during that period. In this pleading or affidavit every party shall further declare under oath as to each of the following whether:

(a) He has participated, as a party, witness, or in any other capacity, in any other litigation concerning the custody of the same child in this or any other state.

(b) He has information of any custody proceeding concerning the child pending in a court of this or any other state.

(c) He knows of any person not a party to the proceedings who has physical custody of the child or claims to have custody or visitation rights with respect to the child.

(2) If the declaration as to any of the above items is in the affirmative the declarant shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and as to other matters pertinent to the court's jurisdiction and the disposition of the case.

(3) Each party has a continuing duty to inform the court of any custody proceeding concerning the child in this or any other state of which he obtained information during this proceeding.

5159. If the court learns from information furnished by the parties pursuant to Section 5158 or from other sources that a person not a party to the custody proceeding has physical custody of the child or claims to have custody or visitation rights with respect to the child, it shall order that person to be joined as a party and to be duly notified of the pendency of the proceeding and of his joinder as a party. If the person joined as a party is outside this state he shall be served with process or otherwise notified in accordance with Section 5154.

5160. (1) The court may order any party to the proceeding who is in this state to appear personally before the court. If that party has physical custody of the child the court may order that he appear personally with the child.

(2) If a party to the proceeding whose presence is desired by the court is outside this state with or without the child the court may order that the notice given under Section 5154 include a statement directing that party to appear personally with or without the child and declaring that failure to appear may result in a decision adverse to that party.

(3) If a party to the proceeding who is outside this state is directed to appear under subdivision (2) or desires to appear personally before the court with or without the child, the court may require another party to pay to the clerk of the court travel and other necessary expenses of the party so appearing and of the child if this is just and proper under the circumstances.

5161. A custody decree rendered by a court of this state which had jurisdiction under Section 5152 binds all parties who have been served in this state or notified in accordance with Section 5154 or who have submitted to the jurisdiction of the court, and who have been given an opportunity to be heard. As to these parties the custody decree is conclusive as to all issues of law and fact decided and as to the custody determination made unless and until that determination is modified pursuant to law, including the provisions of this title.

5162. The courts of this state shall recognize and enforce an initial or modification decree of a court of another state which had assumed jurisdiction under statutory provisions substantially in accordance with this title or which was made under factual circumstances meeting the jurisdictional standards of the title, so long as this decree has not been modified in accordance with jurisdictional standards substantially similar to those of this title.

5163. (1) If a court of another state has made a custody decree, a court of this state shall not modify that decree unless (a) it appears to the court of this state that the court which rendered the decree does not now have jurisdiction under jurisdictional prerequisites substantially in accordance with this title or has declined to assume jurisdiction to modify the decree and (b) the court of this state has jurisdiction.

(2) If a court of this state is authorized under subdivision (1) and Section 5157 to modify a custody decree of another state it shall give due consideration to the transcript of the record and other documents of all previous proceedings submitted to it in accordance with Section 5171.

5164. (1) A certified copy of a custody decree of another state may be filed in the office of the clerk of any superior court of this state. The clerk shall treat the decree in the same manner as a custody decree of the superior court of this state. A custody decree so filed has the same effect and shall be enforced in like manner as a custody decree rendered by a court of this state.

(2) A person violating a custody decree of another state which makes it necessary to enforce the decree in this state may be required to pay necessary travel and other expenses, including attorneys' fees, incurred by the party entitled to the custody or his witnesses.

5165. The clerk of each superior court shall maintain a registry in which he shall enter all of the following:

(1) Certified copies of custody decrees of other states received for filing.

(2) Communications as to the pendency of custody proceedings in other states.

(3) Communications concerning a finding of inconvenient forum by a court of another state.

(4) Other communications or documents concerning custody proceedings in another state which may affect the jurisdiction of a court of this state or the disposition to be made by it in a custody proceeding.

5166. The clerk of a superior court of this state, at the request of the court of another state or at the request of any person who is affected by or has a legitimate interest in a custody decree, shall certify and forward a copy of the decree to that court or person.

5167 In addition to other procedural devices available to a party, any party to the proceeding or a guardian ad litem or other representative of the child may adduce testimony of witnesses, including parties and the child, by deposition or otherwise, in another state. The court on its own motion may direct that the testimony of a person be taken in another state and may prescribe the manner in which and the terms upon which the testimony shall be taken.

5168. (1) A court of this state may request the appropriate court of another state to hold a hearing to adduce evidence, to order a party to produce or give evidence under other procedures of that state, or to have social studies made with respect to the custody of a child involved in proceedings pending in the court of this state; and to forward to the court of this state certified copies of the transcript of the record of the hearing, the evidence otherwise adduced, or any social studies prepared in compliance with the request. The cost of the services may be assessed against the parties or, if necessary, ordered paid by the state.

(2) A court of this state may request the appropriate court of another state to order a party to custody proceedings pending in the court of this state to appear in the proceedings, and if that party has physical custody of the child, to appear with the child. The request may state that travel and other necessary expenses of the party and of the child whose appearance is desired will be assessed against another party or will otherwise be paid.

5169. (1) Upon request of the court of another state the courts of this state which are competent to hear custody matters may order a person in this state to appear at a hearing to adduce evidence or

to produce or give evidence under other procedures available in this state. A certified copy of the transcript of the record of the hearing or the evidence otherwise adduced shall be forwarded by the clerk of the court to the requesting court.

(2) A person within this state may voluntarily give his testimony or statement in this state for use in a custody proceeding outside this state.

(3) Upon request of the court of another state a competent court of this state may order a person in this state to appear alone or with the child in a custody proceeding in another state. The court may condition compliance with the request upon assurance by the other state that travel and other necessary expenses will be advanced or reimbursed.

5170. In any custody proceeding in this state the court shall preserve the pleadings, orders and decrees, any record that has been made of its hearings, social studies, and other pertinent documents until the child reaches 18 years of age. Upon appropriate request of the court of another state the court shall forward to the other court certified copies of any or all of such documents.

5171. If a custody decree has been rendered in another state concerning a child involved in a custody proceeding pending in a court of this state, the court of this state upon taking jurisdiction of the case shall request of the court of the other state a certified copy of the transcript of any court record and other documents mentioned in Section 5170.

5172. The general policies of this title extend to the international area. The provisions of this title relating to the recognition and enforcement of custody decrees of other states apply to custody decrees and decrees involving legal institutions similar in nature to custody rendered by appropriate authorities of other nations if reasonable notice and opportunity to be heard were given to all affected persons.

5173. Upon the request of a party to a custody proceeding which raises a question of existence or exercise of jurisdiction under this title the case shall be given calendar priority and handled expeditiously.

5174. This title may be cited as the Uniform Child Custody Jurisdiction Act.

SEC. 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, its invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 3. There are no state-mandated local costs that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 694

An act to amend Sections 74843, 74844, and 74847 of the Government Code, relating to municipal courts.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 74843 of the Government Code is amended to read:

74843. The clerk may appoint:

(a) One chief deputy clerk.

(b) Two municipal courtroom clerks.

(c) One account clerk III.

(d) Three senior deputy clerks.

(e) One legal secretary.

(f) Eleven deputy clerks II or deputy clerks I as shall be determined by the judges with the concurrence of the board of supervisors.

Each of these employees shall receive the monthly salary specified in Section 74847 for his classification

SEC. 2. Section 74844 of the Government Code is amended to read:

74844. There shall be one marshal who shall receive one thousand three hundred thirty-eight dollars ($1,338) monthly, provided, however, that in order to maintain comparability with the salaries of the elected and appointed officials of the County of Solano whose salaries are set by the board of supervisors, the judges, with the concurrence of the board of supervisors, may establish one thousand three hundred seventy-one dollars ($1,371), one thousand four hundred five dollars ($1,405), one thousand four hundred forty dollars ($1,440), one thousand four hundred seventy-five dollars ($1,475), one thousand five hundred twelve dollars ($1,512), one thousand five hundred forty-nine dollars ($1,549), one thousand six hundred twenty-six dollars ($1,626), to one thousand six hundred sixty-six dollars ($1,666) as the monthly salary.

SEC. 3. Section 74847 of the Government Code is amended to read:

74847. Persons employed in any of the positions authorized by this article except the marshal shall be paid the salary assigned to the following ranges as set forth in the salary schedule contained in Section 74846:

(a) Deputy clerk I ..... Range 23½
(b) Deputy clerk II ..... Range 24½
(c) Senior deputy clerk ..... Range 26½
(d) Account clerk III ..... Range 27½
(e) Legal secretary ..... Range 26½

(f) Municipal courtroom clerk .....Range 28½
(g) Chief deputy clerk .....Range 34½
(h) Clerk.....Range 39½
(i) Clerk II .....Range 22½
(j) Deputy marshal—female .....Range 27½
(k) Deputy marshal I .....Range 33
(*l*) Deputy marshal II.....Range 34
(m) Chief deputy marshal—
office supervisor.....Range 35

Each person employed in the office of the clerk and the office of the marshal, including the clerk and the marshal, on the effective date of the amendments to this section enacted at the 1967 Regular Session of the Legislature shall receive credit for prior continuous service in office including service in departments superseded upon the establishment of the municipal court, and his prior service shall be deemed service in the new position, provided, however, that such credit shall be given only when the judges of the court determine that the officer or employee is entitled to receive it. The clerk, deputy clerks, and the attachés of the court shall be appointed at the first step for the range assigned to their classification, except if it is difficult to secure qualified personnel, or if a person of unusual qualifications is hired, the judges may appoint such person at the second step of the range assigned to that classification. In the case of the appointment of the clerk of the municipal court, the judges shall be authorized, if they deem it necessary, to appoint the clerk at a higher step, not to exceed the fifth step of the range assigned to that classification as set forth in Section 74846, and, provided, further, that if the judges are unable to secure a qualified person to fulfill the position of clerk of the municipal court for a salary as hereinabove provided, then the judges with the concurrence of the board of supervisors may establish a salary at a rate not to exceed one thousand six hundred sixty-six dollars ($1,666) monthly.

SEC. 4. There are no state-mandated local costs that require reimbursement under Section 2164.3 of the Revenue and Taxation Code because this act is in accordance with the request of a local government entity or entities which desires legislative authority to act to carry out the program specified in this act.

CHAPTER 695

An act to amend Section 7522 of the Business and Professions Code, relating to private investigators.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973.]

The people of the State of California do enact as follows:

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SECTION 1. Section 7522 of the Business and Professions Code is amended to read:

7522. This chapter does not apply to:

(a) A person employed exclusively and regularly by one employer in connection with the affairs of such employer only and where there exists an employer-employee relationship.

(b) An officer or employee of the United States of America, or of this state or a political subdivision thereof, while such officer or employee is engaged in the performance of his official duties, including uniformed peace officers employed part time by a public agency pursuant to a written agreement between a chief of police or sheriff and the public agency, provided such part-time employment does not exceed 50 hours in any calendar month.

(c) A person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons.

(d) A charitable philanthropic society or association duly incorporated under the laws of this state which is organized and maintained for the public good and not for private profit.

(e) Patrol special police officers appointed by the police commission of any city, county, or city and county under the express terms of its charter who also under the express terms of the charter (1) are subject to suspension or dismissal after a hearing on charges duly filed with the commission after a fair and impartial trial, (2) must be not less than 18 years of age nor more than 40 years of age, (3) must possess physical qualifications prescribed by the commission, and (4) are designated by the police commission as the owners of a certain beat or territory as may be fixed from time to time by the police commission.

(f) An attorney at law in performing his duties as such attorney at law.

(g) A licensed collection agency or an employee thereof while acting within the scope of his employment, while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or his property where the contract with an assignor creditor is for the collection of claims owed or due or asserted to be owed or due or the equivalent thereof.

(h) Admitted insurers and agents and insurance brokers licensed by the state, performing duties in connection with insurance transacted by them.

(i) The legal owner of personal property which has been sold under a conditional sales agreement or a mortgagee under the terms of a chattel mortgage.

(j) Any bank subject to the jurisdiction of the Superintendent of Banks of the State of California or the Comptroller of Currency of the United States.

(k) A person engaged solely in the business of securing information about persons or property from public records.

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CHAPTER 696

An act to amend Section 2981 of, and to add Sections 2981.5 and 2985.81 to, the Civil Code, relating to conditional sales contracts.

[Approved by Governor September 21, 1973. Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 2981 of the Civil Code is amended to read:

2981. As used in this chapter, unless the context otherwise requires:

(a) "Conditional sale contract" means:

(1) Any contract for the sale of a motor vehicle between a buyer and a seller, with or without accessories, under which possession is delivered to the buyer but the title vests in the buyer thereafter only upon the payment of all or part of the price, or upon the performance of any other condition, or

(2) Any contract for the bailment or leasing of a motor vehicle between a buyer and a seller, with or without accessories, by which the bailee or lessee agrees to pay as compensation for use a sum substantially equivalent to or in excess of the aggregate value of the vehicle and its accessories, if any, at the time the contract is executed, and by which it is agreed that the bailee or lessee will become, or for no other or for a nominal consideration has the option of becoming, the owner of the vehicle upon full compliance with the terms of the contract, or

(3) Any contract for the sale of a motor vehicle between a buyer and a seller, with or without accessories, under which possession is delivered to the buyer, and a lien on the property is to vest in the seller as security for the payment of part or all of the price, or for the performance of any other condition.

(b) "Seller" means a person engaged in the business of selling or leasing motor vehicles under conditional sale contracts

(c) "Buyer" means the person who buys or hires a motor vehicle under a conditional sale contract.

(d) "Person" includes an individual, company, firm, association, partnership, trust, corporation, or other legal entity.

(e) "Cash price" means the amount for which the seller would sell and transfer to the buyer unqualified title to the motor vehicle described in the conditional sale contract, if the property were sold for cash at the seller's place of business on the date the contract is executed, and may include taxes to the extent imposed on the cash sale and the cash price of accessories or services related to the sale such as delivery, installation, alterations, modifications, and improvements

(f) "Downpayment" means that part of the cash price which the buyer pays or agrees to pay to the seller in cash or property value or money's worth at or prior to delivery by the seller to the buyer of the

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motor vehicle described in the conditional sale contract.

(g) "Unpaid balance" means the difference between (e) and (f), plus all insurance premiums (except for credit life or disability insurance when the amount thereof is included in the finance charge), which are included in the contract balance, and the total amount paid or to be paid (1) to any public officer in connection with the transaction, and (2) for license, certificate of title, and registration fees imposed by law.

(h) "Finance charge" means any amount which the buyer agrees to pay to the seller in excess of the unpaid balance.

(i) "Total of payments" or "contract balance" means the amount unpaid under the conditional sale contract, which the buyer agrees to pay in installments to the seller as originally provided therein, and shall not include amounts for which the buyer may later become obligated under the terms of the contract in connection with insurance, repairs to or preservation of the motor vehicle preservation of the security interest therein, or otherwise. Either term may be used in lieu of the other in complying with this chapter.

(j) "Motor vehicle" means any vehicle required to be registered under the Vehicle Code which is bought for use primarily for personal or family purposes, and does not mean any vehicle which is bought for use primarily for business or commercial purposes.

(k) "Purchase order" means a sales order, car reservation, statement of transaction or any other such instrument used in the conditional sale of a motor vehicle pending execution of a conditional sale contract. The purchase order shall conform to the disclosure requirements of paragraphs 1 to 8, inclusive, and paragraph 10 of subdivision (a) of Section 2982 and Section 2984.1, and the provisions of subdivisions (e), (f) and (g) of Section 2982 shall be applicable thereto.

(*l*) "Regulation Z" means Regulation Z promulgated by the Board of Governors of the Federal Reserve System under the Federal Truth in Lending Act (15 U.S.C. 1601, et seq.), and compliance with the interpretations of that board shall be deemed to be full compliance with Regulation Z with respect to the subject matter of such interpretations.

SEC. 2. Section 2981.5 is added to the Civil Code, to read:

2981.5. A contract for the bailment or leasing of a motor vehicle, with or without accessories, which establishes the maximum for which a bailee or lessee could be held liable at the end of the lease or bailment period, or upon an earlier termination, by reference to the value of the vehicle at such time, is not a contract by which the bailee or lessee will become or for no other or for a nominal consideration has the option of becoming the owner of the vehicle, for the purposes of paragraph (2) of subdivision (a) of Section 2981 or any other provision of this chapter.

SEC. 3. Section 2985.81 is added to the Civil Code, to read:

2985.81. No agreement in connection with the bailment or leasing of a motor vehicle which provides for the inclusion of title to

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or a lien upon any personal or real property, other than the motor vehicle which is the subject matter of the leasing contract, or accessories therefor, or special and auxiliary equipment used in connection therewith, as security for the payment of the contract obligations, shall be enforceable. This section shall apply to such contracts executed on or after the effective date of this section.

SEC. 4. Sections 1 and 2 of this act are declaratory of existing law and are intended to clarify and restate existing law in light of uncertainty in the law as evidenced by Thomas v. Wright (1971), 21 C.A. 3d 921, which may be construed to affect the validity of automobile leasing contracts executed in good faith compliance with statutes enacted subsequent to the transaction giving rise to that litigation.

CHAPTER 697

An act to amend Sections 73663, 73665, 73666 and 73667 of the Government Code, relating to courts.

[Approved by Governor September 21, 1973. Filed with Secretary of State September 21, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 73663 of the Government Code is amended to read:

73663. The clerk may appoint, with the approval of the judge, one chief deputy clerk, three court clerks II, three court clerks I, and three intermediate clerk-typists.

SEC. 2. Section 73665 of the Government Code is amended to read:

73665. The marshal may appoint, with the approval of the judge and the concurrence of the board of supervisors, one chief deputy marshal, three deputy marshals, one senior clerk-typist-matron and one intermediate clerk-typist-matron.

SEC. 3. Section 73666 of the Government Code is amended to read:

73666. The monthly salaries for the following positions shall be according to, and shall be increased in accordance with, the following salary schedule:

Salary Schedule

	Step A	Step B	Step C	Step D	Step E
Clerk	$870.46	$914.44	$959.57	$1,007.05	$1,057.98
Chief deputy clerk	561.41	590.31	619.26	650.25	682.93
Court clerk II	535.93	561.41	590.31	619.26	650.52
Court clerk I	497.71	522.02	548.67	576.46	605.35

Marshal	1,287.00				
Chief deputy marshal	810.27	850.76	892.45	936.41	983.86
Deputy marshal	752.40	790.60	829.92	870.46	914.44
Senior clerk-typist-matron	561.41	590.31	619.26	650.52	682.93
Intermediate clerk-typist	460.70	484.99	509.30	535.93	561.41
Intermediate clerk-typist-matron	484.99	509.30	535.93	561.41	590.31

SEC. 4. Section 73667 of the Government Code is amended to read:

73667. The positions enumerated in Section 73666 are deemed to be equivalent in job and salary level to certain positions in the classified service of the civil service system of the County of Humboldt, or in some instances, to such positions with a range adjustment on the salary range schedule of the County of Humboldt. The following table sets forth the court classifications with the equivalent county classifications and appropriate range adjustment, if any, shown opposite thereto:

Court classification	County classification
Clerk	Supervising clerk plus 15 ranges
Chief deputy clerk	Senior clerk plus 2 ranges
Court clerk II	Senior clerk
Court clerk I	Account clerk
Marshal	Sheriff's lieutenant minus 2 ranges
Chief deputy marshal	Deputy sheriff II
Deputy marshal	Deputy sheriff I
Senior clerk-typist-matron	Senior clerk-typist plus 2 ranges
Intermediate clerk-typist	Intermediate clerk-typist
Intermediate clerk-typist-matron	Intermediate clerk-typist plus 2 ranges

In the event that the salary for any county classification which is shown above is increased, then the salary for the equivalent court classification shall be automatically increased to the same amount, with an additional upward range adjustment on the salary range schedule of the County of Humboldt when such range adjustment is indicated in the above table. If the salary for any county classification which is shown above is increased prior to the effective date of this section, the resulting salary increase for the appropriate court classification shall become applicable on the effective date of this section. Any salary increase for a court classification which results from this section shall be effective only until January 1, 1976.

SEC. 5. There are no state-mandated local costs which may be incurred by a local agency under this act and require reimbursement by the state under Section 2164.3 of the Revenue and Taxation Code, because the affected local agency has requested the Legislature to revise state law in accordance with the provisions of this act in order to carry on any program and perform any service required by the act.

CHAPTER 698

An act to add Section 68511.2 to the Government Code, relating to courts.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 68511.2 is added to the Government Code, to read:

68511.2. Notwithstanding any other provision of law, the Judicial Council shall provide by rule for the photographic, microphotographic, mechanical, or electronic entry, storage, and retrieval of court records. The Judicial Council shall report periodically to the Legislature any statutory changes needed to achieve uniformity in the entry, storage, and retrieval of court records.

CHAPTER 699

An act to amend Section 24306 of, and to add Section 24306.1, to, the Education Code, relating to California State University and Colleges.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 24306 of the Education Code is amended to read:

24306. Any permanent or probationary employee may be dismissed, demoted, or suspended for the following causes:

(a) Immoral conduct.
(b) Unprofessional conduct.
(c) Dishonesty.
(d) Incompetency.
(e) Addiction to the use of narcotics or habit-forming drugs.

(f) Failure or refusal to perform the normal and reasonable duties of the position.

(g) Conviction of a felony or conviction of any misdemeanor involving moral turpitude.

(h) Fraud in securing appointment.

(i) Drunkenness on duty.

SEC. 2. Section 24306.1 is added to the Education Code, to read:

24306.1. Any permanent or probationary employee who is physically or mentally unfit for the position occupied may be suspended, demoted, or dismissed pursuant to the provisions of Sections 24308, 24309, and 24310.

CHAPTER 700

An act to amend Section 8352.4 of the Revenue and Taxation Code, relating to distribution of vehicle fuel license tax.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 8352.4 of the Revenue and Taxation Code is amended to read:

8352.4. Subject to the provisions of Sections 8352 and 8352.1, there shall be transferred from the money deposited to the credit of the Motor Vehicle Fuel Account to the Harbors and Watercraft Revolving Fund for expenditure in accordance with the provisions of Division 1 (commencing with Section 30) of the Harbors and Navigation Code, the sum of, six million dollars ($6,000,000) in the 1973–1974 fiscal year, six million two hundred thousand dollars ($6,200,000) in the 1974–1975 fiscal year, six million four hundred thousand dollars ($6,400,000) in the 1975–1976 fiscal year, and six million six hundred thousand dollars ($6,600,000) per annum commencing with the 1976–1977 fiscal year these sums representing the amount of money in the Motor Vehicle Fuel Account attributable to taxes imposed on distributions of motor vehicle fuel used or usable in propelling vessels. The actual amount shall be calculated using the annual reports of registered boats prepared by the Department of Motor Vehicles for the United States Coast Guard and the formula and method of the December 1972 report prepared for this purpose and submitted to the Legislature on December 26, 1972 by the Director of Transportation. If the amount so transferred during each of such fiscal years is in excess of the calculated amount, the excess shall be retransferred from the Harbors and Watercraft Revolving Fund to the Motor Vehicle Fuel Account. If the amount transferred is less than the amount so calculated, the difference shall be transferred from the Motor Vehicle Fuel Account to the Harbors and

Watercraft Revolving Fund; provided no such adjustment shall be made if the computed difference is less than fifty thousand dollars ($50,000); and further provided that such amount shall be adjusted to reflect any temporary or permanent increase or decrease that may be made in the rate under the Motor Vehicle Fuel License Tax Law. Payments pursuant to this section shall be made prior to payments pursuant to Section 8352.2.

When deemed necessary by the Department of Transportation and the Department of Navigation and Ocean Development, the Department of Transportation, after consultation with the Department of Navigation and Ocean Development, shall prepare, or cause to be prepared, an updated 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 or usable in propelling vessels; and the Department of Transportation shall submit such report to the Legislature upon its completion.

CHAPTER 701

An act to amend Section 74941 of, to add Section 74940 to, and to repeal Section 74940 of, the Government Code, relating to courts.

[Approved by Governor September 21, 1973. Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 74940 of the Government Code is repealed.

SEC. 2. Section 74940 is added to the Government Code, to read:

74940. Whenever reference is made to a range in any section of this article, the following schedule of biweekly salaries shall apply:

Range number	A	B	C	D	E
8.0	210	220	231	243	255
8.5	215	226	237	249	262
9.0	220	231	243	255	268
9.5	226	237	249	262	275
10.0	231	243	255	268	282
10.5	237	249	262	275	289
11.0	243	255	268	282	295
11.5	249	262	275	289	304
12.0	255	268	282	295	311
12.5	262	275	289	304	318
13.0	268	282	295	311	326
13.5	275	289	304	318	334
14.0	282	295	311	326	342
14.5	289	304	318	334	350

15.0	295	311	326	342	360
15.5	304	318	334	350	368
16.0	311	326	342	360	378
16.5	318	334	350	368	387
17.0	326	342	360	378	397
17.5	334	350	368	387	405
18 0	342	360	378	397	416
18.5	350	368	387	405	426
19.0	360	378	397	416	437
19.5	368	387	405	426	447
20.0	378	397	416	437	458
20.5	387	405	426	447	469
21.0	397	416	437	458	481
21.5	405	426	447	469	493
22.0	416	437	458	481	505
22.5	426	447	469	493	518

SEC. 3. Section 74941 of the Government Code is amended to read:

74941. Subject to the provisions of Section 72001, the compensation of officers and attachés shall be governed as follows:

(a) The initial hiring rate for each position shall normally be at step A. If it is difficult to secure qualified personnel at such rate, or if a person of unusual qualifications is hired, the appointing authority, with the approval of the Board of Supervisors of the County of Butte, may employ such person at one of the higher salary steps provided for the position.

(b) A step advancement from step A to step B of a position shall be granted following the completion of 130 days of compensated service in the position. A person shall advance to steps C, D and E upon completion of successive 260-day periods of compensated service in the same position. A step advancement shall become effective on the first day of the first pay period to begin after completion of the required compensated time.

(c) The salaries of municipal court officers and attachés may, upon recommendation by the appointing authority and approval of the board of supervisors, be increased or decreased within the limits set forth in Section 74926 in order to provide compensation which is comparable to compensation received by county employees of similar qualifications and experience and holding equal or comparable positions, as said comparability is determined by the board of supervisors.

(d) Certain classifications in the Chico Municipal Court are deemed to be equivalent or related in responsibility and salary level to certain classifications in the service of Butte County and whenever the salary of a classification in the service of Butte County is adjusted by the board of supervisors, the salary of equivalent classifications and related classifications in the Chico Municipal Court shall be adjusted an equal number of ranges on the currently effective salary

schedule established by county ordinance. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to classifications in the county service, but such adjustments shall be effective only until January 1, 1976.

All class relationships shall be based on salary schedule range assignments effective September 1, 1972.

The equivalent or related classifications are as follows:

Municipal court classification	County classification
Clerk, municipal court	Clerical supervisor
Steno-clerk II	Steno-clerk II
Typist-clerk III	Typist-clerk III
Typist-clerk II	Typist-clerk II
Marshal	Marshal
Deputy marshal	Deputy marshal

(e) The marshal and his deputies have previously been on a flat salary in the now superseded justice court, and they shall commence their duties as marshal and deputy marshal in step A of their respective ranges.

SEC. 4. The affected local agency has requested the Legislature to revise state law in accordance with the provisions of this act and agrees to bear the expense of any increased costs resulting from such revision without reimbursement by the state. Therefore, no appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code for reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 702

An act to add Sections 8773, 8773.1, 8773.2, 8773.3, and 8773.4 to the Business and Professions Code, relating to land surveying.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 8773 is added to the Business and Professions Code, to read:

8773. (a) A licensed land surveyor or registered civil engineer shall complete, sign, stamp with his seal and file with the county surveyor or engineer of the county where the corner is situated, a written record of corner establishment or restoration to be known as a "corner record" for every public land survey corner, as defined by

the Manual of Instructions for the Survey of the Public Lands of the United States, and accessory to such corner which is found, set, reset, or used as control in any survey by such land surveyor or civil engineer.

(b) A licensed land surveyor or registered civil engineer may file such corner record as to any property corner, property controlling corner, reference monument, or accessory to a property corner.

SEC. 2. Section 8773.1 is added to the Business and Professions Code, to read:

8773.1. The board shall by regulation provide and prescribe the information which shall be necessary to be included in the corner record and the board shall prescribe the form in which such corner record shall be presented and filed, and the time limits within which the form shall be filed.

SEC. 3. Section 8773.2 is added to the Business and Professions Code, to read:

8773.2. (a) A "corner record" filed with the county surveyor or engineer shall, after being examined by him, be filed with the county surveyor.

(b) The county surveyor of the county containing the corner shall receive and record the completed corner record.

(c) The corner record filed with the county surveyor of any county shall be securely fastened by him into a suitable book provided for that purpose.

(d) The charge for examining, indexing and filing the corner record shall be the same as provided for the recording of a deed.

SEC. 4. Section 8773.3 is added to the Business and Professions Code, to read:

8773.3. In every case where a corner record is filed pursuant to Section 8773, the licensed land surveyor or registered civil engineer shall reconstruct or rehabilitate the monument of such corner, and accessories to such corner, so that the same shall be left by him in such physical condition that it remains as permanent a monument as is reasonably possible and so that the same may be reasonably expected to be located with facility at all times in the future.

SEC. 5. Section 8773.4 is added to the Business and Professions Code, to read:

8773.4. (a) No corner record shall be filed unless the same is signed by a licensed land surveyor or registered civil engineer and stamped with his seal, or in the case of an agency of the United States government or the State of California the certificate may be signed by the chief of the survey party making the survey, setting forth his official title.

(b) No corner need be filed when:

(1) A corner record is on file and the corner is found as described in the existing corner record.

(2) All conditions of Section 8773 are complied with by proper notations on a record of survey map filed in compliance with the Land Surveyor's Act or a parcel or subdivision map, in compliance

with the Subdivision Map Act.

This section shall not apply to maps filed prior to the effective date of this section.

SEC. 6. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because additional fees or self-financing authority have been provided to cover any such costs in the Business and Professions Code as added by subdivision (d) of Section 8773.2.

CHAPTER 703

An act to add Section 22013.5 to the Government Code, relating to federal social security.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 22013.5 is added to the Government Code, to read:

22013.5. "Policeman" as used in this part also includes persons employed as members of a state university or state college police department who are peace officers and whose principal duties consist of law enforcement.

SEC. 2. The provisions of this act shall not become operative until such time as a ruling or regulation authorizing the inclusion of persons employed as members of a state university or state college police department whose principal duties consist of active law enforcement within the definition of "policeman" is issued by the federal agency for purposes of Section 218(d) (5) (A) of the Social Security Act.

CHAPTER 704

An act relating to regional centers for the developmentally disabled, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. In accordance with Section 38101 of the Health and Safety Code, the State Department of Health, shall establish and maintain four additional regional centers for the developmentally disabled in accordance with the following priorities as adopted by the Areawide Mental Retardation Program Board, Area 10, Los Angeles County:

(a) Harbor, Long Beach, Torrance, Bellflower Health Districts on or before July 1, 1973.

(b) Santa Monica-West, Inglewood Health Districts on or before January 1, 1974.

(c) San Fernando, West Valley, East Valley Health Districts on or before July 1, 1974.

(d) El Monte, Pomona, Monrovia Health Districts on or before January 1, 1975.

SEC. 2. In accordance with Section 38101 of the Health and Safety Code, the State Department of Health, shall establish and maintain a regional center for the developmentally disabled to serve the Counties of Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne on or before July 1, 1974, as recommended by Areawide Mental Retardation Program Board, Area 6.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of public peace, health, or safety, within the meaning of Article IV of the Constitution, and shall go into immediate effect. The facts constituting such necessity are:

To expedite the orderly implementation for the establishment of services provided for by Chapter 1594 of the Statutes of 1969 to promote economy and provide alternatives to state hospitalization for mentally retarded persons who are unable to be served by existing and planned regional centers, and to establish the services provided for by Chapter 1594 of the Statutes of 1969, as recommended by the Areawide Mental Retardation Program Boards, Area 10 and Area 6, it is imperative that this act take effect immediately.

CHAPTER 705

An act to amend Sections 17202, 17202.1, 17203, 17203.1, 17203.2, 17209, 17210, 17213, 17213.1, 17213.5, 17400, 17401, 17404, 17406, 17414, 17415, 17608, 17621, 17624, and 17626 of, and to add Sections 17213.2, 17609.1 and 17609.2 to, the Financial Code, relating to escrow agents.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 17202 of the Financial Code is amended to read:

17202. At the time of filing an application for an escrow agent's license, the applicant shall deposit with the commissioner a bond satisfactory to the commissioner in the amount of five thousand dollars ($5,000), with one or more sureties whose liability as such sureties shall not exceed that amount in the aggregate. On and after January 1, 1974, the amount of the bond herein described shall be ten thousand dollars ($10,000). The bond shall run to the state for the use of the state and of any person who has cause against the obligor of the bond under the provision of this division.

SEC. 2. Section 17202.1 of the Financial Code is amended to read:

17202.1. An applicant for an escrow agent's license or a licensee may, in lieu of and subject to the same conditions as the bond required by Section 17202, deposit with the commissioner a cash bond in the sum specified in Section 17202, evidence of deposit of said sum in banks authorized to do business in this state and insured by the Federal Deposit Insurance Corporation, or investment certificates or share accounts in the amount specified in Section 17202 issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation.

Such deposits, certificates, or accounts shall be assigned to and accepted and maintained by the commissioner upon such terms as the commissioner may prescribe and until released by the commissioner, and shall not be deemed an asset of the applicant or licensee for the purpose of complying with Section 17210.

SEC. 3. Section 17203 of the Financial Code is amended to read:

17203. The bond of an escrow agent shall be conditioned that the obligor will faithfully conform to and abide by the provisions of this division and all the rules made by the commissioner under this division. The bond shall be conditioned that the licensee will honestly and faithfully apply all funds received, will faithfully and honestly perform all obligations and undertakings under this division, and will pay to the state and any person all amounts which become due or owing to the state or to such person under the provisions of this division, including the costs in any conservatorship, or liquidation, whether by the commissioner or by a receiver. In determining the liability of the principal and the sureties under the bond, escrow money held in trust and any money recovered to restore any deficiency in the trust shall not be considered as an asset of the liquidation subject to assessment for the cost of the liquidation. The surety under such bond may pay the full amount of its liability thereunder to the commissioner or a conservator appointed by him pursuant to Chapter 6 (commencing with Section 17621) of this division in lieu of payment to the state or persons having a cause of action against the obligor of the bond, and upon such payment the surety is completely released from further liability under such bond. The aggregate liability of the surety, for all claims shall, in no event

exceed the penal sum of the bond.

SEC. 4. Section 17203.1 of the Financial Code is amended to read:

17203.1. All officers, directors, trustees, and employees of an escrow agent, whether or not compensated, who have access to money or negotiable securities belonging to the escrow agent or in the possession of the escrow agent in the regular discharge of their duties, or persons who draw checks upon the escrow agent or upon the trust funds of the escrow agent in the regular discharge of their duties, before entering upon their duties and throughout the entire term of their office and employment and any subsequent term thereof, shall furnish to the escrow agent a good and sufficient bond indemnifying the escrow agent against loss of money or property. The commissioner shall prescribe the amount of the bond on each individual employee, officer, director, or trustee, and the aggregate amount and the terms during which the bond runs. The sufficiency of the sureties on the bond are at all times subject to the approval of the commissioner. The bonds shall be filed in the commissioner's office. The aggregate liability of the surety, for all claims shall, in no event exceed the penal sum of the bond.

SEC. 5. Section 17203.2 of the Financial Code is amended to read:

17203.2. The commissioner may at any time require a licensee to file in the office of the commissioner an additional bond or surety with respect to any officer, director, trustee, or employee when, in the commissioner's opinion, any bond then in force is insufficient for any reason.

SEC. 6. Section 17209 of the Financial Code is amended to read:

17209. An application for a license as an escrow agent shall be signed and verified by an authorized officer of the applicant, and said application shall be accompanied by a certified copy of the articles of incorporation and a copy of the bylaws of the proposed licensee. The application shall set forth:

(a) The names and addresses of the incorporators, directors, and officers, with a statement of their character, experience, and general fitness to engage in the escrow business.

(b) An itemized statement of the estimated receipts and expenditures of the proposed first year of operations.

(c) An audited financial statement showing compliance with Section 17210.

(d) A showing that the public convenience and advantage will be promoted by the establishment of the proposed licensee.

(e) The name and address of the person, or persons, meeting the requirements of Section 17200.8, and a statement supporting such persons' qualifications.

(f) Any other matters the commissioner may require.

SEC. 7. Section 17210 of the Financial Code is amended to read:

17210. An escrow agent at all times shall maintain a tangible net worth of at least ten thousand dollars ($10,000) including liquid assets of at least ten thousand dollars ($10,000) in excess of its current liabilities. The commissioner may determine by general rule what

assets are liquid assets and may determine by specific ruling whether a particular asset is a liquid asset within the meaning of this section.

Further, an additional tangible net worth equal to 50 percent of the amount set forth in this section shall be maintained in connection with each licensed branch office; except that licensees operating or applying for more than one branch office need only maintain an additional net worth of 25 percent of the amount set forth in this section for each additional licensed branch office beyond the first branch location for which a license is granted.

SEC. 8. Section 17213 of the Financial Code is amended to read:

17213. An escrow agent's license is not transferable or assignable. Further, no license may be acquired, either in whole or in part, through stock purchase, foreclosure pursuant to a pledge or hypothecation, or other devices without the consent of the commissioner.

SEC. 9. Section 17213.1 of the Financial Code is amended to read:

17213.1. An escrow agent's business shall not be removed from the premises or address shown on the actual license without the prior approval of the commissioner, and notice of any intended change shall be transmitted to the commissioner not less than 30 days prior to the date of the intended change of location; provided, however, that the commissioner may waive the 30-day notice requirement when the move is occasioned by fire, emergency, or other catastrophe. When the move is only nominal, and the commissioner has verified the circumstances, his approval shall be granted or denied within a maximum of 30 days from the date of his receipt of the licensee's proper and complete request. However, in any instance where a licensed business location is to be moved a distance of two or more miles, a licensee shall file an application for authorization to change location on a form furnished by the commissioner and the commissioner shall promptly dispatch the notice set forth in Section 17209.1, and he shall treat the matter as an application for a new license by invoking the provisions of Sections 17209, 17209.1, 17209.2, and 17209.3, and shall require the payment of such fee or fees as are applicable under Section 17207.

SEC. 10. Section 17213.2 is added to the Financial Code, to read:

17213.2. A licensed escrow agent which opens a branch office or changes its business location or locations without first obtaining the approval of the commissioner shall forfeit to the people of the state the sum of one hundred dollars ($100) for every day during which the branch office or changed location is maintained without authority.

SEC. 11. Section 17213.5 of the Financial Code is amended to read:

17213.5. Licensees of this division shall be entitled to establish additional business office locations by compliance with all of the following:

(a) Filing with the commissioner notice of the intended address, or addresses, and

(b) Payment of the fees prescribed in subdivisions (a) and (c) of Section 17207, and

(c) Filing with the commissioner additional bond or bonds as prescribed in Sections 17202, 17203, 17203.1, 17203.2, and 17204 appropriately for each additional office location or, in lieu thereof, the applicant shall cause the surety under his existing bond or bonds to file with the commissioner a written amendment signifying that coverage is appropriately extended, and

(d) Filing with the commissioner financial statements prepared in accordance with generally accepted accounting principles. Such financial statements shall be covered by a report or certificate of an independent certified public accountant or independent public accountant, showing an additional tangible net worth in the amount set forth in Section 17210 for each additional office location, and should not be more than six months old, and

(e) Filing with the commissioner the names and addresses of the licensee's owners and employees to be stationed at the new location, showing that the operation of the additional office, or offices, will be under the complete management and control of the parent licensee, and

(f) Filing with the commissioner statements offsetting and meeting each of the conditions set forth in Section 17209.3.

With respect to all applications for authorization to establish additional locations, the commissioner shall promptly dispatch the notice set forth in Section 17209.1 and he shall immediately commence his investigation and review of the application. The commissioner shall within 30 days from the receipt by him of a separate and complete application, license the designated premises as a branch of the parent licensee, unless the commissioner finds (1) that the applicant has failed to comply with all of the requirements of this section, (2) that the applicant then fails to meet any of the standards applicable for the issuance of a license pursuant to Section 17209.3, or (3) that a hearing shall be held to determine whether the application should be granted or denied.

SEC. 12. Section 17400 of the Financial Code is amended to read:

17400. The commissioner may adopt such rules as are reasonable and necessary for the enforcement of this division.

SEC. 13. Section 17401 of the Financial Code is amended to read:

17401. The commissioner may adopt such rules appropriate to activities of a joint control agent as are reasonable and necessary for the enforcement of this division.

The rules promulgated by the Commissioner of Corporations for escrow agents shall not apply to joint control agents unless the rules so specify.

SEC. 15. Section 17404 of the Financial Code is amended to read:

17404. Every person subject to this division shall keep and use in its business, books, accounts, and records which will properly enable the commissioner to determine whether the escrow functions performed by such person comply with the provisions of this division

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and with all rules made by the commissioner under this division.

SEC. 17. Section 17406 of the Financial Code is amended to read:

17406. (a) Each licensee shall submit to the commissioner, at such licensee's own expense, an audit report containing audited financial statements covering the calendar year or, if such licensee has an established fiscal year, then for such fiscal year, within 105 days after the close of each such calendar or fiscal year. At such time, each licensee shall also file such additional relevant information as the commissioner may require.

(b) Within 30 days after receipt of a request from the commissioner, a licensee or other person subject to this division shall submit to the commissioner, at such person's own expense, an audit report containing audited financial statements covering the 12 calendar months next preceding the month of receipt of the request, or such other period as the commissioner may require. Unless the public interest shall otherwise require, the commissioner shall exempt a licensee from the provisions of subdivision (a) hereof in whole or in part if such licensee has complied with a request pursuant to this subdivision as of a date within the calendar or fiscal year for which such exemption is granted.

(c) A licensee whose license has been surrendered or revoked shall submit to the commissioner, at its own expense, on or before 105 days after the effective date of such surrender or revocation, a closing audit report as of such effective date, or for such other period as the commissioner may specify. Such report shall include the information specified by the commissioner. A licensee who has complied with this subdivision is exempted from subdivision (a) of this section.

(d) The reports and financial statements referred to in subdivisions (a), (b), and (c) of this section shall include at least a balance sheet and a statement of income for the year ended on the balance sheet date together with such other relevant information as the commissioner may require, and shall be prepared in accordance with generally accepted accounting principles, and shall be accompanied by a report, certificate, or opinion of, an independent certified public accountant or independent public accountant. The audits shall be conducted in accordance with generally accepted auditing standards and the rules of the commissioner.

(e) A licensee shall make other special reports to the commissioner as the commissioner may from time to time require.

(f) For good cause and upon written request, the commissioner may extend the time for compliance with subdivisions (a) and (b) of this section.

(g) A licensee shall, when requested by the commissioner, submit its unaudited financial statements, prepared in accordance with generally accepted accounting principles and consisting of at least a balance sheet and statement of income and expense as of the date and for the period specified by the commissioner. The commissioner may require the submission of such reports on a monthly or other periodic basis.

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(h) If the report, certificate, or opinion of the independent accountant referred to in subdivision (d) hereof is in any way qualified, the commissioner may require the licensee to take such action as he deems appropriate to permit an independent accountant to remove such qualifications from the report, certificate or opinion.

(i) The commissioner may reject any financial statement, report, certificate or opinion by notifying the licensee or other person required to make such filing of its rejection and the cause thereof. Within 30 days after the receipt of such notice, the licensee or other person shall correct such deficiency and the failure so to do shall be deemed a violation of this division. The commissioner shall retain a copy of all filings so rejected.

(j) The commissioner may make rules specifying the form and content of the reports and financial statements referred to in this section, and may require that such reports and financial statements be verified by the licensee in such manner as he may prescribe.

SEC. 18. Section 17414 of the Financial Code is amended to read:

17414. Any person subject to this division or any director, stockholder, trustee, officer, agent, or employee of any such person who does any of the following is guilty of a felony:

(a) Knowingly receives or possesses himself of any property of the escrow otherwise than in payment for a just demand, and with intent to defraud omits to make or to cause or direct to be made a full and true entry thereof in the escrow books and accounts, or knowingly concurs in omitting to make any material entry.

(b) Knowingly concurs in making or publishing any written report, exhibit or statement of escrow affairs or pecuniary condition containing any material statement which he knows to be false.

(c) Having the custody or control of the escrow agent's books, willfully refuses or neglects to make any proper entry in such books as required by law, or willfully refuses or neglects to exhibit or allow the books to be inspected and extracts to be taken therefrom by the commissioner, or any of his deputies or examiners.

SEC. 19. Section 17415 of the Financial Code is amended to read:

17415. If the commissioner, as a result of any examination or from any report made to him, shall find that any person subject to this division is in an insolvent condition, is conducting escrow business in such an unsafe or injurious manner as to render further operations hazardous to the public or to customers, has permitted its tangible net worth to be lower than the minimum required by law, has failed to maintain its liquid assets in excess of current liabilities as set forth in Section 17210, or has failed to comply with the bonding requirements of Chapter 2 (commencing with Section 17200) of this division, the commissioner may forthwith, by an order addressed to and served by registered or certified mail or by personal service on such person and on any other person having in his possession or control any escrowed funds, trust funds or other property deposited in escrow with said person, direct discontinuance of the

disbursement of trust funds by said parties or any of them, the receipt of trust funds, the delivery or recording of documents received in escrow, or other business operations. No person having in his possession any such funds or documents shall be liable for failure to comply with such order unless he has received written notice of such order. The order shall remain in effect until set aside by the commissioner in whole or in part, the person has been adjudged bankrupt, or pursuant to Chapter 6 (commencing with Section 17621) of this division the commissioner has assumed possession of the escrow agent.

SEC. 21. Section 17608 of the Financial Code is amended to read:

17608. The commissioner may, after notice and a reasonable opportunity to be heard, suspend or revoke any license if he finds that:

(a) The licensee has failed to maintain in effect a bond required under the provisions of this division.

(b) The licensee has violated any provision of this division or any rule made by the commissioner under and within the authority of this division.

(c) Any fact or condition exists which, if it had existed at the time of the original application for such license, reasonably would have warranted the commissioner in refusing originally to issue such license.

SEC. 22. Section 17609.1 is added to the Financial Code, to read:

17609.1. The power of investigation and examination by the commissioner is not terminated by the surrender, suspension, or revocation of any license issued by him.

SEC. 23. Section 17609.2 is added to the Financial Code, to read:

17609.2. Whenever the commissioner deems it necessary for the general welfare of the public, he has continuous authority to exercise the powers set forth in this division whether or not an application for a license has been filed with the commissioner, any license has been issued, or if issued, has been suspended or revoked.

SEC. 24. Section 17621 of the Financial Code is amended to read:

17621. Whenever it appears to the commissioner that any licensee subject to this division:

(a) Is in an insolvent condition;

(b) Is conducting escrow business in an unsafe or unauthorized manner;

(c) Has violated its charter or any law of the State of California;

(d) Refuses to submit its books, papers and affairs to the inspection of any examiner;

(e) Neglects or refuses to observe any order of the commissioner made pursuant to the provisions of this division, within the time specified therein, unless the enforcement of such order is restrained in a proceeding brought by the licensee;

(f) Any officer, director, or trustee of such licensee refuses to be examined upon oath touching the business of such licensee;

(g) Any officer, director, stockholder, or trustee of such

licensee, or attorney in fact of such licensee has embezzled, sequestered, or willfully diverted the assets or trust funds of such licensee;

(h) Has permitted its tangible net worth to be lower than the minimum required by law;

(i) Has failed to comply with the bonding requirements of Chapter 2 of this division

the commissioner shall dispatch a written notice and summary of findings, as referred to in Section 17415, to the principal officer of the licensee involved or to its manager of record; and such licensee shall be afforded a reasonable opportunity to comply or otherwise effect such remedies as the commissioner may deem acceptable. However, should the licensee so notified fail to comply within five days of receipt of the notice, or as soon as it appears to the commissioner that no compliance is possible, or in the event prompt delivery of the prescribed written notice is impossible, the commissioner may forthwith take possession of the property and business of such licensee and retain possession until such licensee resumes business or its affairs be finally liquidated as provided in this chapter. The licensee, with the consent of the commissioner, may resume business upon such conditions as the commissioner may prescribe.

SEC. 25. Section 17624 of the Financial Code is amended to read:

17624. Whenever the commissioner demands possession of the property, business and assets of any licensee pursuant to this chapter, the refusal of any officer, agent, employee, trustee, or director of such licensee to comply with the demand is a misdemeanor, punishable by fine of not more than five hundred dollars ($500), or the imprisonment in the county jail for not more than 90 days, or by both such fine and imprisonment.

SEC. 26. Section 17626 of the Financial Code is amended to read:

17626. When the commissioner takes possession of the property, business and assets of any licensee, such licensee or the president and secretary of such licensee shall make and deliver to the commissioner verified schedules of its property, assets, and funds held in escrow. The commissioner may at any time examine under oath any licensee, or any officer, director, trustee, agent, or employee of such licensee, to determine whether or not all such property, assets, and funds held in escrow have been transferred and delivered to his possession.

CHAPTER 706

An act to amend Section 25804 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 21, 1973. Filed with Secretary of State September 21, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 25804 of the Vehicle Code is amended to read:

25804. Notwithstanding any other provision of this code, original lighting equipment installed on a vehicle manufactured prior to January 1, 1946, need not be of an approved type when the vehicle is used primarily for the purpose of historical exhibition.

CHAPTER 707

An act to add Section 23672 to the Business and Professions Code, relating to distilled spirits.

[Approved by Governor September 21, 1973. Filed with Secretary of State September 21, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 23672 is added to the Business and Professions Code, to read:

23672. A licensed importer shall not purchase or accept delivery of any brand of distilled spirits unless he is designated as the authorized importer of such brand by the licensee who filed the minimum retail price schedule for such brand pursuant to Section 24755. Such distilled spirits imported into California shall come to rest at the warehouse of the licensed importer or an authorized warehouse for the account of such licensed importer, before sale and delivery to a retail licensee.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 708

An act to add Section 22016.5 to the Government Code, relating to federal social security.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 22016.5 is added to the Government Code, to read:

22016.5. Notwithstanding Section 22016, persons employed by the county superintendent of schools and whose salaries are paid from the county school service fund may be included as county employees or as employees of a separate public agency. The cost of

any elections and the employer's contributions for such employees under this part are a proper charge against the county school service fund and such contribution shall be requisitioned and paid to the state as provided in Section 22505.5 of this code.

CHAPTER 709

An act to amend Section 4876.5 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 4876.5 of the Revenue and Taxation Code is amended to read:

4876.5. When it can be ascertained by the board from an audit of an assessee's books of account or other papers that there has been a defect of description or clerical error of the assessee in his property statement or in other information or records furnished to the board which caused the board to assess taxable tangible property which should not have been assessed or to assess it at a substantially higher valuation than the board would have entered on the roll if the information had been correctly furnished to the board, the error on the roll may be corrected under this article at any time within four years after the assessment was made.

CHAPTER 710

An act to amend Section 1647 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 1647 of the Revenue and Taxation Code is amended to read:

1647. Annually, on or before August 15th, the auditor shall prepare duplicate valuation statements, verified by his attached affidavit, from the local roll as corrected for changes made during July. Within 60 days after the close of the assessment year, he shall prepare new statements to reflect all corrections of the roll.

CHAPTER 711

An act to add and repeal Section 16053.5 of the Education Code, relating to school district funds.

[Approved by Governor September 21, 1973. Filed with Secretary of State September 21, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 16053.5 is added to the Education Code, to read:

16053.5. Notwithstanding any provisions of this article, any school district which has purchased a school site under the provisions of Chapter 10 (commencing with Section 19551) of Division 14 and has fully repaid any apportionments made for the purpose of such purchase may, upon sale of such site, deposit in the general fund of the district a portion of such sale proceeds which represents an excess over the original purchase price; provided that such school district: (a) has experienced a decrease in enrollment between the 1967–68 school year and the 1972–73 school year of at least 16 percent; and (b) has operated during the 1971–72 fiscal year at a cost of at least one hundred dollars ($100) per unit of average daily attendance less than the average for the county in which the district is located; and (c) has no anticipated need, for the three years following such sale, for additional sites or building construction. This section shall remain in effect only until June 30, 1975 and as of that date is repealed.

CHAPTER 712

An act to amend Sections 73772, 73773 and 73779 of the Government Code, relating to courts.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 73772 of the Government Code is amended to read:

73772. There shall be one clerk, who shall be the administrative officer of the court and who shall receive an annual salary of twenty-two thousand two hundred seventy-two dollars ($22,272) payable in equal monthly installments of one thousand eight hundred fifty-six dollars ($1,856) per month.

SEC. 2. Section 73773 of the Government Code is amended to read:

73773. The clerk, with the approval of the judges of said court, may appoint:

(a) One chief deputy clerk who shall receive an annual salary of seventeen thousand eight hundred twenty dollars ($17,820) payable in equal monthly installments of one thousand four hundred eighty-five dollars ($1,485) per month.

(b) Twelve deputy clerks grade V, each of whom shall receive a minimum salary of nine hundred fourteen dollars ($914) monthly with increments of forty-six dollars ($46) and forty-eight dollars ($48) to a maximum of one thousand eight dollars ($1,008) monthly.

(c) Four deputy clerks grade IV, each of whom shall receive a minimum salary of eight hundred nine dollars ($809) monthly with increments of forty dollars ($40) and forty-three dollars ($43) to a maximum of eight hundred ninety-two dollars ($892) monthly.

(d) Sixteen deputy clerks grade III, each of whom shall receive a minimum salary of seven hundred thirty-five dollars ($735) monthly with increments of thirty-six dollars ($36) and thirty-eight dollars ($38) to a maximum of eight hundred nine dollars ($809) monthly.

(e) Twelve deputy clerks grade II, each of whom shall receive a minimum salary of six hundred sixty-six dollars ($666) monthly with increments of thirty-four dollars ($34) and thirty-five dollars ($35) to a maximum of seven hundred thirty-five dollars ($735) monthly.

(f) Seven deputy clerks grade I, each of whom shall receive a minimum salary of six hundred thirty-three dollars ($633) monthly with increments of thirty-three dollars ($33) and thirty-four dollars ($34) to a maximum of seven hundred dollars ($700) monthly.

(g) Seven intermediate typists, each of whom shall receive a minimum salary of five hundred ninety dollars ($590) monthly with increments of twenty-nine dollars ($29) and thirty-one dollars ($31) to a maximum of six hundred fifty dollars ($650) monthly.

(h) One clerk (file clerk) who shall receive a minimum salary of four hundred ninety-eight dollars ($498) monthly with increments of twenty-five dollars ($25) and twenty-six dollars ($26) to a maximum of five hundred forty-nine dollars ($549) monthly.

In the application of the provisions of this section to existing officers and attachés of the court on the effective date hereof, the allocations of ranges and increments shall be made in the manner provided in Section 73778.

SEC. 3. Section 73779 of the Government Code is amended to read:

73779. Notwithstanding the provisions of Article 4 of Chapter 8 of this title and the provisions of this article, and in order to equalize the compensation of employees of the municipal court with the compensation paid to county employees with commensurate duties and responsibilities, upon recommendation of the clerk of the court with the approval of the judges of the court and the Board of Supervisors of the County of Marin, an officer or an attaché of the court, whether appointed under the provisions of this article or under Article 4 of Chapter 8 of this title, may be paid any compensation in excess of or less than the maximum to which such employee would otherwise be entitled; provided, that any such

salary adjustment shall not extend longer than January 1, 1976.

SEC. 4. There are no state-mandated local costs which may be incurred by a local agency under this act and require reimbursement by the state under Section 2164.3 of the Revenue and Taxation Code, because the affected local agency has requested the Legislature to revise state law in accordance with the provisions of this act in order to carry on any program and perform any service required by the act.

CHAPTER 713

An act to amend Section 25217 of the Corporations Code, and to amend Sections 22011 and 22053 of, and to add Section 22012 to, the Financial Code, relating to securities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 25217 of the Corporations Code is amended to read:

25217. (a) No broker-dealer licensed under this chapter shall, during any period when he is not registered under the Securities Exchange Act of 1934, effect any transaction in, or induce or attempt to induce the purchase or sale of, any security in this state unless such broker-dealer and all agents employed by him meet such specified and appropriate standards with respect to training, experience, and other qualifications as the commissioner finds necessary or desirable. The commissioner may establish such standards by rules, which may: (1) appropriately classify broker-dealers and agents (taking into account relevant matters, including types of business done and nature of securities sold); (2) specify that all or any portion of such standards shall be applicable to any such class; (3) require persons in any such class to pass examinations prescribed in accordance with such rules; and (4) provide that persons in any such class, other than a broker-dealer and partners, officers and supervisory employees (which term may be defined by the commissioner's rules and as so defined shall include branch managers of broker-dealers) of broker-dealers, may be qualified solely on the basis of compliance with such specified standards of training and such other qualifications as the commissioner finds appropriate.

(b) In addition to the fees imposed by Section 25608, the commissioner may prescribe by rule reasonable fees and charges to defray his costs in carrying out this section, including, but not limited to, fees for any examination administered by him or under his direction. The commissioner may cooperate with national securities associations and national securities exchanges and with the Securities

and Exchange Commission in administering examinations and may require broker-dealers and agents to pass examinations administered by or on behalf of any such association or exchange or by the Securities and Exchange Commission and to pay to such association or exchange or such commission reasonable fees or charges to defray the costs incurred by such association or exchange or commission in administering such examinations.

(c) A broker-dealer licensed under this chapter making loans to its customers which are subject to the provisions of Division 9 (commencing with Section 22000) of the Financial Code shall be licensed as a personal property broker under that division.

SEC. 2. Section 22011 of the Financial Code is amended to read:

22011. "Commercial loan" means any loan in which:

(a) The borrower is a corporation, a general or limited partnership, or a joint venture; or

(b) A substantial part of the security for the loan consists of property used primarily for other than personal, family, or household purposes; or

(c) The borrower is self-employed, on a full- or part-time basis and represents in writing to the lender that a substantial portion of the proceeds of the loan will be used for the purpose of carrying on his business or businesses or acquiring a business or businesses. The lender shall not be required to ascertain that the proceeds of the loan are used in accordance with such representation.

(d) The loan is made by a broker-dealer licensed under the Corporate Securities Law of 1968 and the loan is made in accordance with applicable provisions of the Corporate Securities Law of 1968, the Securities Act of 1933, the Securities Exchange Act of 1934 and Regulation T of the Federal Reserve Board, Code of Federal Regulations, Part 220 of Title 12.

A loan which otherwise qualifies as a commercial loan is not affected by the fact that any person other than the borrower may become or be personally obligated to repay the loan as either a comaker, endorser, or guarantor.

SEC. 3. Section 22012 is added to the Financial Code, to read:

22012. In determining under Section 22009 whether a loan secured by a security interest in a security as defined in the Uniform Commercial Code is secured by personal property, the use and possession of which property is retained by other than the mortgagee or lender, the following principles apply:

(a) If the security consists of shares of corporate stock and prior to default by the borrower under the loan agreement, (1) any dividends thereon paid in cash or its equivalent and received by the lender are credited to, or, at the borrower's option, paid over to the borrower, and (2) the borrower has the right, if any, to vote the shares at any meeting of shareholders of the issuer of such shares and on any written consent of shareholders of such issuer.

(b) If the security consists of bonds, debentures or other evidences of obligations of a corporation or government or

governmental subdivision or agency and prior to default by the borrower under the loan agreement, any interest received by the lender thereon is credited, or, at the borrower's option, paid over to the borrower.

In any case, it shall be deemed that the use and possession of such shares, obligations or commodities is retained by other than the mortgagee or lender, notwithstanding that the lender or any third person may have custody of the certificate evidencing the shares or the bond, debenture or other document evidencing the obligation.

SEC. 4. Section 22053 of the Financial Code is amended to read:

22053. The following sections of this division do not apply to any loan of a bona fide principal amount of ten thousand dollars ($10,000) or more, or to any commercial loan of a bona fide principal amount of five thousand dollars ($5,000) or more, or to any commercial loan made to a person engaged in the business of selling goods for the purpose of financing the purchase of goods for resale, or to any commercial loan made in accordance with applicable provisions of the Corporate Securities Law of 1968, the Securities Act of 1933, the Securities Exchange Act of 1934 and Regulation T of the Federal Reserve Board, or to a duly licensed personal property broker in connection with any such loan or loans, if the provisions of this section are not used for the purpose of evading this division: Sections 22004, 22005, 22404, 22405, 22450, 22451, 22451.1, 22453, 22454, 22455, 22456, 22457, 22458, 22458.1, 22458.2, 22458.3, 22458.4, 22458.5, 22459, 22460, 22461, 22462, 22463, 22464, 22465, 22467, 22468, 22469, 22470, 22472, 22473, 22474, 22480, 22650, 22651, and 22652.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, and safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The regulatory jurisdiction of the Commissioner of Corporations under the Personal Property Brokers Law has not been extended to licensed broker-dealers and such broker-dealers conduct substantial lending activities with residents of the State of California and such regulation is deemed desirable in the public interest. This act is necessary to provide such regulation.

CHAPTER 714

An act to add Section 15002.2 to the Education Code, relating to school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 21, 1973. Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 15002.2 is added to the Education Code, to read:

15002.2. The reconstruction of any school on all or a portion of a site which has been used for public school purposes uninterruptedly since prior to 1890 may be financed through the State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1972 (Chapter 15.8 (commencing with Section 19946) of Division 14), if the legal title to such site or a portion thereof is held either by: (a) a city school district, or (b) a charter city, and a city school district has obtained or is in the process of obtaining a lease of not less than 50 years on such site or portion thereof from the charter city.

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 accommodate the timely reconstruction of an unsafe school building located in the City of San Diego and the San Diego City School District, and any other existing unsafe school buildings to which the act may apply, it is necessary that this act become effective immediately.

CHAPTER 715

An act to amend Sections 5641, 5642, and 5673 of the Business and Professions Code, relating to landscape architects.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 5641 of the Business and Professions Code is amended to read:

5641. This chapter shall not be deemed to prohibit any person from making plans or drawings for the selection, placement, or use of plants or other elements when the execution of such plans or drawings does not affect the public health, safety and welfare.

This chapter shall not be deemed to prohibit any person from making any plans, drawings or specifications for any property owned by him.

Every person who holds a valid license issued by the State of California, under the provisions of Chapter 1 (commencing with Section 6721) of the Food and Agricultural Code, to engage in the business of selling nursery stock in this state, insofar as he engages in the preparation of plans or drawings as an adjunct to merchandising his products, but does not use the title of "landscape architect," is exempt from registration under the provisions of this chapter.

SEC. 2. Section 5642 of the Business and Professions Code is amended to read:

5642. This chapter shall not be deemed to prevent a landscape architect from forming a partnership, firm, or corporation with, or employing, persons who are not landscape architects if the signature, date, and license number of the landscape architect shall appear on all instruments of service. In no case shall the other members of the partnership, firm, or corporation be designated or described as landscape architects.

The name of the licensed landscape architect shall appear wherever the firm name is used in the professional practice of the partnership, firm or corporation, and such landscape architect shall reside in California when such partnership, firm or corporation maintains a California office or mailing address. The name of such licensee shall appear on all partnership, firm or corporation stationery, brochures, business cards and any instruments of service used or provided in the professional practice of the partnership, firm or corporation.

No partnership, firm or corporation shall engage in the practice of landscape architecture unless the work is under the immediate and responsible direction of a licensee of the board. The partnership, firm or corporation may, upon approval of the board, operate California branch offices providing that each branch office has in it a resident landscape architect licensed under this chapter for services provided, which shall be said licensee's principal place of business. Offices established to observe construction for conformance with contract documents and design, are exempt from the provisions of this section. The name of such licensee shall appear whenever the partnership, firm or corporation name is used in the professional practice of the partnership, firm or corporation.

Failure of any person to comply with this section constitutes a ground for disciplinary action.

SEC. 3. Section 5673 of the Business and Professions Code is amended to read:

5673. The fact that the holder of a certificate has affixed his signature, or his seal, or has permitted the use of his name to or on plans, drawings, specifications or other instruments of service which have not been prepared by him or under his immediate and responsible direction, or has permitted his name or his signature or his seal to be used for the purpose of assisting any person, not a landscape architect, to evade the provisions of this chapter, constitutes a ground for disciplinary action.

CHAPTER 716

An act to amend Section 13844 of the Health and Safety Code, relating to fire protection districts.

[Approved by Governor September 21, 1973 Filed with Secretary of State September 21, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 13844 of the Health and Safety Code is amended to read:

13844. Each member of the district board shall receive such sum as may be fixed by the board, not exceeding fifty dollars ($50), for each meeting of the district board attended by him, not exceeding four meetings in any calendar month. Such sum shall be based on the board's determination of what amount is reasonably necessary to compensate board members for their attendance at meetings.

CHAPTER 717

An act to add Part 9 (commencing with Section 12980) to Division 6 of the Water Code, relating to flood control, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 24, 1973 Filed with Secretary of State September 24, 1973]

I am reducing the appropriation contained in Section 4 of Senate Bill No 541 from $300,000 to $200,000.

The reduced appropriation for 1973–74 is adequate to encourage needed federal participation in the upgrading of non-project levees

With the above reduction, I approve Senate Bill No 541

RONALD REAGAN, Governor

The people of the State of California do enact as follows:

SECTION 1. Part 9 (commencing with Section 12980) is added to Division 6 of the Water Code, to read:

PART 9. DELTA LEVEE MAINTENANCE

12980. As used in this part:

(a) "Board" means the Reclamation Board.

(b) "Delta" means the Sacramento-San Joaquin Delta as described in Section 12220.

(c) "Local agency" means any city, county, district, or other political subdivision of the state which is authorized to maintain levees.

(d) "Nonproject levee" means a levee in the delta which is not a

project facility under the State Water Resources Law of 1945.

12981. The Legislature hereby finds and declares that the delta is endowed with many invaluable and unique resources and that these resources are of major statewide significance. The Legislature further finds and declares that the delta's uniqueness is particularly characterized by its hundreds of miles of meandering waterways and the many islands adjacent thereto, that in order to preserve the delta's invaluable resources, which include highly productive agriculture, recreational assets, and wildlife environment, the physical characteristics of the delta should be preserved essentially in their present form, and that the key to preserving the delta's physical characteristics is the system of levees defining the waterways and producing the adjacent islands.

12982. The Legislature further finds and declares that while most of the delta's levees are privately owned and maintained they are being subjected to varied multiple uses and serve to benefit many varied segments and interests of the public at large, and that as a result of the varied multiple uses of such levees, added maintenance costs are being borne by adjacent landowners.

12983. The Legislature further finds and declares that there is an urgent need for a higher degree of levee maintenance and rehabilitation generally throughout the delta and that the state has an interest in providing technical and financial assistance for delta levee maintenance and rehabilitation.

12984. The department shall develop and submit to the board, for adoption by the board, criteria for the maintenance and improvement of nonproject levees. Such criteria shall vary as required to meet specific conditions and shall be multipurpose in nature, and include environmental considerations, when feasible.

12985. Prior to adoption of any such criteria, the board shall hold public hearings and may revise the criteria as it determines necessary.

12986. It is the intention of the Legislature to reimburse an eligible local agency pursuant to the provisions of this part for costs incurred in any year for the maintenance or improvement of nonproject levees as follows:

(a) No costs incurred shall be reimbursed if the entire cost incurred per mile of levee is five hundred dollars ($500) or less.

(b) Any costs incurred in excess of five hundred dollars ($500) per mile of levee shall be reimbursed if the entire cost incurred per mile of levee is greater than five hundred dollars ($500) but not more than one thousand dollars ($1,000).

(c) Fifty percent of any costs incurred shall be reimbursed if the entire cost incurred per mile of levee is greater than one thousand dollars ($1,000).

12987. Local agencies maintaining nonproject levees shall be eligible for reimbursement pursuant to the provisions of this part upon submission to and approval by the board of plans for the maintenance and improvement of such nonproject levees, including

plans for the annual routine maintenance of such levees, in accordance with the criteria adopted by the board. Upon approval of such plans by the board, the local agency shall enter into an agreement with the board to perform the maintenance and improvement work, including the annual routine maintenance work, specified in such plans.

12988. Upon the completion in any year of the maintenance or improvement work, including annual routine maintenance work, as specified in the plans approved by the board, the local agency shall notify the department, and the department shall inspect the completed work. The department, upon completion of such inspection, shall submit to the board a report as to its findings. Upon a finding that the work has been satisfactorily completed in accordance with the approved plans, the board shall certify for reimbursement any costs incurred in excess of five hundred dollars ($500) per mile of levee, if the entire cost incurred per mile of levee is not in excess of one thousand dollars ($1,000), and shall certify for reimbursement 50 percent of any costs incurred per mile of levee if the entire cost incurred per mile of levee is greater than one thousand dollars ($1,000).

12989. The department shall conduct at least one annual inspection of every levee for which maintenance or improvement costs have been reimbursed pursuant to this part.

12990. Whenever the department finds that the annual routine maintenance work specified in the plans approved by the board is not being performed in accordance with the agreement entered into between the local agency and the board, the department may establish a maintenance area in accordance with the provisions of Chapter 4.5 (commencing with Section 12878) of Part 6 of this division, as nearly as the same may be applicable, except that the work to be performed shall be the routine annual maintenance work for the nonproject levee as specified in the plans approved by the board. Upon the formation of a maintenance area, the department shall thereafter annually maintain the nonproject levee in accordance with such plans and subject to the provisions of Chapter 4.5 (commencing with Section 12878) of Part 6 of this division, as nearly as the same may be applicable.

12991. The board is authorized to make, from time to time, such rules and regulations as may be necessary to carry out, and as are consistent with, this part.

SEC. 2. The Secretary of the Resources Agency, acting through the Reclamation Board, shall request the Corps of Engineers, in cooperation with affected state and local agencies, to prepare, within three years, an interim report on nonproject levees in the Sacramento-San Joaquin Delta for the purpose of recommending to Congress those particular nonproject levees which should be included as federal project levees. As used in this section and in Section 3 of this act, "nonproject levee" has the same meaning as in Section 12980 of the Water Code.

SEC. 3. The Secretary of the Resources Agency shall, within three years of the effective date of this act, report to the Legislature on any recommendations made by the Corps of Engineers concerning nonproject levees in the Sacramento-San Joaquin Delta. The Secretary of the Resources Agency shall include in such report recommendations concerning the scope and degree of financial participation by the state in any such recommended federal program, the degree of local financial participation, the need for regional or other public agencies, and other related matters.

SEC. 4. The sum of three hundred thousand dollars ($300,000) is hereby appropriated from the General Fund to the Secretary of the Resources Agency for allocation to the Reclamation Board and the Department of Water Resources for expenditure during the 1973–74 fiscal year for the purposes of Part 9 (commencing with Section 12980) of Division 6 of the Water Code.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The improved maintenance and rehabilitation of levees in the Sacramento-San Joaquin Delta is urgently needed to protect the health and safety of residents within the delta and adjacent areas and to preserve the vital state interest in the varied resources of the delta. This act protects the public health and safety by making available state assistance for such purposes. In order, therefore, to provide urgently needed rehabilitation and improved maintenance of levees in the delta at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 718

An act to amend Sections 1018, 1396 and 1427 of the Penal Code, relating to corporations.

[Approved by Governor September 24, 1973 Filed with Secretary of State September 24, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 1018 of the Penal Code is amended to read:

1018. Unless otherwise provided by law every plea must be put in by the defendant himself in open court. No plea of guilty of a felony for which the maximum punishment is death, or life imprisonment without the possibility of parole, shall be received from a defendant who does not appear with counsel, nor shall any plea of guilty of any other felony be accepted from any defendant who does not appear with counsel unless the court shall first fully inform him of his right to counsel and unless the court shall find that

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the defendant understands his right to counsel and freely waives it and then, only if the defendant has expressly stated in open court, to the court, that he does not wish to be represented by counsel. On application of the defendant at any time before judgment the court may, and in case of a defendant who appeared without counsel at the time of the plea the court must, for good cause shown, permit the plea of guilty to be withdrawn and a plea of not guilty substituted.

Upon indictment or information against a corporation a plea of guilty may be put in by counsel, except that in the case of misdemeanors arising from operation of motor vehicles, or of infractions arising from operation of motor vehicles, a corporation may appear by its president, vice president, secretary or managing agent for the purpose of entering a plea of guilty.

This section shall be liberally construed to effect these objects and to promote justice.

SEC. 2. Section 1396 of the Penal Code is amended to read:

1396. If an accusatory pleading is filed, the corporation may appear by counsel to answer the same, except that in the case of misdemeanors arising from operation of motor vehicles, or of infractions arising from operation of motor vehicles, a corporation may appear by its president, vice president, secretary or managing agent for the purpose of entering a plea of guilty. If it does not thus appear, a plea of not guilty shall be entered, and the same proceedings had thereon as in other cases.

SEC. 3. Section 1427 of the Penal Code is amended to read:

1427. (a) When a complaint is presented to a judge of an inferior court of the commission of a public offense appearing to be triable in his court, he must, if satisfied therefrom that the offense complained of has been committed and that there is reasonable ground to believe that the defendant has committed it, issue a warrant, for the arrest of the defendant.

(b) Such warrant of arrest and proceedings upon it shall be in conformity to the provisions of this code regarding warrants of arrest, and it may be in the following form:

County of _____

The people of the State of California, to any peace officer in this state:

Complaint upon oath having been this day made before me that the offense of _____ (designating it generally) has been committed and accusing _____ (name of defendant) thereof you are therefore commanded forthwith to arrest the above-named defendant and bring him forthwith before the _____ court of _____ (stating full title of court) at _____ (naming place).

Witness my hand and the seal of said court this _____ day of _____, 19__.

(Signed).

_____

Judge of said court

If it appears that the offense complained of has been committed by a corporation, no warrant of arrest shall issue, but the judge must issue a summons substantially in the form prescribed in Section 1391. Such summons must be served at the time and in the manner designated in Section 1392 except that if the offense complained of is a violation of the Vehicle Code or a local ordinance adopted pursuant to the Vehicle Code, such summons may be served by deposit by the clerk of the court in the United States mail of an envelope enclosing the summons, which envelope shall be addressed to a person authorized to accept service of legal process on behalf of the defendant, and which envelope shall be mailed by registered mail or certified mail with a return receipt requested. Promptly upon such mailing, the clerk of the court shall execute a certificate of such mailing and place it in the file of the court for that case. At the time stated in the summons the corporation may appear by counsel and answer the complaint, except that in the case of misdemeanors arising from operation of motor vehicles, or of infractions arising from operation of motor vehicles, a corporation may appear by its president, vice president, secretary or managing agent for the purpose of entering a plea of guilty. If it does not appear, a plea of not guilty shall be entered, and the same proceedings had therein as in other cases.

CHAPTER 719

An act to amend Section 1018 of, to add Sections 190, 190.1, 190.2, 190.3, 209, 219, and 4500 to, and to repeal Sections 190, 190.1, 209, 219, and 4500 of, the Penal Code, relating to punishment for crimes.

[Approved by Governor September 24, 1973 Filed with Secretary of State September 24, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 190 of the Penal Code is repealed.

SEC. 2. Section 190 is added to the Penal Code, to read:

190. Every person guilty of murder in the first degree shall suffer death if any one or more of the special circumstances enumerated in Section 190.2 have been charged and found to be true in the manner provided in Section 190.1. Every person otherwise guilty of murder in the first degree shall suffer confinement in the state prison

for life. Every person guilty of murder in the second degree is punishable by imprisonment in the state prison from five years to life.

SEC. 3. Section 190.1 of the Penal Code is repealed.

SEC. 4. Section 190.1 is added to the Penal Code, to read:

190.1. In any case in which the death penalty is to be imposed as the penalty for an offense only upon the finding of the truth of the special circumstances enumerated in Section 190.2, the guilt or innocence of the person charged shall first be determined without a finding as to penalty. In any such case the person charged shall be represented by counsel. If such a person has been found guilty of such an offense, and has been found sane on any plea of not guilty by reason of insanity, and any one or more of the special circumstances enumerated in Section 190.2 have been charged, there shall be further proceedings on the issue of the special circumstances charged. In any such proceedings the person shall be represented by counsel. The determination of the truth of any or all of the special circumstances charged shall be made by the trier of fact on the evidence presented. In case of a reasonable doubt whether a special circumstance is true, the defendant is entitled to a finding that it is not true. The trier of fact shall make a special finding that each special circumstance charged is either true or not true. Wherever a special circumstance requires proof of the commission or attempted commission of a crime, such crime shall be charged and proved pursuant to the general law applying to the trial and conviction of a crime.

If the defendant was convicted by the court sitting without a jury, the trier of fact shall be a jury unless a jury is waived by the defendant with the consent of the defendant's counsel, in which case the trier of fact shall be the court. If the defendant was convicted by a plea of guilty the trier of fact shall be a jury unless a jury is waived by the defendant with the consent of his counsel. If the defendant was convicted by a jury, the trier of fact shall be the same jury unless, for good cause shown, the court discharges that jury, in which case a new jury shall be drawn to determine the issue of whether or not any of the special circumstances charged are true or not true.

If the trier of fact finds, as to any person convicted of any offense under Section 190 requiring further proceedings that any one or more of the special circumstances enumerated in Section 190.2 as charged is true, the defendant shall suffer the penalty of death, and neither the finding that any of the remaining special circumstances charged is not true, nor if the trier of fact is a jury, the inability of the jury to agree on the issue of the truth or untruth of any of the remaining special circumstances charged, shall prohibit the imposition of such penalty.

In any case in which the defendant has been found guilty by a jury, and the same or another jury is unable to reach a unanimous verdict that one or more of the special circumstances charged are true, and does not reach a unanimous verdict that all of such special

circumstances charged are not true, the court shall dismiss the jury and shall order a new jury impaneled to try the issues, but the issue of guilt shall not be retried by such jury, nor shall such jury retry the issue of the truth of any of the special circumstances which were found by a unanimous verdict of the previous jury to be untrue. If such new jury is unable to reach a unanimous verdict that one or more of the special circumstances it is trying are true, the court shall dismiss the jury and impose the punishment of confinement in the state prison for life.

SEC. 5. Section 190.2 is added to the Penal Code, to read:

190.2. The penalty for a person found guilty of first-degree murder shall be death in any case in which the trier of fact pursuant to the further proceedings provided for in Section 190.1 makes a special finding that:

(a) The murder was intentional and was carried out pursuant to an agreement with the defendant. "An agreement," as used in this subdivision, means an agreement by the person who committed the murder to accept valuable consideration for the act of murder from any person other than the victim.

(b) The defendant personally committed the act which caused the death of the victim and any of the following additional circumstances exist:

(1) The victim is a peace officer, as defined in Section 830.1, subdivision (a) of Section 830.2, or subdivision (b) of Section 830.5, who, while engaged in the performance of his duty, was intentionally killed, and the defendant knew or reasonably should have known that such victim was a peace officer engaged in the performance of his duties.

(2) The murder was willful, deliberate and premeditated and the victim was a witness to a crime who was intentionally killed for the purpose of preventing his testimony in any criminal proceeding.

(3) The murder was willful, deliberate and premeditated and was committed during the commission or attempted commission of any of the following crimes:

(i) Robbery, in violation of Section 211.

(ii) Kidnapping, in violation of Section 207 or Section 209. Brief movements of a victim which are merely incidental to the commission of another offense and which do not substantially increase the victim's risk of harm over that necessarily inherent in the other offense do not constitute kidnapping within the meaning of this paragraph.

(iii) Rape by force or violence, in violation of subdivision (2) of Section 261; or by threat of great and immediate bodily harm, in violation of subdivision (3) of Section 261.

(iv) The performance of lewd or lascivious acts upon the person of a child under the age of 14, in violation of Section 288.

(v) Burglary, in violation of subdivision (1) of Section 460, of an inhabited dwelling housing entered by the defendant with an intent to commit grand or petit larceny or rape.

(4) The defendant has in this or in any prior proceeding been convicted of more than one offense of murder of the first or second degree. For the purpose of this paragraph an offense committed in another jurisdiction which if committed in California would be punishable as first or second degree murder shall be deemed to be murder of the first or second degree.

SEC. 6. Section 190.3 is added to the Penal Code, to read:

190.3. (a) Notwithstanding any other provision of law, the death penalty shall not be imposed upon any person who was under the age of 18 years at the time of the commission of the crime. The burden of proof as to the age of such person shall be upon the defendant.

(b) Except when the trier of facts finds that a murder was committed pursuant to an agreement as defined in subdivision (a) of Section 190.2, or when a person is convicted of a violation of Section 37 or 128, the death penalty shall not be imposed upon any person who is a principal in the commission of a capital offense unless he was personally present during the commission of the act or acts causing death, and directly committed or physically aided in the commission of such act or acts.

SEC. 7. Section 209 of the Penal Code is repealed.

SEC. 8. Section 209 is added to the Penal Code, to read:

209. Any person who seizes, confines, inveigles, entices, decoys, abducts, conceals, kidnaps or carries away any individual by any means whatsoever with intent to hold or detain, or who holds or detains, such individual for ransom, reward or to commit extortion or to exact from relatives or friends of such person any money or valuable thing, or any person who kidnaps or carries away any individual to commit robbery, or any person who aids or abets any such act, is guilty of a felony and upon conviction thereof shall suffer death in cases in which any person subjected to any such act suffers death, or shall be punished by imprisonment in the state prison for life without possibility of parole in cases in which any person subjected to any such act suffers bodily harm, or shall be punished by imprisonment in the state prison for life with possibility of parole in cases where no such person suffers death or bodily harm.

Any person serving a sentence of imprisonment for life without possibility of parole following a conviction under Section 209 as it read prior to September 22, 1951, shall be eligible for a release on parole as if he had been sentenced to imprisonment for life with possibility of parole.

SEC. 9. Section 219 of the Penal Code is repealed.

SEC. 10. Section 219 is added to the Penal Code, to read:

219. Every person who unlawfully throws out a switch, removes a rail, or places any obstruction on any railroad with the intention of derailing any passenger, freight or other train, car or engine and thus derails the same, or who unlawfully places any dynamite or other explosive material or any other obstruction upon or near the track of any railroad with the intention of blowing up or derailing any such train, car or engine and thus blows up or derails the same, or who

unlawfully sets fire to any railroad bridge or trestle over which any such train, car or engine must pass with the intention of wrecking such train, car or engine, and thus wrecks the same, is guilty of a felony and punishable with death in cases in which any person subjected to any such act suffers death as a proximate result thereof, or imprisonment in the state prison for life without the possibility of parole in cases where any person suffers bodily harm as a proximate result thereof, or imprisonment in the state prison for life, with the possibility of parole, in cases where no person suffers death or bodily harm as a proximate result thereof.

SEC. 11. Section 1018 of the Penal Code is amended to read:

1018. Unless otherwise provided by law every plea must be put in by the defendant himself in open court. No plea of guilty of a felony for which the maximum punishment is death, or life imprisonment without the possibility of parole, shall be received from a defendant who does not appear with counsel, nor shall any such plea be received without the consent of the defendant's counsel. No plea of guilty to a capital offense which does not require the further proceedings provided for in Section 190.1 shall be received from a defendant. No plea of guilty of a felony for which the maximum punishment is not death or life imprisonment without the possibility of parole shall be accepted from any defendant who does not appear with counsel unless the court shall first fully inform him of his right to counsel and unless the court shall find that the defendant understands his right to counsel and freely waives it and then, only if the defendant has expressly stated in open court, to the court, that he does not wish to be represented by counsel. On application of the defendant at any time before judgment the court may, and in case of a defendant who appeared without counsel at the time of the plea the court must, for a good cause shown, permit the plea of guilty to be withdrawn and a plea of not guilty substituted. Upon indictment or information against a corporation a plea of guilty may be put in by counsel. This section shall be liberally construed to effect these objects and to promote justice.

SEC. 12. Section 4500 of the Penal Code is repealed.

SEC. 13. Section 4500 is added to the Penal Code, to read:

4500. Every person undergoing a life sentence in a state prison of this state, who, with malice aforethought, commits an assault upon the person of another, other than another inmate, with a deadly weapon or instrument, or by any means of force likely to produce great bodily injury is punishable with death; however, in cases in which the person subjected to such assault does not die within a year and a day after such assault as a proximate result thereof, or the person so assaulted is another inmate, the punishment shall be imprisonment in the state prison for life without the possibility of parole for nine years.

For the purpose of computing the days elapsed between the commission of the assault and the death of the person assaulted, the whole of the day on which the assault was committed shall be

counted as the first day.

Nothing in this section shall be construed to prohibit the application of this section when the assault was committed outside the walls of any prison if the person committing the assault was undergoing a life sentence in a state prison at the time of the commission of the assault.

SEC. 14. Notwithstanding Section 2164.3 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

SEC. 15. If any word, phrase, clause, or sentence in any section amended or added by this act, or any section or provision of this act, or application thereof to any person or circumstance, is held invalid, such invalidity shall not affect any other word, phrase, clause, or sentence in any section amended or added by this act, or any other section, provision or application of this act, which can be given effect without the invalid word, phrase, clause, sentence, section, provision or application and to this end the provisions of this act are declared to be severable.

CHAPTER 720

An act to add Section 25956 to the Health and Safety Code, relating to fetuses, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 24, 1973 Filed with Secretary of State September 24, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 25956 is added to the Health and Safety Code, to read:

25956. (a) It is unlawful for any person to use any aborted product of conception, other than fetal remains, for any type of scientific or laboratory research or for any other kind of experimentation or study, except to protect or preserve the life and health of the fetus. "Fetal remains," as used in this section, means a lifeless product of conception regardless of the duration of pregnancy.

(b) In addition to any other criminal or civil liability which may be imposed by law, any violation of this section constitutes unprofessional conduct within the meaning of the State Medical Practice Act, Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code.

SEC. 2. This act is an urgency statute necessary for the

immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to conform California law to federal law prohibiting experimentation on aborted products of conception, it is necessary that this act go into effect at the earliest possible date.

CHAPTER 721

An act to amend Section 14196.1 of the Education Code, relating to the State Teachers' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1973. Filed with Secretary of State September 25, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 14196.1 of the Education Code, as added by Chapter 1341 of the Statute of 1972, is amended to read:

14196.1. If a member was employed in the educational institutions of the State of California, and because of a change of employment to a California state college became 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 September 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 the effective date of the amendment enacted at the 1973–74 Regular Session.

SEC. 2. Notwithstanding Section 2164.3 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this act nor shall there be any appropriation made by this act.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It is necessary to change a date in the original legislation in order to effect the legislative intent before the termination date of that legislation.

CHAPTER 722

An act to amend and renumber Section 1010.85 of the Education Code, relating to public schools.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows.

SECTION 1. Section 1010.85 of the Education Code, as added by Chapter 1374 of the Statutes of 1972, is amended and renumbered to read:

1004.5. The governing board of each school district, including community college districts, 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 current market value exceeds two hundred dollars ($200) per item, the date of acquisition, the location of use, and the time and mode of disposal.

SEC. 2. The Legislature finds and declares that, in enacting Chapter 1374 of the Statutes of 1972, it was its intent that the substance of Section 1010.85 of the Education Code apply to all school districts, and that its inclusion in a portion of the code which relates only to community college districts was mere inadvertence.

For this reason, the provisions of subdivision (b) of Section 2164.3 of the Revenue and Taxation Code, which require that any new state program or increased level of service of an existing mandated program which is mandated by legislative action after January 1, 1973, shall include an appropriation for an amount sufficient to reimburse local agencies for the cost of implementing the program, is not applicable to this act.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act, because the duties, obligations, or responsibilities imposed on local governmental agencies or school districts by this act are such that related costs are incurred as a part of their normal operating procedures.

CHAPTER 723

An act to amend Section 221 of the Fish and Game Code, relating to the Fish and Game Commission.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 221 of the Fish and Game Code is amended to read:

221. The provisions of this article are effective until January 1, 1976, and thereafter shall have no force or effect.

CHAPTER 724

An act to add Section 252.5 to the Streets and Highways Code, relating to freeways and expressways.

[Approved by Governor September 25, 1973. Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 252.5 is added to the Streets and Highways Code, to read:

252.5. Until the adoption of the California Transportation Plan, the commission shall not adopt the location for any freeway or expressway in the County of Los Angeles, but may adopt modifications for adopted locations of freeways and expressways in the county.

Upon adoption of the plan, the commission may adopt locations for freeways and expressways in the county that conform to the plan, as adopted and as updated.

CHAPTER 725

An act to amend Sections 12396, 12415, and 12416 of the Insurance Code, relating to underwritten title companies.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 12396 of the Insurance Code is amended to read:

12396. (a) An underwritten title company as defined in Section 12402 of this code, which shall be a stock corporation, may engage in the business of preparing title searches, title examinations, title reports, certificates or abstracts of title, upon the basis of which a title insurer regularly writes title policies, provided that:

(1) Only domestic corporations may be licensed under this section and, after January 1, 1968, no underwritten title company, as defined in Section 12402, shall become licensed for the first time

under this section, or change the name under which it is licensed or operates, unless it has first complied with the provisions of Section 881.

(2) Depending upon the county or counties in which the company is licensed to transact business, it shall maintain required minimum net worth as follows:

Aggregate number of documents recorded and documents filed in the offices of the county recorders in the preceding calendar year in all counties where the company is licensed to transact business Number of documents	Amount of required minimum net worth
Less than 10,000	$20,000
10,000 to 50,000	30,000
50,000 to 100,000	60,000
100,000 to 500,000	100,000
500,000 to 1,000,000	150,000
1,000,000 or more	200,000

"Net worth" is defined as the excess of assets over all liabilities and required reserves. It may carry as an asset the actual cost of its title plant provided the value ascribed to such asset shall not exceed the lesser of: (a) the actual cost thereof, or (b) 50 percent of its stated capital, as defined in Section 1900 of the Corporations Code.

Where the information in the title plant is not being kept current, the asset value of such plant shall not exceed the actual cost less 20 percent of the actual cost for each 12-month period immediately preceding the date such asset is valued for the purposes of this subdivision that the title plant is not actually maintained.

An underwritten title company at all times shall maintain current assets of at least ten thousand dollars ($10,000) in excess of its current liabilities, as such current assets and liabilities may be defined pursuant to regulations made by the commissioner. In making such regulations, the commissioner shall be guided by generally accepted accounting principles followed by certified public accountants in this state.

(3) Such an underwritten title company shall obtain from the commissioner a license to transact its business. Such license shall not be granted until the applicant conforms to the requirements of this section and all other provisions of this code specifically applicable to applicant. After issuance the holder shall continue to comply with the requirements as to its business set forth in this code, in the applicable rules and regulations of the commissioner and in the laws of this state.

Any underwritten title company who possesses, or is required to possess, a license pursuant to this section shall be subject as if an

insurer to the provisions of Article 8 (commencing with Section 820) of Chapter 1 of Part 2 of Division 1 of this code and shall be deemed to be subject to authorization by the Insurance Commissioner within the meaning of subdivision (e) of Section 25100 of the Corporations Code.

Such license may be obtained by filing an application on a form prescribed by the commissioner accompanied by a filing fee of one hundred dollars ($100). Such license when issued shall be for an indefinite term and shall expire with the termination of the existence of the holder, subject to the annual renewal fee imposed under Sections 12415 and 12416.

An underwritten title company seeking to extend its license to an additional county shall pay a one-hundred-dollar ($100) fee for each such additional county, and shall furnish to the commissioner evidence, at least sufficient to meet the minimum net worth requirements of paragraph (2), of its financial ability to expand its business operation to include such additional county or counties.

(4) Such an underwritten title company shall furnish an audit to the commissioner on the forms provided by the commissioner annually, either on a calendar year basis on or before March 31st or, if approved in writing by the commissioner in respect to any individual company, on a fiscal year basis on or before 90 days after the end of the fiscal year. The time for furnishing any such audit may be extended, for good cause shown, on written approval of the commissioner for a period, not to exceed 60 days. Failure to submit an audit on time, or within such extended time as the commissioner may grant, shall be grounds for an order by the commissioner to accept no new business pursuant to subdivision (d). Such audits shall be private, except that a synopsis of the balance sheet on a form prescribed by the commissioner may be made available to the public.

The audits shall be made in accordance with generally accepted auditing standards by an independent certified public accountant or independent licensed public accountant approved by the commissioner specifically for the particular company. Approval of an auditor for a particular company shall not be deemed to be a licensing of the auditor nor approval of the auditor for any other company or any other purpose. Any such approval, or the renewal thereof, shall automatically expire on the first day of January in the fifth calendar year following the date of original or renewal approval. The fee for filing an application for such approval or the renewal thereof shall be ten dollars ($10). The fee for approving the submitted audit shall be twenty-five dollars ($25).

The commissioner may deny or revoke approval or renewal of approval of an auditor for any of the following reasons:

(i) Adverse result in any proceeding before the State Board of Accountancy affecting the auditor's license;

(ii) The auditor has an affiliation with the underwritten title company or any of its officers or directors which would prevent his reports on the company from being reasonably objective;

(iii) The auditor has suffered conviction of any misdemeanor or felony based on his activities as an accountant; or

(iv) Judgment adverse to the auditor in any civil action finding him guilty of fraud, deceit or misrepresentation in the practice of his profession.

Any company which fails to file any audit or other report on or before the date it is due shall pay to the commissioner a penalty fee of one hundred dollars ($100) and on failure to pay such or any other fee required by this section shall forfeit the privilege of accepting new business until the delinquency is corrected.

(b) Such an underwritten title company may engage in the escrow business and act as escrow agent provided that:

(1) All funds deposited with the company in connection with any escrow shall be deposited in a bank in a separate trust account, and such funds shall be the property of the person or persons entitled thereto under the provisions of the escrow and segregated escrow by escrow in the records of the company. Such funds shall not be subject to any debts of the company and shall be used only to fulfill the terms of the individual escrow under which the funds were accepted and none of such funds shall be used until all conditions of the escrow have been met.

Bona fide drafts executed by persons fully responsible financially may at the option of the company, be deemed the equivalent of funds already cleared into such bank deposit unless another law of this state prohibits such persons from tendering such drafts to escrow holders for the purpose of closing escrows.

Any interest received on funds deposited with the company in connection with any escrow which are deposited in a bank shall be paid over to the depositing party to the escrow and shall not be transferred to the account of the company.

(2) It shall maintain record of all receipts and disbursements of escrow funds.

(3) It shall deposit seven thousand five hundred dollars ($7,500) for each county in which it transacts business in some form permitted by Section 12351 with the commissioner who shall forthwith make a special deposit thereof in the State Treasury and such deposit shall be subject to the provisions of Sections 12353, 12356, 12357, and 12358 and as long as there are no claims against the deposit all interest and dividends thereon shall be paid to the depositor. The assets in the deposit shall be subject to final sale, transfer and disposal of the proceeds thereof by the commissioner only on the order of a court of competent jurisdiction, and for the security and protection of persons having lawful claims against the depositor growing out of escrow transactions with it. Such deposit shall be maintained until two years after the company ceases to engage in the escrow business.

(4) It shall obtain and maintain a fidelity bond on file with the commissioner to cover all officers and employees of the company who participate in any escrow transaction that is handled by the company. Such bond shall be a blanket bond or, with the approval

of the commissioner, may be a position or individual bond. The commissioner shall prescribe the amount of the bond which shall not exceed two hundred thousand dollars ($200,000).

(c) The commissioner shall, whenever it appears necessary, examine the business and affairs of a company licensed under this section. All such examinations shall be at the expense of the company.

(d) At any time that the commissioner determines, after notice and hearing, that a company licensed under this section has willfully failed to comply with any of the provisions of this section, the commissioner shall make his order prohibiting the company from conducting its business for a period of not more than one year.

Any company violating such an order is subject to seizure under Article 14 (commencing with Section 1010) of Chapter 1 of Part 2 of Division 1 of this code is guilty of a misdemeanor and may have its license revoked by the commissioner. Any person aiding and abetting any company in a violation of such an order is guilty of a misdemeanor

The purpose of this section is to maintain the solvency of the companies subject to this section and to protect the public by preventing fraud and requiring fair dealing. In order to carry out such purposes the commissioner may make reasonable rules and regulations to govern the conduct of its business of companies subject to this section.

The name under which each underwritten title company is licensed shall at all times be an approved name. Each such company shall be subject to the provisions of Article 14 (commencing with Section 1010) and Article 14.5 (commencing with Section 1065.1) of Chapter 1 of Part 2 of Division 1 of this code.

Such rules and regulations shall be adopted, amended or repealed in accordance with the procedure provided in Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 2. Section 12415 of the Insurance Code is amended to read:

12415. It is the intent of the Legislature that certificated title insurers and licensed underwritten title companies, as defined in Section 12402, shall pay to the commissioner an annual renewal fee, as provided in Section 12416, in addition to that provided as to title insurers by Section 705, to cover the costs to the commissioner for administering and enforcing Section 12396, and Article 5 (commencing with Section 12400) and Article 6 (commencing with Section 12401) of Chapter 1, Part 6, Division 2, and such other provisions of this code as are or may be subsequently incorporated by reference in this article by legislative enactment. Such fee shall be in lieu of all fees provided for in Article 6 (commencing with Section 12401) of Chapter 1, Part 6, Division 2.

SEC. 2.5. Section 12415 of the Insurance Code is amended to read:

12415. It is the intent of the Legislature that certificated title

insurers and licensed underwritten title companies, as defined in Section 12402, shall pay to the commissioner an annual renewal fee, as provided in Section 12416, in addition to that provided as to title insurers by Section 705, to cover the costs to the commissioner for administering and enforcing Section 12389, and Article 5 (commencing with Section 12400) and Article 6 (commencing with Section 12402) of Chapter 1, Part 6, Division 2 of this code and such other provisions of this code as may be subsequently incorporated by reference in this article by legislative enactment. Such fee shall be in lieu of all fees provided for in Article 6 (commencing with Section 12402) of Chapter 1, Part 6, Division 2.

SEC. 3. Section 12416 of the Insurance Code is amended to read:

12416. Each certificated title insurer possessing a certificate of authority of indefinite term pursuant to Section 701 shall owe and pay an annual renewal fee of two hundred dollars ($200). Each underwritten title company possessing a license of indefinite term pursuant to Section 12396 shall owe and pay an annual renewal fee of one hundred dollars ($100). Such fees shall be for annual periods commencing on July 1 of each year and ending on June 30 of each year, and shall be due on March 1st preceding the annual period for which such fees are charged, and shall be delinquent on and after April 1st next following the date when due.

SEC. 3.5. Section 12416 of the Insurance Code is amended to read:

12416. Each certificated title insurer possessing a certificate of authority of indefinite term pursuant to Section 701 shall owe and pay an annual renewal fee of two hundred dollars ($200) in lawful money of the United States. Each underwritten title insurer possessing a license of indefinite term pursuant to Section 12389 shall owe and pay an annual renewal fee of one hundred dollars ($100) in lawful money of the United States. Such fees shall be for annual periods commencing on July 1 of each year and ending on June 30 of each year, and shall be due on March 1st preceding the annual period for which such fees are charged, and shall be delinquent on and after April 1st next following the date when due.

SEC. 4. It is the intent of the Legislature, if both this bill and Senate Bill No. 1293 are chaptered, become effective January 1, 1974, and amend Sections 12415 and 12416 of the Insurance Code, and this bill is chaptered after Senate Bill No. 1293, that the amendments to Sections 12415 and 12416 proposed by both bills be given effect and incorporated in Sections 12415 and 12416 in the form set forth in Sections 2.5 and 3.5 of this act. Therefore, Sections 2.5 and 3.5 of this act shall become operative only if this bill and Senate Bill No. 1293 are both chaptered, both become effective January 1, 1974, and both amend Sections 12415 and 12416, and Senate Bill No. 1293 is chaptered before this bill, in which case Sections 2 and 3 of this act shall not become operative.

CHAPTER 726

An act to amend Sections 99267 and 99268 of the Public Utilities Code, relating to public transportation.

[Approved by Governor September 25, 1973. Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 99267 of the Public Utilities Code, as amended by Chapter 1408 of the Statutes of 1972, is amended to read:

99267. Except for a transit district or a municipal operator during its first five fiscal years in the operation of a public transportation system, 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. 1.5. Section 99267 of the Public Utilities Code is amended to read:

99267. (a) Except for a transit district or a municipal operator during its first five fiscal years in the operation of a public transportation system, 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. 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.

(b) The amount of federal and other state funds granted or approved for capital expenditures on a matching basis by the operator, the local contributions designated pursuant to subdivision (c), and the allocations made pursuant to Section 99234 for the area served by the operator in any fiscal year may be applied by the operator to satisfy the requirement of subdivision (a).

(c) Any local entity contributing money to an operator, during the 1973–74 fiscal year or any subsequent fiscal year, may designate what portion of its annual contribution, but not to exceed one-half thereof, may be applied to satisfy the requirement specified in subdivision (a), whether or not such portion is to be expended for capital expenditures.

(d) 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. 2. Section 99268 of the Public Utilities Code, as amended by Chapter 1408 of the Statutes of 1972, is amended to read:

99268. Except for a transit district or a municipal operator during its first five fiscal years in the operation of a public transportation system, 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. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 821 are both chaptered and become effective January 1, 1974, both bills amend Section 99267 of the Public Utilities Code, and this bill is chaptered after Senate Bill No. 821, that the amendments to Section 99267 proposed by both bills be given effect and incorporated

in Section 99267 in the form set forth in Section 1.5 of this act. Therefore, Section 1.5 of this act shall become operative only if this bill and Senate Bill No. 821 are both chaptered and become effective January 1, 1974, both amend Section 99267, and this bill is chaptered after Senate Bill No. 821, in which case Section 1 of this act shall not become operative.

CHAPTER 727

An act to add Section 2.6 to the San Bernardino County Flood Control Act (Chapter 73 of the Statutes of 1939), relating to the San Bernardino County Flood Control District.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 2.6 is added to the San Bernardino County Flood Control Act (Chapter 73 of the Statutes of 1939), to read:

Sec. 2.6. The district may borrow money and incur indebtedness pursuant to this section to meet the short-term needs of any zone by action of the board of supervisors and without the necessity of calling and holding an election in the district.

Such indebtedness may be incurred solely for the purpose of providing for a cash flow to handle temporary funding for local interest obligations for federal flood control projects or to provide a cash flow for other zone operations prior to receipt of annual tax revenues or other revenues.

Any such negotiable promissory notes shall be issued after the adoption, by a four-fifths vote of all the members of the board, of a resolution setting forth the form of the notes, the maturity date or dates thereof, and the manner of execution thereof.

Any such negotiable promissory notes shall bear interest at a rate not exceeding 6 percent per annum; provided, however, that the notes shall be general obligations of the zone payable from revenues and taxes, unless paid from other available funds of the zone, but in no event to exceed the maximum tax limitations as provided for in this act, in the same manner as bonds of the zone; and provided further, that the maturity shall not be later than five years from the date thereof and that the total aggregate amount of such notes outstanding at any one time for all zones within the district shall not exceed the sum of eight million dollars ($8,000,000).

CHAPTER 728

An act to add Article 2.7 (commencing with Section 16091) to Chapter 2 of Division 12 of the Education Code, relating to school property.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Article 2.7 (commencing with Section 16091) is added to Chapter 2 of Division 12 of the Education Code, to read:

Article 2.7. School Building Occupancy by Public Entities

16091. Any school district may enter into a lease or agreement with a city, county, or city and county for the joint occupancy, or a private education institution for its sole occupancy, of the real property and buildings of the school district, provided that no such occupancy of school buildings and grounds shall occur during normal school hours when the school is in session.

16091.5. As used in this article, "building" includes onsite and offsite facilities, utilities and improvements which as agreed upon by the parties are appropriate for the proper operation or function of the building to be jointly occupied and used. It also includes the permanent improvement of schoolgrounds.

16092. Prior to entering into a lease or agreement pursuant to this article, the school district governing board shall determine that the proposed joint occupancy and use of school district property or buildings will not interfere with the educational program or activities of any school or class conducted upon the real property or in any such building.

16093. No such lease or agreement shall exceed a term of five years, but may be renewed on the same or different conditions at the end of such term.

CHAPTER 729

An act to add Section 12011.5 to the Fish and Game Code, relating to fishing.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 12011.5 is added to the Fish and Game Code, to read:

12011.5. The minimum punishment for violating any provision of law, or regulation adopted pursuant thereto, prohibiting the taking of salmon or steelhead trout in the inland waters of the state by any means other than by angling is a fine of not less than one hundred dollars ($100) or by imprisonment in the county jail for not less than 10 days, or both.

CHAPTER 730

An act to amend Section 14799 of the Government Code, relating to bidding.

[Approved by Governor September 25, 1973. Filed with Secretary of State September 25, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 14799 of the Government Code is amended to read:

14799. An estimate or requisition approved by the state agency in control of the appropriation or fund against which a purchase is to be charged, is full authority for any contract and purchase of supplies of the quality specified by the agency or determined by the Board of Control as provided in this article made pursuant thereto by the department.

The department shall issue a call for bids within 30 days after receiving a requisition for any supplies or equipment that is regularly purchased within this state. The period of closing time designated in the invitations for bids shall be exclusive of holidays and shall be extended to the next working day after a holiday.

After the closing date for receiving any bids within or without this state, the contract of purchase shall be awarded or the bids shall be rejected within 30 days unless a protest is filed as provided in Section 14813.

CHAPTER 731

An act to add Section 3512.1 to the Revenue and Taxation Code, relating to property tax sales.

[Approved by Governor September 25, 1973. Filed with Secretary of State September 25, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 3512.1 is added to the Revenue and Taxation Code, to read:

3512.1. When property is scheduled to be tax deeded to the state, the assessor shall furnish, by June 15, to the tax collector, a metes and bounds or lot-block-tract description of the property.

SEC. 2. In enacting this act, the Legislature hereby determines and finds that any duties, obligations, or responsibilities imposed on local government are minor in nature and do not result in a significant new program for local government, or a significant increase in level of service of an existing mandated program, and no additional economic burden or cost is intended to be imposed hereby. Therefore, and solely as a result of this finding and determination, there are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 732

An act to amend Sections 12001.5, 12020 and 12029, and to add Article 6 (commencing with Section 12095) to Chapter 1 of Title 2 of Part 4, of the Penal Code, relating to weapons, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1973. Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 12001.5 of the Penal Code is amended to read:

12001.5. Except as provided in Section 12020, nothing in this chapter shall be construed as authorizing the manufacture, importation into the state, keeping for sale, offering for sale, or giving, lending, or possession of any sawed-off shotgun, as defined in Section 12020.

SEC. 2. Section 12020 of the Penal Code is amended to read:

12020. (a) Any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sandbag, sawed-off shotgun, or metal knuckles, or who carries concealed upon his person any explosive substance, other than fixed ammunition or who carries concealed upon his person any dirk or dagger, is guilty of a felony, and upon conviction shall be punishable by imprisonment in the county jail not exceeding one year or in a state prison for not less than one year nor more than five years.

This section shall not apply to the manufacture, possession,

transportation or use, with blank cartridges, of sawed-off shotguns solely as props for motion picture film or television program production when such is authorized by the Department of Justice pursuant to Article 6 (commencing with Section 12095) of this chapter and is not in violation of federal law.

(b) As used in this section a "sawed-off shotgun" means a shotgun having a barrel or barrels of less than 18 inches in length, or a rifle having a barrel or barrels of less than 16 inches in length, or any weapon made from a rifle or shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches.

SEC. 2.5. Section 12020 of the Penal Code is amended to read:

12020. (a) Any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends or possesses any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, nunchaku sandclub, sandbag, sawed-off shotgun, or metal knuckles, or who carries concealed upon his person any explosive substance, other than fixed ammunition or who carries concealed upon his person any dirk or dagger, is guilty of a felony, and upon conviction shall be punishable by imprisonment in the county jail not exceeding one year or in a state prison for not less than one year nor more than five years.

This section shall not apply to the manufacture, possession, transportation or use, with blank cartridges, of sawed-off shotguns solely as props for motion picture film or television program production when such is authorized by the Department of Justice pursuant to Article 6 (commencing with Section 12095) of this chapter and is not in violation of federal law.

(b) Any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any instrument consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond, or other geometric shape for use as a weapon without handles for throwing is guilty of a felony, and upon conviction shall be punishable by imprisonment in the county jail not exceeding one year or in a state prison for not less than one year nor more than five years.

(c) (1) As used in this section a "sawed-off shotgun" means a shotgun having a barrel or barrels of less than 18 inches in length, or a rifle having a barrel or barrels of less than 16 inches in length, or any weapon made from a rifle or shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches.

(2) As used in this section, a "nunchaku" means an instrument consisting of two or more sticks, clubs, bars or rods to be used as handles, connected by a rope, cord, wire or chain, in the design of a weapon used in connection with the practice of a system of

self-defense such as karate.

SEC. 3. Section 12029 of the Penal Code is amended to read:

12029. Except as provided in Section 12020, blackjacks, slungshots, billies, sandclubs, sandbags, metal knuckles, and sawed-off shotguns as defined in Section 12020 are nuisances. Such weapons shall be subject to confiscation and summary destruction whenever found within the state. Such weapons shall be destroyed in the same manner as other weapons described in Section 12028, except that upon the certification of a judge or of the district attorney that the ends of justice will be subserved thereby, such weapon shall be preserved until the necessity for its use ceases.

SEC. 4. Article 6 (commencing with Section 12095) is added to Chapter 1 of Title 2 of Part 4 of the Penal Code, to read:

Article 6. Permits

12095. If it finds that it does not endanger the public safety, the Department of Justice may issue permits initially valid for a period of one year, and renewable annually thereafter, for the manufacture, possession, transportation or use, with blank cartridges, of sawed-off shotguns solely as props for motion picture film or television program production upon a showing that good cause exists for the issuance thereof to the applicant for such a permit. No permit shall be issued to a person who is under 18 years of age.

12096. 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 sawed-off shotguns are to be put.

Applications and permits shall be uniform throughout the state on forms prescribed by the Department of Justice.

Each applicant for a permit shall pay at the time of filing his application a fee determined by the Department of Justice, not to exceed fifty dollars ($50) for an initial application and ten dollars ($10) for an application to renew an existing permit.

12097. (a) Every person, firm or corporation to whom a permit is issued shall keep it on his person or at the place where the sawed-off shotguns are kept. The permit shall be open to inspection by any peace officer or any other person designated by the authority issuing the permit.

(b) Every sawed-off shotgun possessed pursuant to the provisions of this article shall bear a unique identifying number. If a weapon does not bear a unique identifying number, the Department of Justice shall assign such a number which shall be placed or stamped on that weapon.

12098. Permits issued in accordance with this article may be revoked by the issuing authority at any time when it appears that the need for the sawed-off shotguns has ceased or that the holder of the permit has used the sawed-off shotguns for purposes other than those

allowed by the permit or that the holder of the permit has not exercised great care in retaining custody of any weapons possessed under the permit.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The current authority to possess these prescribed deadly weapons for use in movie, television or theatrical productions is questionable and it is necessary that the law be clarified so that the entertainment industry can continue to operate.

SEC. 6. It is the intent of the Legislature, if this bill and Assembly Bill No. 2571 are both chaptered and become effective on or before January 1, 1974, both bills amend Section 12020 of the Penal Code, and this bill is chaptered after Assembly Bill No. 2571, that the amendments to Section 12020 proposed by both bills be given effect and incorporated in Section 12020 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. 2571 are both chaptered and become effective on or before January 1, 1974, both amend Section 12020, and Assembly Bill No. 2571 is chaptered before this bill, in which case Section 2 of this act shall not become operative.

CHAPTER 733

An act to add and repeal Section 8399.5 of, to add Article 15 (commencing with Section 8550) to Chapter 2 of Part 3 of Division 6 of, and to repeal Section 8552 of, the Fish and Game Code, relating to commercial fishing.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 8399.5 is added to the Fish and Game Code, to read:

8399.5. It is unlawful to take herring for commercial purposes with round haul nets in that portion of Tomales Bay in District 10 south of a line drawn from the southernmost portion of Duck Cove north, 358° magnetic, to the opposite shore in the vicinity of the Marshall Boat Works. This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 2. Article 15 (commencing with Section 8550) is added to Chapter 2 of Part 3 of Division 6 of the Fish and Game Code, to read:

Article 15. Herring

8550. Herring in Tomales Bay and in San Francisco Bay may be taken for commercial purposes only under a revocable, nontransferable permit, subject to such regulations as the commission shall prescribe. In such bays the commission may, whenever necessary to prevent overutilization, to insure efficient and economic operation of the fishery, or to otherwise carry out the provisions of this article, limit the total number of permits which are granted and the amount which may be taken under such permits.

The commission, in limiting the total number of permits, shall take into consideration the restricted fishing area and the safety of others using such bays for purposes other than fishing.

8551. The department shall conduct a study to determine the spawning population of herring in San Francisco and Tomales Bays. Such study shall include at least the two herring spawning seasons in 1974 and 1975. A written report shall be submitted by the department to the commission not later than three months following the end of the 1975 spawning season. The commission shall conduct a public hearing on such report, and on the basis of the findings contained in the report and any other evidence presented at such hearing, the commission shall determine the amounts of herring which may be taken for commercial purposes in San Francisco Bay and in Tomales Bay.

8552. The total take of herring in San Francisco Bay for commercial purposes, except for bait, shall not exceed 500 tons during any one spawning season, and the total take of herring in Tomales Bay for commercial purposes, except for bait, shall not exceed 450 tons during any one spawning season. This section shall remain in effect only until November 30, 1975, and as of that date is repealed.

8553. The commission may make and enforce such regulations as may be necessary or convenient for carrying out any power, authority, or jurisdiction conferred under this article.

SEC. 3. Notwithstanding Section 2164.3 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

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CHAPTER 734

An act to add Section 2840.5 to the Business and Professions Code, relating to vocational nursing.

[Approved by Governor September 25, 1973. Filed with Secretary of State September 25, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 2840.5 is added to the Business and Professions Code, to read:

2840.5. (a) The Legislature hereby declares the practice of licensed vocational nursing to be a profession.

(b) This section shall not be construed to affect the laws relating to the practice of registered nursing, including the provisions of Chapter 6 (commencing with Section 2700), nor any existing regulations relating to registered nurse staffing of licensed health facilities.

(c) The intent of this section shall not be construed to mean that licensed vocational nurses are to be considered as professional employees as defined in Sections 3507.3 and 3533 of the Government Code.

CHAPTER 735

An act to maintain codes by amending Sections 253.1, 253.2, 253.3, 263.1, and 263.3 of, and repealing Sections 263.9, 301.2, 301.3, 301.4, 301.5, 301.6, 308.1, 322.1, and 330.1 of, the Streets and Highways Code, relating to highways.

[Approved by Governor September 25, 1973. Filed with Secretary of State September 25, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 253.1 of the Streets and Highways Code is amended to read:

253.1. The California freeway and expressway system shall include:

Routes 5, 6, 7, 8, 10, 13, 14, 15, 17, 18, 21, 24, 28, 30, 31, 32, 34, 37, 40, 44, 47, 48, 50, 52, 53, 54, 55, 56, 57, 59, 60, 61, 63, 65, 67, 68, 70, 71, 73, 74, 78, 80, 81, 83, 85, 87, 88, 89, 90, 92, 93, 97, 100, 102, 107, 108, 118, 121, 122, 124, 125, 126, 133, 134, 136, 139, 140, 141, 143, 145, 148, 149, 150, 154, 156, 157, 161, 163, 164, 171, 179, 181, 183, 184, 199, 205, 208, 210, 217, 221, 223, 230, 232, 234, 235, 237, 238, 239, 242, 244, 247, 249, 251, 252, 256, 257, 258, 259, 280, 330, 380, 405, 505, 580, 605, 680, 805, and 880 in their entirety.

SEC. 2. Section 253.2 of the Streets and Highways Code is

amended to read:

253.2. The California freeway and expressway system shall also include:

Route 1 from:

(a) Route 105 to the south boundary of the Los Angeles International Airport.

(b) Los Angeles-Ventura county line to Route 101 near El Rio.

(c) Route 101 near Las Cruces to Route 227 south of Oceano.

(d) Route 101 near San Luis Obispo to San Simeon.

(e) Carmel to the west city limits of Santa Cruz.

(f) The Higgins-Purisima Road to Route 280 south of San Francisco.

(g) Route 280 to the San Francisco county line.

(h) Route 101 near the southerly end of Marin Peninsula to the vicinity of Valley Ford.

(i) Route 128 near the mouth of the Navarro River to Route 208 near Rockport.

Route 2 from:

(a) Route 405 near Santa Monica to Route 210.

(b) Harter Lane near Gould Canyon north of La Canada to Route 138.

Route 3 from Route 299 near Weaverville to Route 5 near Yreka.

Route 4 from:

(a) Route 80 near Hercules to Route 99 near Stockton.

(b) Route 99 near Stockton to Route 65.

Route 11 from San Pedro to Route 248 in Pasadena.

Route 12 from:

(a) Route 1 near Valley Ford to Route 101 at Santa Rosa.

(b) Route 101 near Santa Rosa to Melita Road near Santa Rosa.

(c) Route 29 in the vicinity of Napa to Route 80 near Cordelia.

(d) Route 80 near Fairfield to Route 84 at Rio Vista.

(e) Route 84 near Rio Vista to Route 99 near Lodi.

(f) Route 99 near Lodi to Route 88 near Lockeford.

(g) Route 88 near Clements to Route 49 near San Andreas.

Route 16 from:

(a) Route 505 to Route 5 near Woodland.

(b) Route 50 near Perkins to Route 49 near Drytown.

Route 20 from Route 101 to Route 80 near Emigrant Gap.

SEC. 3. Section 253.3 of the Streets and Highways Code is amended to read:

253.3. The California freeway and expressway system shall also include:

Route 22 from:

(a) Studebaker Road in Long Beach to Route 405.

(b) Route 405 to Route 55 near Orange.

Route 23 from:

(a) Route 101 near Newbury Park to Route 118.

(b) Route 118 to Route 126 near Fillmore.

Route 26 from Route 99 near Stockton to Route 12.

Route 29 from:

(a) Route 80 near Vallejo to Oak Knoll Avenue north of the City of Napa.

(b) The Napa-Lake county line to Route 20.

Route 33 from:

(a) Route 101 near Ventura to Route 150.

(b) Route 150 to Route 166 near Maricopa.

(c) Route 152 west of Los Banos to Route 5 near Santa Nella.

Route 35 from Route 280 to Route 1 near Daly City.

Route 36 from:

(a) Route 5 at Red Bluff to Route 395.

(b) Route 139 north of Susanville to Route 395 near Termo.

Route 38 from Route 10 near Redlands to Route 18 near Baldwin Lake.

Route 39 from Route 1 near Huntington Beach to Route 210.

Route 41 from:

(a) Route 1 near Morro Bay to Route 101 near Atascadero.

(b) Route 46 to Route 99 near Fresno

(c) Route 99 near Fresno to Route 180.

(d) Route 180 to Yosemite National Park.

Route 43 from Route 5 to Route 99 near Selma.

Route 45 from Route 20 near Colusa to Route 32 near Hamilton City.

SEC. 4. Section 263.1 of the Streets and Highways Code is amended to read:

263.1. The state scenic highway system shall include:

Routes 25, 28, 35, 38, 52, 53, 62, 74, 76, 89, 96, 97, 127, 150, 151, 154, 156, 158, 161, 173, 197, 199, 203, 208, 209, 221, 236, 239, 243, 247, 254, 330, 480, and 580 in their entirety.

SEC. 5. Section 263.3 of the Streets and Highways Code is amended to read:

263.3. The state scenic highway system shall also include:

Route 5 from:

(a) The international boundary near Tijuana to Route 75 near the south end of San Diego Bay.

(b) San Diego opposite Coronado to Route 74 near San Juan Capistrano.

(c) Route 210 near Tunnel Station to Route 126 near Castaic.

(d) Route 152 west of Los Banos to Route 580 near Vernalis.

(e) Route 44 near Redding to the Shasta Reservoir.

(f) Route 89 near Mt. Shasta to Route 97 near Weed.

(g) Route 3 near Yreka to the Oregon state line near Hilts.

Route 8 from Sunset Cliffs Boulevard in San Diego to Route 98 near Coyote Wells.

Route 9 from:

(a) Route 17 near Santa Cruz to Route 236 near Boulder Creek.

(b) Route 236 near Boulder Creek to Route 236 near Waterman Gap.

(c) Route 236 near Waterman Gap to Route 35.

(d) Saratoga to Route 17 near Los Gatos.

(e) Blaney Plaza in Saratoga to Route 35.

Route 10 from Route 38 near Redlands to Route 62 near White Water.

Route 12 from Route 101 near Santa Rosa to Route 121 near Sonoma.

Route 14 from Route 58 near Mojave to Route 395 near Little Lake.

Route 15 from:

(a) Route 76 near the San Luis Rey River to Route 71 near Murrieta.

(b) Route 74 near Romoland to Route 74 near Perris.

(c) Route 138 near Cajon Pass to Route 138 near Cajon Pass.

(d) Route 58 near Barstow to Route 127 near Baker.

Route 16 from Route 20 to Capay.

Route 17 from:

(a) Route 1 near Santa Cruz to Route 9 near Los Gatos.

(b) Route 37 near Nicasio to Route 1 near Point Reyes Station.

Route 18 from Route 138 near Mt. Anderson to Route 247 near Lucerne Valley.

Route 20 from:

(a) Route 1 near Fort Bragg to Route 101 near Willits.

(b) Route 101 near Calpella to Route 16.

(c) Route 49 near Grass Valley to Route 80 near Emigrant Gap.

Route 24 from the Alameda-Contra Costa county line to Route 680 in Walnut Creek.

Route 27 between Route 1 and Route 268.

Route 29 from:

(a) Route 37 near Vallejo to Route 121 near Napa.

(b) Route 221 near Napa to Route 20 near Upper Lake.

Route 30 from Route 330 near Highland to Route 10 near Redlands.

Route 33 from:

(a) Route 101 near Ventura to Route 150.

(b) Route 150 to Route 166 in Cuyama Valley.

(c) Route 198 near Coalinga to Route 198 near Oilfields.

Route 36 from:

(a) Route 101 near Alton to Route 3 near Peanut.

(b) Route 89 near Morgan Springs to Route 89 near Deer Creek Pass.

SEC. 6. Section 263.9 of the Streets and Highways Code is repealed.

SEC. 7. Section 301.2 of the Streets and Highways Code is repealed.

SEC. 8. Section 301.3 of the Streets and Highways Code is repealed.

SEC. 9. Section 301.4 of the Streets and Highways Code is repealed.

SEC. 10. Section 301.5 of the Streets and Highways Code is repealed.

SEC. 11. Section 301.6 of the Streets and Highways Code is

repealed.

SEC. 12. Section 308.1 of the Streets and Highways Code is repealed.

SEC. 13. Section 322.1 of the Streets and Highways Code is repealed.

SEC. 14. Section 330.1 of the Streets and Highway Code is repealed.

SEC. 15. Any section of any act enacted by the Legislature at its 1973–74 Regular Session, which takes effect on or before January 1, 1974, and which amends, amends and renumbers, or repeals a section amended or repealed by this act, shall prevail over this act, whether such act is enacted prior or subsequent to this act.

CHAPTER 736

An act to amend Section 11802 of the Vehicle Code, relating to occupational licensing.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 11802 of the Vehicle Code, as amended by Chapter 585 of the Statutes of 1972, is amended to read:

11802. (a) The department shall issue a vehicle salesman's license when satisfied that the applicant has furnished the required information, and that he intends in good faith to act as a vehicle salesman, and has paid the fees as required in Section 11809.

(b) The department may refuse to issue or may suspend or revoke a license when satisfied that:

1. The information contained in the application is incorrect.

2. The applicant or licensee, based on the information contained in the application or by subsequent investigation, is not of good moral character.

The conviction of a crime, including a conviction after a plea of nolo contendere, involving moral turpitude shall be prima facie evidence that the applicant or licensee is not of good moral character.

3. The applicant or licensee has outstanding an unpaid final court judgment rendered in connection with an activity licensed under the authority of this chapter.

4. The applicant or licensee does not hold a valid California driver's license.

5. The applicant or licensee was previously the holder of or was a partner in a partnership or was an officer, director, or stockholder involved in management of a corporation which was the holder of a license and certificate issued under this chapter, which license and

certificate were revoked for cause and never reissued by the department or which license and certificate were suspended for cause and the terms of suspension have not been fulfilled.

6. The applicant or licensee has violated any of the terms and provisions of Chapter 2b (commencing with Section 2981) of Title 14 of Part 4 of Division 3 of the Civil Code.

7. The applicant or licensee has violated any of the provisions of Chapter 4 (commencing with Section 11700) of Division 5 of this code.

8. The applicant or licensee has failed to surrender possession of, or failed to return any vehicle to a dealer lawfully entitled thereto upon termination of employment.

9. The applicant or licensee has failed to pay over funds or property received in the course of employment to the dealer entitled thereto.

10. The applicant or licensee has knowingly purchased, sold or otherwise acquired or disposed of a stolen motor vehicle.

(c) Pending the satisfaction of the department that the applicant has met the requirements under this chapter, it may issue a temporary permit to any person applying for a vehicle saleman's license. The temporary permit shall permit the operation by the salesman for a period not to exceed 120 days while the department is completing its investigation and determination of all facts relative to the qualifications of the applicant to such a license. If the department determines to its satisfaction that the temporary permit was issued upon a fraudulent application, the department may cancel the temporary permit and such cancellation shall be effective immediately. The department may also cancel such temporary permit when it has determined or has reasonable cause to believe that the application is incorrect or incomplete or the temporary permit was issued in error and such cancellation shall be effective immediately. If however, the department determines that the information in the application is correct and complete, such temporary permit shall be invalid when the applicant's license has been issued or refused unless within five days of receipt of a notice of refusal and statement of issues the applicant demands a hearing pursuant to subdivision (b) of Section 11803. The filing of a demand for a hearing shall stay the effective date of the invalidation of the temporary permit pending a hearing and a determination of the issues. The notice of refusal shall be made effective not less than five days after its receipt by the applicant.

(d) The department may issue a probationary vehicle salesman's license upon any ground or grounds contained in subdivision (b) of this section subject to conditions to be observed in the exercise of the privilege granted either upon application for issuance of a license or upon application for renewal of a license The conditions to be attached to the exercise of the privilege shall not appear on the face of the license but shall be such as may, in the judgment of the department, be in the public interest and suitable to the

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qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein.

CHAPTER 737

An act to amend Sections 72608, 72640, 72645, and 72646 of the Government Code, relating to municipal courts.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 72608 of the Government Code is amended to read:

72608. Certain classes of positions prescribed in Articles 2 (commencing with Section 72640), 3 (commencing with Section 72700) and 4 (commencing with Section 72750) of this chapter are deemed to be equivalent in job and salary level to position classifications included in the Salary Ordinance of Los Angeles County. In order to maintain parity of compensation and employee rights and benefits between such officers and attachés of municipal courts and county employees having commensurate duties and responsibilities and to provide appropriate salary adjustments and employee rights and benefits for related classes of court positions, the provisions of this section shall govern salary adjustments and employee rights and benefits for officers and attachés of municipal courts in Los Angeles County.

On the effective date of any amendment to such ordinance adjusting the salary of a county employee classification listed in the table of positions set forth in this section, the salary of the equivalent court position listed opposite thereto and each other class of court position indented immediately thereunder shall be adjusted an equivalent number of schedules in the salary schedule to which such position is attached. In no event shall any one such salary adjustment exceed eight schedule numbers. If the level of compensation established by any such salary adjustment is not reflected in the salary schedule number provided for any court classification, the adjustment shall apply to each position in such classification on the effective date of the act fixing such salary schedule number.

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Table of Positions

Court classification	County classification
Officers Series	
Inspector Marshal Assistant marshal	Inspector
Captain	Captain
Lieutenant	Lieutenant
Sergeant	Sergeant
Deputy marshal III Deputy marshal IV	Deputy sheriff III
Deputy marshal II	Deputy sheriff II
Deputy marshal I	Deputy sheriff I
Deputy marshal-matron	Corrections officer
Administrative—Branch Supervisor—Courtroom Series	
All positions subject to civil service provisions enumerated in Articles 2, 3, and 4 not listed in this table, except those specified in Section 72704.5	Superior court clerk
Stenographic Series	
Intermediate stenographic secretary Judicial secretary Administrative secretary, presiding judge Administrative secretary, clerk Administrative secretary, marshal Stenographic secretary Senior stenographic secretary	Intermediate stenographic secretary
Clerical Series	
Deputy clerk II Deputy clerk I Deputy clerk III Administrative clerk Typist-clerk	Intermediate typist-clerk

Deputy clerk-custody officer	
Radiotelephone operator, marshal	
Senior payroll clerk, marshal	
Automotive services assistant, marshal	

Storekeeper Series

Supply and reproduction supervisor	Storekeeper III
Supply and reproduction assistant	

Salary adjustments made pursuant to this section shall be effective until 90 days after the adjournment of the next succeeding regular session of the Legislature.

Officers and attachés of municipal courts in Los Angeles County shall be entitled to all employee rights and benefits including, but not limited to, paid medical plans, parking and cafeteria privileges, longevity pay, shooting allowance, uniform and equipment allowance, and the same rights to meet with those entities which prescribe their compensation, that are provided for or made applicable to the equivalent Los Angeles County employee classification.

SEC. 2. Section 72640 of the Government Code is amended to read:

72640. There shall be one marshal for all municipal courts established in judicial districts in Los Angeles County, who shall be appointed pursuant to this article and who shall receive the monthly compensation specified in Schedule 92.

SEC. 3. Section 72645 of the Government Code is amended to read:

72645. The marshal shall appoint:

(a) One assistant marshal who shall receive the monthly compensation specified in Schedule 89.

(b) Three inspectors, each of whom shall receive monthly compensation as provided in Schedule 83.

(c) Eleven captains, each of whom shall receive monthly compensation as provided in Schedule 77.

(d) Thirty lieutenants, each of whom shall receive monthly compensation as provided in Schedule 70.

(e) Forty sergeants, each of whom shall receive monthly compensation as provided in Schedule 66.

(f) Fifty-four deputy marshals IV, each of whom shall receive monthly compensation as provided in Schedule 60.

(g) One hundred twelve deputy marshals III, each of whom shall receive monthly compensation as provided in Schedule 58.

(h) Two hundred seventy-six deputy marshals II, each of whom shall receive monthly compensation as provided in Schedule 56, and who shall have completed one full year of service and possess a P.O.S.T. specialized basic certificate.

(i) Forty-nine deputy marshals I, each of whom shall receive monthly compensation as provided in Schedule 54. Appointments to such positions shall be made from civil service lists resulting from open competitive examinations, provided that notwithstanding the provisions of Section 72649, such deputies shall be subject to a 12-month period of probation.

(j) Thirty deputy marshal-matrons, each of whom shall receive monthly compensation as provided in Schedule 49, and who shall have completed a course of training which meets the requirements of the P.O.S.T. Commission for a specialized law enforcement basic certificate.

SEC. 4. Section 72646 of the Government Code is amended to read:

72646. The marshal shall appoint:

(a) One head, administrative services, marshal, who shall receive monthly compensation as provided in Schedule 64.

(b) One senior staff assistant, marshal, who shall receive monthly compensation as provided in Schedule 57

(c) One administrative secretary, marshal, who shall receive monthly compensation as provided in Schedule 52. Appointment to said position shall be at step 3 of said schedule.

(d) One staff assistant, marshal, who shall receive monthly compensation as provided in Schedule 51.

(e) One senior stenographic secretary who shall receive monthly compensation as provided in Schedule 51.

(f) Two principal clerks, each of whom shall receive monthly compensation as provided in Schedule 48.

(g) One supply and reproduction supervisor who shall receive monthly compensation as provided in Schedule 49.

(h) Three automotive services assistants, marshal, who shall receive monthly compensation as provided in Schedule 46.

(i) Two intermediate stenographic secretaries, each of whom shall receive monthly compensation as provided in Schedule 46.

(j) Ten administrative clerks, each of whom shall receive monthly compensation as provided in Schedule 45.

(k) Twenty deputy clerk-custody officers, each of whom shall receive monthly compensation as provided in Schedule 44.

(*l*) One senior payroll clerk, marshal, who shall receive monthly compensation as provided in Schedule 44.

(m) One supply and reproduction assistant who shall receive monthly compensation as provided in Schedule 43.

(n) Fifty-nine deputy clerks, grade III, each of whom shall receive monthly compensation as provided in Schedule 41.

(o) Six radiotelephone operators, marshal, who shall receive monthly compensation as provided in Schedule 40.

(p) Three stenographic secretaries, each of whom shall receive monthly compensation as provided in Schedule 40.

(q) Ninety deputy clerks, grade II, each of whom shall receive monthly compensation as provided in Schedule 35.

(r) Twenty-five deputy clerks, grade I, each of whom shall receive monthly compensation as provided in Schedule 29. Appointments to such positions shall be at step 4 of such schedule.

(s) Such deputies who shall be keepers, as may be reasonably required pursuant to law, at the fee allowed by law for keeping property.

SEC. 5. Notwithstanding Section 2231 of the Revenue and Taxation Code, no appropriation is made by this act nor shall any reimbursement be made for any costs that may be incurred by local agencies pursuant to the act, because the affected local agency has requested the Legislature to revise state law in accordance with the provisions of this act in order to carry on any program or service required by the act.

CHAPTER 738

An act relating to state lands, and in this connection repealing Chapter 1335 of the Statutes of 1972, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1973. Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Chapter 1335 of the Statutes of 1972 is repealed.

SEC. 2. The Department of Parks and Recreation is authorized to purchase vacant state school lands which are under the jurisdiction of the State Lands Commission at fair market value.

SEC. 3. The Department of Parks and Recreation is authorized to exchange lands purchased pursuant to Section 2 of this act, on a fair market value basis, for privately or publicly owned lands located on, and adjacent to, 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, for the state park system.

SEC. 4. The transactions authorized pursuant to Sections 2 and 3 of this act shall not be completed until approved by the Department of General Services and State Public Works Board.

SEC. 5. The Department of Parks and Recreation is authorized to lease lands within the state park system, and to convey an easement across lands within the state park system, to the Mendocino City Community Services District without cost, or at nominal cost, for the

sole purpose of constructing and maintaining waste water treatment facilities for the treatment of waste water emanating, in part, from the state park system.

SEC. 6. There is hereby appropriated from the General Fund in the State Treasury to the Department of Parks and Recreation the sum of seven hundred fifty thousand dollars ($750,000) for the purposes of this act.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The acquisition of certain privately-held coastal lands of unique environmental and recreational value as additions to the state park system has been initiated by the Department of Parks and Recreation pursuant to Chapter 1335 of the Statutes of 1972. It has been determined, however, that the 1972 statutory authorization lacks sufficient flexibility to permit completion of the land exchanges. In order to permit the land transfers to be completed, it is necessary that this act take immediate effect.

CHAPTER 739

An act to amend Section 42006 of the Vehicle Code, relating to penalty assessments.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 42006 of the Vehicle Code is amended to read:

42006. There shall be levied a special assessment in an amount equal to fifty cents ($0.50) for every fine and forfeiture, imposed and collected by a municipal court conducting a night session of the court pursuant to Section 72300 of the Government Code, on all offenses involving a violation of a section of this code or of a city or county ordinance relating to vehicles or their operators or owners, except offenses relating to parking or registration or offenses by pedestrians.

When a person makes a deposit of bail for an offense to which this section applies, in a case in which he is required to appear in a court conducting a night session pursuant to Section 72300 of the Government Code, the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed in this section for forfeited bail. If bail is forfeited, the amount of such assessment shall be transmitted by the clerk of the court to the county treasury for disposition as prescribed by this section.

After a determination by the court of the amount of the assessment

due, the clerk of the court shall collect the amount and transmit it to the county treasury to be deposited in the municipal court night session fund, which fund shall be expended by the county for maintaining municipal courts in the county which have night sessions for traffic offenses pursuant to Section 72300 of the Government Code.

In any case where a person convicted of any offense to which this section applies is imprisoned until the fine is satisfied, the judge shall waive the penalty assessment.

SEC. 2. Section 42006 of the Vehicle Code is amended to read:

42006. There shall be levied a special assessment in an amount equal to fifty cents ($0.50) for every fine and forfeiture, imposed and collected by a municipal court conducting a night session of the court pursuant to Section 72300, 72306, or 72307 of the Government Code, on all offenses involving a violation of a section of this code or of a city or county ordinance relating to vehicles or their operators or owners, except offenses relating to parking or registration or offenses by pedestrians.

When a person makes a deposit of bail for an offense to which this section applies, in a case in which he is required to appear in a court conducting a night session pursuant to Section 72300, 72306, or 72307 of the Government Code, the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed in this section for forfeited bail. If bail is forfeited, the amount of such assessment shall be transmitted by the clerk of the court to the county treasury for disposition as prescribed by this section.

After a determination by the court of the amount of the assessment due, the clerk of the court shall collect the amount and transmit it to the county treasury to be deposited in the municipal court night session fund, which fund shall be expended by the county for maintaining municipal courts in the county which have night sessions for traffic offenses pursuant to Section 72300, 72306, or 72307 of the Government Code.

In any case where a person convicted of any offense to which this section applies is imprisoned until the fine is satisfied, the judge shall waive the penalty assessment.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 1309 are both chaptered and become effective on or before January 1, 1974, both bills amend Section 42006 of the Vehicle Code, and this bill is chaptered after Senate Bill No. 1309, that the amendments to Section 42006 proposed by both bills be given effect and incorporated in Section 42006 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. 1309 are both chaptered and become effective on or before January 1, 1974, both amend Section 42006, and this bill is chaptered after Senate Bill No. 1309, in which case Section 1 of this act shall not become operative.

CHAPTER 740

An act to amend Sections 99232, 99233, 99241, 99267, and 99401 of, and to add Section 99234 to, the Public Utilities Code, relating to transportation.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 99232 of the Public Utilities Code is amended 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 Section 99234 purposes and 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. 2 Section 99233 of the Public Utilities Code is amended 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 necessary 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 cities and counties such moneys as are approved by the transportation planning agency for claims presented pursuant to Section 99234.

(e) 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.

(f) 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. 3. Section 99234 is added to the Public Utilities Code, to read.

99234 After allocations for the purposes specified in subdivisions (a), (b), and (c) of Section 99233, 2 percent of the remaining moneys shall be made available to cities and counties for facilities provided for the exclusive use by pedestrians and bicycles, unless the transportation planning agency finds that such moneys could be used to better advantage for the purposes stated in Article 4 (commencing with Section 99260) of this chapter, or for local street and road purposes in those areas where such moneys may be expended for such purposes, in the development of a balanced transportation system.

Claims for such facilities shall be filed in the same manner as are claims filed for the purposes of subdivision (a) of Section 99400.

SEC. 4. Section 99241 of the Public Utilities Code is amended to read:

99241. Except for allocations made for purposes of Section 99234 and 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 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. 5. Section 99267 of the Public Utilities Code is amended to read:

99267. (a) 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 each fiscal year shall be used for capital

expenditures. 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.

(b) The amount of federal and other state funds granted or approved for capital expenditures on a matching basis by the operator, the local contributions designated pursuant to subdivision (c), and the allocations made pursuant to Section 99234 for the area served by the operator in any fiscal year may be applied by the operator to satisfy the requirement of subdivision (a).

(c) Any local entity contributing money to an operator, during the 1973–74 fiscal year or any subsequent fiscal year, may designate what portion of its annual contribution, but not to exceed one-half thereof, may be applied to satisfy the requirement specified in subdivision (a), whether or not such portion is to be expended for capital expenditures.

(d) 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. 5.5. Section 99267 of the Public Utilities Code is amended to read:

99267. (a) Except for a transit district or a municipal operator during its first five fiscal years in the operation of a public transportation system, 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. 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.

(b) The amount of federal and other state funds granted or approved for capital expenditures on a matching basis by the operator, the local contributions designated pursuant to subdivision

(c), and the allocations made pursuant to Section 99234 for the area served by the operator in any fiscal year may be applied by the operator to satisfy the requirement of subdivision (a).

(c) Any local entity contributing money to an operator, during the 1973–74 fiscal year or any subsequent fiscal year, may designate what portion of its annual contribution, but not to exceed one-half thereof, may be applied to satisfy the requirement specified in subdivision (a), whether or not such portion is to be expended for capital expenditures.

(d) 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. 6. Section 99401 of the Public Utilities Code is amended to read:

99401. The transportation planning agency shall adopt rules and regulations delineating procedures for the submission of claims under Section 99234 and 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.

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. 7. It is the intent of the Legislature, if this bill and Senate Bill No. 314 are both chaptered and become effective January 1, 1974, both bills amend Section 99267 of the Public Utilities Code, and this bill is chaptered after Senate Bill No. 314, that the amendments to Section 99267 proposed by both bills be given effect and incorporated in Section 99267 in the form set forth in Section 5.5 of this act. Therefore, Section 5.5 of this act shall become operative only if this bill and Senate Bill No. 314 are both chaptered and become effective January 1, 1974, both amend Section 99267, and this bill is chaptered after Senate Bill No. 314, in which case Section 5 of this act shall not become operative.

CHAPTER 741

An act to add Section 27455 to the Vehicle Code, relating to vehicle inner tubes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1 Section 27455 is added to the Vehicle Code, to read:

27455. (a) On and after January 1, 1975, no person shall sell or offer for sale an inner tube for use in a radial tire unless, at the time of manufacture, the tube valve stem is colored red or is distinctly marked in accordance with rules and regulations adopted by the department, taking into consideration the recommendations of manufacturers of inner tubes.

(b) No person shall install an inner tube in a radial tire unless the inner tube is designed for use in a radial tire.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations, or responsibilities imposed on local government by this act.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act, which relates to a safety problem with respect to inner tubes used in radial tires, will affect the manufacture and installation of certain inner tubes. In order to make certain provisions of this act operative at the earliest possible time and to allow sufficient time for compliance with other provisions of this act, it is necessary that this act take effect immediately.

CHAPTER 742

An act to amend Sections 14031, 14070.5, and 14112 of, to amend the heading of Article 14 (commencing with Section 14100) of Chapter 4 of Division 10 of, to add Article 11 (commencing with Section 14050) to Chapter 4 of Division 10 of, to repeal Sections 14032, 14105, 14108, 14109, and 14110 of, and to repeal Article 11 (commencing with Section 14050) of Chapter 4 of Division 10 of, the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 14031 of the Education Code is amended to read:

14031. Subject to rules prescribed by the board, any member may elect to make additional contributions to the Annuity Deposit Fund

for the purpose of providing additional benefits

Contributions to the Annuity Deposit Fund may be remitted directly to the system by the member.

A member may at any time cancel such election and later again elect to make contributions to the Annuity Deposit Fund. Annuity Deposit Fund contributions made after June 30, 1956, may be withdrawn only as provided in Section 14070. Annuity Deposit Fund contributions made based on salary earned prior to July 1, 1944, may be withdrawn as provided in Section 14075.

SEC. 2. Section 14032 of the Education Code is repealed.

SEC. 3. Article 11 (commencing with Section 14050) of Chapter 4 of Division 10 of the Education Code is repealed

SEC. 4. Article 11 (commencing with Section 14050) is added to Chapter 4 of Division 10 of the Education Code, to read:

Article 11. Procedures for Collection of Member and Employer Contributions

14050. The governing board of each school district, the county superintendent of schools, the county auditor and any other employing department or agency shall deduct from the salary of employee members of this system the contributions required by Section 14026 and shall pay to the system those contributions plus the contributions required by Section 14100.

14051. The county superintendent shall draw his requisitions for contributions required by Sections 14026 and 14100 in favor of the State Teachers' Retirement System, and the requisitions, when allowed and signed by the county auditor, shall constitute a warrant against the county treasury. The county superintendent thereupon shall forward the warrants to the board in Sacramento. The amounts received shall be deposited forthwith in the State Treasury to the Teachers' Retirement Fund.

14052. Member contributions required by Section 14026 and employer contributions required by Section 14100 are due and payable in the office of the system 20 calendar days immediately following the period covered by the monthly report upon which the salary earned during the period is being reported and from and upon which the contributions are due, and are delinquent 10 calendar days immediately thereafter.

14053. If a county superintendent of schools or employing agency other than a school district fails to make payment of contributions as provided in Section 14052, the board may assess penalties.

The board may charge interest on any delinquent contributions until they have been paid to the system, at a rate approximating the average rate yielded on moneys invested by the board during the previous year, but not to exceed 10 percent per annum. The penalties so assessed are deemed interest earned in the year in which received.

14054 The county superintendent of schools or employing

agency other than a school district or a county shall make a report monthly to the system containing such information as the board may require in the administration of the system.

14055. Monthly reports are due in the office of the system 30 calendar days immediately following the month in which the salary being reported was earned, and are delinquent 15 calendar days immediately thereafter.

14056. If a county superintendent of schools or employing agency other than a school district submits monthly reports late or in unacceptable form, the board may assess penalties.

The board may assess penalties based on one-half of the sum of the contributions covered by the report for late and unacceptable submission of reports at a rate of interest approximating the average rate yielded on moneys invested by the board during the previous year, but not to exceed 5 percent per annum. The penalties so assessed are deemed interest earned in the year in which received.

14057. Should any county superintendent fail to make payment of any assessment by the board, the State Controller shall, upon order of the board, withhold subsequent payments from the State School Fund to the county for deposit in the county school service fund or, upon the request of a county superintendent of schools to the county auditor, he shall withhold payments to a school district for deposit in the district general fund until the contributions and report are received in acceptable form in the office of the system and the board directs the State Controller to make such payments less the amount of such assessments to the county as would have been paid had no payments been withheld. The State Controller shall thereupon pay to the system the amount of such assessments withheld for deposit in the State Treasury to the Teachers' Retirement Fund.

14058. If more or less than the correct amount of the contribution required by Sections 14026 and 14100 is paid to the system based on any salary payment to a member, including salary payments to exchange teachers for service outside of this state, proper adjustments shall be made, without interest, in connection with subsequent salary payments, or adjustments may be made by direct cash payments between the member, the employing agency and the board.

14059. If the board determines that contributions are due the system from a person who has retired, is receiving a disability allowance or died, including one who has applied for retirement or disability allowance but has not received his first benefit check and the person is unable to pay the amount due, the board may withhold all or part of subsequent payments due the member, retirant, disabilitant or survivor, until the amounts so withheld equal the contributions due plus regular interest.

14060. Any overpayment made to or on behalf of any member, former member, disabilitant, survivor or retirant, including but not limited to contributions, interest, benefits of any kind, federal or state tax, or insurance premiums, and not recovered prior to or

following a death shall be deducted from any death benefit that may be payable by the system.

14061. Losses or gains resulting from overpayment or underpayment of contributions or other amounts within the limits set by the State Board of Control for automatic writeoff, and losses or gains in greater amounts specifically approved for writeoffs by the State Board of Control, shall be debited or credited, as the case may be, to the appropriate reserve in the Teachers' Retirement Fund.

14062. At any time upon the request of the system, the employing agency shall furnish a statement of the amount of contributions deducted from salary payments of any member, the services performed and the salary earned by him since the end of the period covered by the last report of the superintendent or employer. The system may use the information shown in the statement in determining contributions to be paid by or to the member or to a beneficiary, or use it in determining the member's status upon retirement, even though the member's and employer's contributions will not be received by the board until after the payment or determination.

SEC. 5. Section 14070.5 of the Education Code is amended to read:

14070.5. The board shall deduct 4 percent of the refundable balance or twenty-five dollars ($25), whichever is less, from each refund made upon termination of service. This amount is to cover administrative expense. The amounts deducted are appropriated to the State Teachers' Retirement System and shall be credited to the support appropriation provided for in Section 13805 as reimbursements for the fiscal year during which such amounts are deducted.

SEC. 6. The heading of Article 14 (commencing with Section 14100) of Chapter 4 of Division 10 of the Education Code is amended to read:

Article 14. Employer and State Contributions

SEC. 7. Section 14105 of the Education Code is repealed.

SEC. 8. Section 14108 of the Education Code is repealed.

SEC. 9. Section 14109 of the Education Code is repealed.

SEC. 10. Section 14110 of the Education Code is repealed.

SEC. 11. Section 14112 of the Education Code is amended to read:

14112. The state shall contribute one hundred thirty-five million dollars ($135,000,000) annually to the Teachers' Retirement Fund for a period of 30 years beginning July 1, 1972. This amount shall be paid to the Teachers' Retirement Fund in equal monthly installments.

CHAPTER 743

An act to amend Sections 3204 and 3226 of, to repeal and add Sections 3229 and 3230 of, and to repeal Sections 3231 and 3233 of, the Public Resources Code, relating to oil and gas.

[Approved by Governor September 25, 1973. Filed with Secretary of State September 25, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 3204 of the Public Resources Code is amended to read:

3204. Every person who engages in the drilling, redrilling, or deepening, or in any operation involving plugging or permanently altering in any manner the casing of any well shall file with the supervisor an indemnity bond in the sum of five thousand dollars ($5,000) for each well so drilled, redrilled, deepened, plugged or permanently altered. The bond shall be filed with the supervisor at the time of the filing of the notice of intention to perform work on the well, provided for in Section 3203. The bond shall be executed by such person, as principal, and by an authorized surety company, as surety, conditioned that the principal named in the bond shall faithfully comply with all the provisions of this chapter, in drilling, redrilling, deepening, plugging, or permanently altering any well or wells covered by the bond, and shall secure the state against all losses, charges, and expenses incurred by it to obtain such compliance by the principal named in the bond.

The condition of the bond shall be stated in substantially the following language:

"If said _____, the above bounden principal, shall well and truly comply with all the provisions of Division 3 of the Public Resources Code and shall obey all lawful orders of the State Oil and Gas Supervisor or his district deputy or deputies, subject to subsequent appeal as provided in this division, and shall pay all charges, costs, and expenses incurred by the supervisor or his district deputy or deputies in respect of such well or wells or the property or properties of said principal, or assessed against such well or wells or the property or properties of such principal, in pursuance of the provisions of said division, then this obligation shall be void; otherwise, it shall remain in full force and effect."

SEC. 2. Section 3226 of the Public Resources Code is amended to read:

3226. Within 30 days after service of an order, pursuant to Sections 3224 and 3225, or 3237, or if there has been an appeal from the order to the board of district commissioners, within 30 days after service of the decision of the board, or if a review has been taken of the order of the board of district commissioners, within 10 days after affirmance of the order, the owner shall commence in good faith the work ordered and continue it until completion. If the work has not

been commenced and continued to completion, the supervisor shall appoint necessary agents who shall enter the premises and perform the work. An accurate account of the expenditures shall be kept, and the amounts shall be paid from the Petroleum and Gas Fund upon the warrant of the State Controller. Any amount so expended shall constitute a lien against the property upon which the work is done.

Notwithstanding any other provisions of Section 3224, 3225, or 3237, if the supervisor determines that an emergency exists, he may order or undertake such actions as he deems necessary to protect life, health, property, or natural resources.

SEC. 3. Section 3229 of the Public Resources Code is repealed.

SEC. 4. Section 3229 is added to the Public Resources Code, to read:

3229. Before commencing any work to abandon any well, the owner or operator shall file with the supervisor or the district deputy a written notice of intention to abandon the well. Abandonment shall not proceed until approval is given by the supervisor or the district deputy. If the supervisor or the district deputy does not give the owner or operator a written response to the notice of intention within 10 working days, the proposed abandonment shall be deemed to have been approved and the notice of intention shall for the purposes of this chapter be deemed a written report of the supervisor. If abandonment operations have not commenced within one year of receipt of the notice of intention, the notice of intention shall be deemed canceled.

SEC. 5. Section 3230 of the Public Resources Code is repealed.

SEC. 6. Section 3230 is added to the Public Resources Code, to read:

3230. The notice of intention to abandon shall contain the following information:

(a) The total depth of the well to be abandoned.

(b) The complete casing record of the well, including plugs.

(c) Such other pertinent data as the supervisor may require on printed forms supplied by the division or on other forms acceptable to the supervisor.

SEC. 7. Section 3231 of the Public Resources Code is repealed.

SEC. 8. Section 3233 of the Public Resources Code is repealed.

CHAPTER 744

An act to amend Sections 1206 and 1383 of, to add Article 7 (commencing with Section 700) to Chapter 5 of Division 1 of, and to repeal Section 855 of, the Financial Code, relating to banks.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Article 7 (commencing with Section 700) is added to Chapter 5 of Division 1 of the Financial Code, to read:

Article 7. Acquisition of Control

700. Unless the context otherwise requires, in this article:

(a) "Bank" means a bank organized under the laws of this state.

(b) "Control" means possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract (other than a commercial contract for goods or nonmanagement services), or otherwise; provided, however, that no individual shall be deemed to control a person solely on account of being a director, officer, or employee of such person.

For purposes of this article, a person who, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, 10 percent or more of the then outstanding voting securities issued by another person is presumed to control such other person.

For purposes of this article, the superintendent may determine whether a person in fact controls another person.

(c) "Controlling person" means a person who, directly or indirectly, controls a bank.

(d) "Person" means an individual, a corporation, an association, a syndicate, a partnership, a business trust, an estate, a trust, or an organization of any kind, or any combination of any of the foregoing acting in concert.

(e) "Shareholder" means:

(1) In the case of a corporation, a holder of a share of any class or series.

(2) In the case of a nonprofit or charitable corporation, an unincorporated association, or a syndicate, a member.

(3) In the case of a partnership, a partner.

(4) In the case of a business trust, an estate, or a trust, a holder of a beneficial interest.

(5) In the case of an organization of any other kind, a holder of an ownership interest.

701. No person shall, directly or indirectly, unless the superintendent has approved such acquisition of control, do any of the following:

(a) Make a tender offer for, a request or invitation for tenders of, or an offer to exchange securities for, any voting security or any security convertible into a voting security of a bank or a controlling person if the person making such tender offer, request or invitation for tenders, or offer to exchange securities would, by consummation thereof, directly or indirectly, acquire control of such bank or such controlling person.

(b) Solicit approval of any shareholder of a controlling person for a merger, consolidation, sale of assets, or other transaction by which

any person other than such controlling person would acquire control of the bank controlled by such controlling person.

(c) Acquire control of a bank or a controlling person; provided, however, that nothing in this subdivision shall be deemed to prohibit any person from negotiating to acquire (but not acquiring) control of a bank or a controlling person.

702. An application for approval to acquire control of a bank or a controlling person shall be in such form and contain such information as the superintendent may require by regulation or order.

703. If the superintendent finds, with respect to the proposed acquisition of control of a bank or a controlling person, that any of the factors set forth in subdivisions (a) to (g), inclusive, is true, he shall deny the application. If he finds that none of such factors is true, he shall approve the application.

(a) That the proposed acquisition of control would result in a monopoly or would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of this state;

(b) That the effect of the proposed acquisition of control in any section of the state may be substantially to lessen competition or to tend to create a monopoly or that the proposed acquisition of control would in any other manner be in restraint of trade, and that the anticompetitive effects of the proposed acquisition of control are not clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served;

(c) That the financial condition of any acquiring person is such as might jeopardize the financial stability of the bank or the controlling person, or prejudice the interests of the depositors, creditors, or shareholders of the bank or the controlling person;

(d) That plans or proposals to liquidate the bank or the controlling person, to sell the assets of the bank or the controlling person, to merge or consolidate the bank or the controlling person, or to make any other major change in the business, corporation structure or management of the bank or the controlling person are not fair and reasonable to the depositors, creditors, and shareholders of the bank or the controlling person;

(e) That the competence, experience, or integrity of any acquiring person indicates that it would not be in the interest of the depositors, creditors, or shareholders of the bank or the controlling person or in the interest of the public to permit such person to control the bank or the controlling person;

(f) That the proposed acquisition is unfair, unjust, or inequitable to the bank or the controlling person or to the depositors, creditors, or shareholders of the bank or the controlling person; or

(g) That the applicant neglects, fails, or refuses to furnish to the superintendent all the information required by the superintendent.

704. The superintendent may, in approving a proposal to acquire

control of a bank or a controlling person pursuant to Section 703, impose such conditions as he deems reasonable or necessary or advisable in the public interest.

705. The superintendent may, for good cause, amend, alter, suspend, or revoke any approval of a proposal to acquire control of a bank or a controlling person issued pursuant to Section 703.

706. Notwithstanding any other provision of this article, any application for approval to acquire control of a bank or a controlling person which is not denied or approved by the superintendent within a period of 60 days after such application is filed with him or, if the applicant consents to an extension of the period within which the superintendent may act, within such extended period, shall be deemed to be approved by the superintendent as of the first day after such period of 60 days or such extended period, as the case may be.

For purposes of this section, an application for approval to acquire control of a bank or a controlling person is deemed to be filed with the superintendent at the time when the complete application, including any amendments or supplements, containing all the information in the form required by the superintendent, is received by him.

707. (a) The superintendent, before determining whether, for purposes of this article, a person controls another person or before denying or approving an application for approval to acquire control of a bank or controlling person, may hold a hearing.

(b) After determining whether, for purposes of this article, a person controls another person or after denying or approving an application for approval to acquire control of a bank or controlling person, the superintendent, upon the filing of a written request for a hearing by any person prejudiced by his decision, shall hold a hearing and upon such hearing shall affirm, modify, or reverse his decision. Any such hearing shall commence within a period of 30 days after the written request for the hearing is filed with the superintendent or, if the person filing the written request for the hearing consents to an extension of the period within which the hearing is to commence, within such extended period.

708. There shall be exempted from the provisions of Section 701 any transaction which the superintendent by regulation or order exempts as not being comprehended within the purposes of this article and the regulation of which he finds is not necessary or appropriate in the public interest or for the protection of a bank, a controlling person, or the depositors, creditors, or shareholders of a bank or a controlling person.

709. Whenever it appears to the superintendent that any person has committed or is about to commit a violation of any provision of this article or of any regulation or order of the superintendent issued pursuant to this article, the superintendent may apply to the superior court for an order enjoining such person from violating or continuing to violate this article or any such regulation or order and for other equitable relief as the nature of the case or the interests of the bank,

the controlling person, the depositors, creditors, or shareholders of such bank or such controlling person, or the public may require.

710. No person shall be entitled to vote or to give a written consent with respect to any security acquired in contravention of any provision of this article or of any regulation or order of the superintendent issued pursuant to this article for a period of three years after such acquisition. If a security of a bank or a controlling person is acquired in contravention of this article or any such regulation or order, such bank, such controlling person, any shareholder of such bank or such controlling person, or the superintendent may apply to the superior court for equitable relief, including costs and (except with respect to the superintendent) attorney fees, to enjoin prospectively any person from voting or giving any written consent with respect to such security for a period of three years after such acquisition, and the superintendent may apply to the superior court for equitable relief, including costs, to void any voting or any giving of a written consent with respect to such security which has occurred since such acquisition.

711. If any provision or clause of this article or the application thereof to any person or circumstance is held invalid, illegal, or unenforceable, such invalidity, illegality, or unenforceability shall not affect other provisions or applications of this article which can be given effect without the invalid, illegal, or unenforceable provision or application, and to this end, the provisions of this article are declared to be severable.

SEC. 2. Section 855 of the Financial Code is repealed.

SEC. 3. Section 1206 of the Financial Code is amended to read:

1206. A commercial bank may issue negotiable certificates of deposit transferable by endorsement and delivery and nonnegotiable certificates transferable only on the books of the bank.

SEC. 4. Section 1383 of the Financial Code is amended to read:

1383. A savings bank may issue negotiable time certificates of deposit transferable by endorsement and delivery and may issue nonnegotiable time certificates of deposit transferable only upon the books of the bank.

All certificates of deposit issued by a savings bank shall be made payable:

(a) Without notice, on a certain date or at the expiration of a certain time specified in the instrument, not less than 30 days after the date of deposit; or

(b) Upon notice in writing which is actually required to be given a certain number of days specified in the instrument, not less than 30 days, before the date of repayment; and

(c) In all cases only upon presentation and surrender of the certificate.

SEC. 3. It is the intent of the Legislature, if both this bill and Assembly Bill No. 267 are chaptered, become effective January 1, 1974, and Assembly Bill No. 267 is chaptered before this bill and repeals Section 1383 of the Financial Code, that Section 4 of this act

amending Section 1383 of the Financial Code shall not become operative.

CHAPTER 745

An act to add Sections 29451 and 32912.5 to the Food and Agricultural Code, relating to labeling of products.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 29451 is added to the Food and Agricultural Code, to read:

29451. Honey may not be labeled honey or words of similar import or represented to be honey unless manufactured by bees. No product may be labeled imitation honey or words of similar import or represented to be imitation honey.

SEC. 2. Section 32912.5 is added to the Food and Agricultural Code, to read:

32912.5. The director shall, after public hearing, by regulations, establish labeling requirements for nutritional content and dietary values of milk products and products resembling milk products. Any labeling requirements adopted by the director pursuant to this section shall be consistent with, and shall not exceed nor be more restrictive than, nutritional content and dietary values labeling requirements established under the Federal Food, Drug and Cosmetic Act. Except as otherwise provided in this chapter, nutritional and dietary values labeling shall be at the option of the manufacturer; however, if such labeling is used, it shall be subject to the regulations adopted under this section.

Sample copies of all nutritional content and dietary values labels to be used in connection with advertising and consumer sales of milk products and products resembling milk products shall be submitted to the director for his approval prior to the use of such labels.

SEC. 3. There are no state-mandated costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 746

An act to add Section 6073 to the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 6073 is added to the Revenue and Taxation Code, to read:

6073. (a) When the board determines it is necessary for the efficient administration of this part, the board may require the operator of a swap meet or flea market, as a prerequisite to renting or leasing space on the premises owned or controlled by such operator to a person desiring to engage in or conduct business as a seller, to obtain evidence that the seller is the holder of a valid seller's permit issued pursuant to Section 6067 of this part, or a written statement from the seller that he is not offering for sale any item that is taxable under this part.

(b) "Swap meet or flea market," as used in this section, means an activity involving a series of sales sufficient in number, scope and character to constitute a regular course of business.

(c) Any operator of a swap meet or flea market who fails or refuses to comply with the provisions of this section is punishable by a fine of not exceeding five hundred dollars ($500) for each offense.

CHAPTER 747

An act to amend Section 19683.5 of the Education Code, relating to state school building aid, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. 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 minors, pupils having speech defects or disorders, 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 minors pursuant to Section 894 and mentally retarded minors pursuant to Section 895. A school district may educate such minors by agreement with a county superintendent of schools required to educate such minors. 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: 50 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. 2. 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 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 minors, pupils having speech defects or disorders, or pupils enrolled in development centers for the handicapped.

The board may approve applications in those situations where the facilities will be used by a county superintendent of schools required to educate physically handicapped minors pursuant to Section 894 and mentally retarded minors pursuant to Section 895. A school district may educate such minors by agreement with a county superintendent of schools required to educate such minors. 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: 50 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. 3. It is the intent of the Legislature, if this bill and Assembly

Bill No. 2399 are both chaptered, become effective on or before January 1, 1974, and amend Section 19683.5 of the Education Code, and this bill is chaptered after Assembly Bill No. 2399, that Section 19683.5 of the Education Code, as amended by Section 1 of this act, shall remain operative until the effective date of Assembly Bill No. 2399, and that on the effective date of Assembly Bill No. 2399, Section 19683.5 of the Education Code, as amended by Section 1 of this act, be further amended in the form set forth in Section 2 of this act to incorporate the changes in Section 19683.5 proposed by Assembly Bill No. 2399. Therefore, if Assembly Bill No. 2399 is chaptered before this bill and amends Section 19683.5, Section 2 of this act shall become operative on the effective date of Assembly Bill No. 2399; provided, however, that both this act and Assembly Bill No. 2399 become effective on or before January 1, 1974.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1972 (see Proposition 2 of the primary election of 1972) was approved by the electors at the 1972 primary election. So that the funds provided thereby can be utilized for the purposes of this act at the earliest possible time, it is essential that this act take effect immediately.

CHAPTER 748

An act to add Section 1242.6 to the Business and Professions Code, relating to nurses.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 1242.6 is added to the Business and Professions Code, to read:

1242.6. Any registered nurse licensed under the provisions of Chapter 6 (commencing with Section 2700) of Division 2 may perform arterial puncture, venipuncture, or skin puncture for the purposes of withdrawing blood or for test purposes upon authorization from any licensed physician and surgeon.

CHAPTER 749

An act to amend Section 6812.7 of the Education Code, relating to special education.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 6812.7 of the Education Code is amended 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 two such experimental programs 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, these experimental programs 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 these experimental programs.

It is the intent of the Legislature that, in connection with these experimental programs, 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 these experimental programs, 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 interim evaluation report of the results of the programs, and no later than June 30, 1975, a final evaluation report of the results of the programs. Authorization to conduct such experimental programs shall expire on July 30, 1975.

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CHAPTER 750

An act to add Sections 25210.4c and 25210.10b to, the Government Code, relating to county service areas.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 25210.4c is added to the Government Code, to read:

25210.4c. A county service area including the entire unincorporated area of the county may be established to provide any or all of the services authorized in Sections 25210.4 or 25210.4a within such area of the county notwithstanding that the services proposed to be provided within the service area are being provided to the entire unincorporated area at the same or similar level to that proposed, provided the board of supervisors finds that the services proposed to be provided within such service area are not being provided to the same extent on a countywide basis both within and without cities.

SEC. 2. Section 25210.10b is added to the Government Code, to read:

25210.10b. Whenever a county service area comprising the entire unincorporated area of a county is created pursuant to Section 25210.4c of this code, the board of supervisors may credit to said county service area all or a portion of such revenues, except county general fund property tax revenues, which it deems to be generated from that area.

CHAPTER 751

An act to amend Section 127 of the Labor Code, relating to the Division of Industrial Accidents.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 127 of the Labor Code is amended to read:

127. The administrative director may:

(a) Charge and collect fees for copies of papers and records; for certified copies of official documents and orders or of the evidence taken or proceedings had; for transcripts of testimony; and for inspection of case files not stored in the place where the inspection is requested. The administrative director shall fix such fees in an amount sufficient to recover the actual costs of furnishing such

services. No fees for inspection of case files shall be charged to an injured employee or his representative.

(b) Publish and distribute from time to time, in addition to the reports to the Governor, further reports and pamphlets covering the operations, proceedings, and matters relative to the work of the division.

(c) Prepare, publish, and distribute an office manual, for which a reasonable fee may be charged, and to which additions, deletions, amendments, and other changes from time to time may be adopted, published, and distributed, for which a reasonable fee may be charged for such revision, or for which a reasonable fee may be fixed on an annual subscription basis.

(d) Fix and collect reasonable charges for publications issued.

CHAPTER 752

An act to amend Section 17536 of the Business and Professions Code, relating to advertising.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 17536 of the Business and Professions Code is amended to read:

17536. (a) Any person who violates any provision of this chapter, except Section 17530, shall be liable for a civil penalty not to exceed two thousand five hundred dollars ($2,500) for each violation, which shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney, county counsel, or city attorney in any court of competent jurisdiction.

(b) If the action is brought by the Attorney General, one-half of the penalty collected shall be paid to the treasurer of the county in which the judgment was entered, and one-half to the State Treasurer. If brought by a district attorney or county counsel, the entire amount of penalty collected shall be paid to the treasurer of the county in which the judgment was entered. If brought by a city attorney or city prosecutor, one-half of the penalty shall be paid to the treasurer of the county and one-half to the city.

(c) If the action is brought at the request of a board within the Department of Consumer Affairs, the court shall determine the reasonable expenses incurred by the board in the investigation and prosecution of the action.

Before any penalty collected is paid out pursuant to subdivision (b), the amount of such reasonable expenses incurred by the board shall be paid to the State Treasurer for deposit in the special fund of

the board described in Section 205. If the board has no such special fund the moneys shall be paid to the State Treasurer.

As used in this subdivision, "board" includes commission, bureau, division, and other similarly constituted agency.

CHAPTER 753

An act providing for the conveyance of the Knowland State Arboretum and Park State Reserve to the City of Oakland.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. The Director of Parks and Recreation, with the approval of the Director of General Services, may convey those certain lands and improvements thereon known as the Knowland State Arboretum and Park to the City of Oakland. In the event that the City of Oakland ceases to use the property for public park purposes, the property shall revert to the State of California.

CHAPTER 754

An act to amend Section 6, and to add Section 7.5 to, of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to county water authorities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 6 of the County Water Authority Act (Chapter 545 of the Statutes of 1943) is amended to read:

Sec. 6. (a) All powers, privileges and duties vested in or imposed upon any authority incorporated hereunder shall be exercised and performed by and through a board of directors; provided, however, that the exercise of any and all executive, administrative and ministerial powers may be by said board of directors delegated and redelegated to any of the offices created hereby or by the board of directors acting hereunder.

(b) The board of directors herein referred to shall consist of at least one representative from each public agency, the area of which shall lie within the authority. Such representatives shall be designated and appointed by the chief executive officers of said

public agencies, respectively, with the consent and approval of the legislative bodies of the said public agencies, respectively. Any member of the governing body of a water district member agency may be appointed by the agency to the board of the authority to serve as the agency's representative, except that in the case of agencies with several such representatives a majority of the members of the governing body of such agency may not be so appointed by such agency to serve as representatives on the board of the authority. No member of such a governing body shall appoint himself or vote for his own appointment. Any director holding such dual offices shall not vote upon any contract between a county water authority and the member public agency he represents on the authority's board. The term "water district" as used in this subdivision has the same meaning as in subdivision (a) of Section 10.

(c) Members of the board of directors shall hold office for a term of six years, and until their successors are appointed and qualified; provided, that the terms of the members of the first board shall be determined by lot so that the terms of not less than one-half of the members shall be for three years and the terms of the remainder shall be six years; provided further, that every member shall be subject to recall by the voters of the public agency from which such member is appointed, in accordance with the recall provisions of the freeholders' charter or other law applicable to such public agency; and provided further, that any member may be recalled by the majority vote of the governing body of the public agency from which such member is appointed.

(d) As a member of the board of directors, each representative shall be entitled to vote on all questions, orders, resolutions and ordinances coming before the board, and shall be entitled to cast one vote for each five million dollars ($5,000,000), or major fractional part thereof, of assessed valuation of property taxable for authority purposes in the public agency represented by him as shown by the last equalized assessment roll of the county and evidenced by the certificate of the county auditor; provided, that each representative shall have at least one vote and no public agency shall have votes exceeding in number the total number of votes of all the other public agencies whose corporate areas are included in such authority. In addition to one representative, any public agency may at its option designate and appoint one additional representative for each full 5 percent of the assessed value of property taxable for authority purposes which is within such public agency; provided, however, that the term of any representative in office on the effective date of this provision shall not be changed or terminated, nor shall the term of office of any representative be changed or terminated by reason of any future change in the assessed values of property within any member agency. The representatives of each public agency shall cast the vote to which such public agency would otherwise be entitled as a unit and as a majority of such representatives present shall determine. The affirmative votes of members representing more

than fifty (50) percent of the total number of votes of all the members shall be necessary, and, except as otherwise herein provided, shall be sufficient to carry any order, resolution or ordinance coming before the board of directors; provided, however, any meeting may be adjourned or recessed from day to day or from time to time, by vote of the director or directors present, irrespective of the number of directors present or the number of votes represented at such meeting. For the purposes of this section, the term "major fractional part" shall be deemed to mean a fractional part larger than one-half.

(e) Members of the first board of directors so constituted shall convene at the call of the clerk of the board of supervisors in the meeting room of the board of supervisors at the county seat of said county, and immediately upon convening, such board of directors shall elect from its membership a chairman, a vice chairman, and a secretary, who shall serve for a period of two years, or until their respective successors shall be elected and qualified.

SEC. 2. Section 7.5 is added to the County Water Authority Act (Chapter 545 of the Statutes of 1943), to read:

Sec. 7.5. Revenue bonds, including refunding revenue bonds, may be issued by an authority under the Revenue Bond Law of 1941, Chapter 6 (commencing with Section 54300), Part 1, Division 2, Title 5 of the Government Code or any other law which by its terms is applicable.

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:

Existing law is unclear as to the propriety of directors of member agencies of a county water authority being directors of a county water authority. Since its formation in 1944, the San Diego County Water Authority, the agency responsible for the delivery of approximately 95 percent of the water used in San Diego County, has acted on the premise that it was proper for member agencies to be represented by their directors, and accordingly, the present board of the San Diego County Water Authority has a number of such representatives. It is essential that there be no legal question as to the validity of its actions. The unclear status of the law puts in question the propriety of the composition of its board and of the actions of its board. This act will clarify the law applicable to a county water authority and will remove any questions which may exist, and, therefore, it is necessary that it go into immediate effect.

Moreover, additional imported water will be available for distribution by the San Diego County Water Authority in 1975. State health authorities have declared that this water must be filtered. To meet this requirement the San Diego Water Authority has undertaken extensive studies of means of filtering water prior to delivery to its member agencies. If the San Diego County Water Authority determines to proceed with this and related projects, a

bond election will be necessary in 1974. It is therefore necessary that this act go into immediate effect also in order that the method of financing provided for herein be available for submission to the voters at that election.

CHAPTER 755

An act to amend Sections 74502, 74503, and 74504 of, and to add Section 74504.5 to, the Government Code, relating to municipal courts.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 74502 of the Government Code is amended to read:

74502. (a) There shall be one clerk who shall also serve as secretary to the judges and who shall be paid a salary of two thousand one hundred forty-nine dollars ($2,149) monthly during the first year of service, a salary of two thousand two hundred fifty-eight dollars ($2,258) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of two thousand three hundred seventy-three dollars ($2,373) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment. Whenever any vacancy occurs after the effective date hereof, the judges, or a majority of them, notwithstanding any other provisions of the Government Code, shall appoint one clerk who shall also serve as secretary to the judges, and who shall hold office at their pleasure and who shall receive the salary provided in this section.

(b) There shall be one court commissioner who shall be paid a salary of two thousand eighty-four dollars ($2,084) monthly during the first year of service, a salary of two thousand one hundred thirty-five dollars ($2,135) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, a salary of two thousand two hundred forty-one dollars ($2,241) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment, and a salary of two thousand three hundred fifty-three dollars ($2,353) monthly after the third year of service, commencing on the first day of the month following the third anniversary of his appointment. Whenever a vacancy occurs after the effective date hereof, the judges or a majority of them notwithstanding any other provisions of the Government Code, may appoint one court commissioner, who shall hold office at

their pleasure and who shall receive the salary provided in this section.

SEC. 2. Section 74503 of the Government Code is amended to read:

74503. (a) There shall be one chief deputy, who shall also serve as jury commissioner and who shall exercise the powers of jury commissioners of superior courts insofar as they are applicable to the municipal courts and who shall perform such other duties as assigned by the judges of the court and who shall be paid a minimum salary of one thousand six hundred seventy-three dollars ($1,673) monthly during the first year of service, a salary of one thousand seven hundred fifty-seven dollars ($1,757) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of one thousand eight hundred forty-five dollars ($1,845) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment. Whenever any vacancy occurs after the effective date hereof, the judges, or a majority of them, notwithstanding any other provisions of the Government Code, shall appoint one chief deputy, who shall also serve as jury commissioner, and who shall hold office at their pleasure, and who shall perform such other duties as assigned by the judges of the court, and who shall receive the salary hereinabove provided.

(b) Notwithstanding the provisions of Section 74507, the clerk shall appoint, or a majority of the judges of the municipal court may appoint, one deputy clerk who shall be the court systems coordinator, and who shall perform such duties as assigned by the clerk of the court and who shall be paid a minimum salary of one thousand four hundred eighty-eight dollars ($1,488) monthly during the first year of service, a salary of one thousand five hundred fifty-nine dollars ($1,559) monthly after the first year of service commencing on the first day of the month following the anniversary of his appointment, and a maximum salary of one thousand six hundred thirty-two dollars ($1,632) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment. Whenever any vacancy occurs after the effective date hereof, the judges, or a majority of them, notwithstanding any other provisions of the Government Code, shall appoint one court systems coordinator, who shall hold such position at their pleasure and who shall perform such duties as assigned by the judges of the court, and who shall receive the salary hereinabove provided.

(c) Notwithstanding the provisions of Section 74507 of the Government Code, the clerk shall appoint, or a majority of the judges of the municipal court may appoint, one deputy clerk who shall be head accountant, accounting division, and who shall possess the qualifications and capable to perform the duties of class number 1656, as set forth in City and County of San Francisco class specifications

on April 1, 1968, and who shall be paid a salary of one thousand four hundred eighty-eight dollars ($1,488) monthly during the first year of service, a salary of one thousand five hundred fifty-nine dollars ($1,559) monthly during the second year of service, commencing on the first day of the month following the first anniversary of his appointment, and a salary of one thousand six hundred thirty-two dollars ($1,632) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(d) The clerk shall appoint three deputy clerks who shall be the chief division clerks in the civil, criminal, and traffic departments of the court, and who shall be paid a minimum salary of one thousand four hundred eighty-eight dollars ($1,488) monthly during the first year of service, a salary of one thousand five hundred fifty-nine dollars ($1,559) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of one thousand six hundred thirty-two dollars ($1,632) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

SEC. 3. Section 74504 of the Government Code is amended to read:

74504. The clerk shall also appoint:

(a) Five deputy clerks who shall be assistant chief division clerks and who shall be paid a minimum salary of one thousand two hundred eighty-nine dollars ($1,289) monthly during the first year of service, a salary of one thousand three hundred fifty-two dollars ($1,352) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of one thousand four hundred twenty-five dollars ($1,425) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(b) Thirty-one deputy clerks who shall be paid a minimum salary of one thousand seventy-three dollars ($1,073) monthly during the first year of service, a salary of one thousand one hundred forty-four dollars ($1,144) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of one thousand two hundred thirty-eight dollars ($1,238) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(c) Twenty-five deputy clerks who shall be paid a minimum salary of nine hundred twenty-five dollars ($925) monthly during the first year of service, a salary of nine hundred fifty-eight dollars ($958) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment and a maximum salary of nine hundred ninety-five dollars ($995) monthly, after the second year of service, commencing on the first

day of the month following the second anniversary of his appointment.

(d) Ten deputy clerks who shall be paid a minimum salary of eight hundred fifty-eight dollars ($858) monthly during the first year of service, a salary of eight hundred eighty-two dollars ($882) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of nine hundred eight dollars ($908) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(e) One deputy clerk who shall be paid a minimum salary of eight hundred ten dollars ($810) monthly during the first year of service, a salary of eight hundred thirty-five dollars ($835) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of eight hundred fifty-six dollars ($856) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(f) Thirty-five deputy clerks who shall be paid a minimum salary of seven hundred forty-three dollars ($743) monthly during the first year of service, a salary of seven hundred sixty-nine dollars ($769) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment and a maximum salary of seven hundred ninety-eight dollars ($798) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(g) Sixty-two deputy clerks who shall be paid a minimum salary of five hundred eighty-two dollars ($582) monthly during the first year of service, a salary of six hundred thirty-five dollars ($635) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of seven hundred six dollars ($706) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(h) Three deputy clerk-information clerks who shall be paid a minimum salary of five hundred ninety-three dollars ($593) monthly during the first year of service, a salary of six hundred eighty-two dollars ($682) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, a salary of seven hundred seventy-two dollars ($772) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment, and a maximum salary of eight hundred one dollars ($801) monthly after the third year of service, commencing on the first day of the month following the third anniversary of his appointment. Whenever any vacancy occurs, after the effective date hereof, the clerk with the approval of the judges, or a majority of them, notwithstanding any other provisions of the Government

Code, shall appoint a deputy clerk-information clerk, who shall perform such duties as assigned by the clerk and who shall receive the salary hereinabove provided.

(i) One deputy clerk designated in Section 74504 and while assigned by the clerk of the court as administrative secretary to the clerk of the court, shall be paid in addition to the salary provided by this article, the additional sum of one hundred dollars ($100) monthly.

(j) One deputy clerk designated in Section 74504 and while assigned by the clerk of the court as budget-purchasing deputy to the head accountant, accounting division, shall be paid in addition to the salary provided by this article, the additional sum of fifty dollars ($50) monthly.

(k) Two deputy clerks designated in Section 74504 who shall serve as master calendar clerk, civil, and master calendar clerk, criminal, and while assigned to such position by the clerk of the court, shall be paid in addition to the salary provided by this article, the additional sum of one hundred dollars ($100) monthly.

(*l*) Five deputy clerks designated in Section 74504, and while assigned by the clerk of the court as the principal courtroom clerks serving in the arraignment courts and traffic courts, shall be paid in addition to the salary provided by this article, the additional sum of fifty dollars ($50) monthly.

SEC. 4. Section 74504.5 is added to the Government Code, to read:

74504.5. (a) With the approval of the board of supervisors, a majority of municipal court judges may establish positions for officers, attachés, and employees in addition to those provided by this article. The order and approval establishing any such position shall designate the position title and pay rate and whether the provisions of Section 74507 are applicable to the position.

With the approval of the board of supervisors, a majority of the judges may appoint and employ such additional officers, attachés, and employees as it deems necessary for the performance of the duties and exercise of the powers conferred by law upon the court and its members.

(b) Rates of compensation of all court personnel provided by this article, except those of court commissioners, may be adjusted by joint action and approval of the board of supervisors and a majority of the judges of the court.

(c) Appointments or changes in compensation made pursuant to this section shall be on an interim basis and shall expire January 1 of the second calendar year following such appointments or changes in compensation, unless ratified by the Legislature.

SEC. 5. There are no state-mandated local costs which may be incurred by a local agency under this act and require reimbursement by the state under Section 2164.3 of the Revenue and Taxation Code, because the affected local agency has requested the Legislature to revise state law in accordance with the provisions of this act in order

to carry on any program and perform any service required by the act.

CHAPTER 756

An act to add and repeal Section 15503.1 of the Education Code, relating to school buildings.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 15503.1 is added to the Education Code, to read:

15503.1. Whenever an examination of the geological characteristics of the site on which any public school building constructed prior to 1957 is situated has been made at the request of the governing board by a licensed geologist prior to the effective date of the act which enacted this section, and the report shows that the school building is situated on the trace of an active geological fault along which it can reasonably be expected that surface rupture will occur within the life of such building, such building shall be deemed structurally unsafe for school use. Such building shall be subject to replacement at another location in accordance with the procedure provided for repair, reconstruction, or replacement in Section 15503 as though it had not been constructed in conformance with Article 4 (commencing with Section 15451) of this chapter.

This section shall remain in effect only until December 31, 1974, and as of that date is repealed.

CHAPTER 757

An act to amend Sections 2921, 2960, and 2982 of, to add Sections 2918 and 2927.5 to, to repeal and add Sections 2912 and 2945 of, and to repeal Section 2915 of, the Business and Professions Code, relating to psychologists.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 2912 of the Business and Professions Code is repealed.

SEC. 2. Section 2912 is added to the Business and Professions Code, to read:

2912. Nothing in this chapter shall be construed to restrict or

prevent a person who is licensed or certified as a psychologist in another state or territory of the United States or in a foreign country or province from offering psychological services in this state for a period not to exceed 30 days in any calendar year.

SEC. 3. Section 2915 of the Business and Professions Code is repealed.

SEC. 4. Section 2918 is added to Business and Professions Code, to read:

2918. The confidential relations and communications between psychologist and client shall be privileged as provided by Article 7 (commencing with Section 1010) of Chapter 4 of Division 8 of the Evidence Code.

SEC. 5. Section 2921 of the Business and Professions Code is amended to read:

2921. Each member of the committee shall hold office for a term of four years, and shall serve until the appointment and qualification of his successor or until one year shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs. No member may serve for more than two consecutive terms.

SEC. 6. Section 2927.5 is added to the Business and Professions Code, to read:

2927.5. Notice of each regular meeting of the committee shall be given twice a week for two weeks next preceding each meeting, in a daily paper published in each of the Cities of Sacramento, San Francisco, and Los Angeles.

SEC. 7. Section 2945 of the Business and Professions Code is repealed.

SEC. 8. Section 2945 is added to the Business and Professions Code, to read:

2945. The committee shall keep an accurate transcription or electronic recording of the oral examinations and keep such transcription or recording as a part of its records for at least one year following the date of examination.

SEC. 9. Section 2960 of the Business and Professions Code is amended to read:

2960. The committee may order the denial of an application for, or the suspension for a period not exceeding one year, or the revocation of, or the imposition of probationary conditions upon, a license for any of the following causes:

(a) Conviction of a felony, or of any offense involving moral turpitude.

(b) Use of any narcotic as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any alcoholic beverage to an extent or in a manner dangerous to himself, any other person, or the public, or to an extent that such use impairs his ability to perform the work of a psychologist with safety to the public.

(c) Impersonating another person holding a psychology license or allowing another person to use his license.

(d) Using fraud or deception in applying for a license or in passing

the examination provided for in this chapter.

(e) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals.

(f) Violating Section 17500.

(g) Willful, unauthorized communication of information received in professional confidence.

(h) Violating any rule of professional conduct promulgated by the committee and set forth in regulations duly adopted under this chapter.

(i) Being grossly negligent in the practice of his profession.

(j) Willfully violating any of the provisions of this chapter or regulations duly adopted thereunder.

(k) The clearly excessive prescribing or administering of treatment, use of diagnostic procedures, or use of diagnostic or treatment facilities or the use of treatment techniques which are detrimental to the patient as determined by the customary practice and standards of the local community of licensees.

(*l*) The aiding or abetting of any person to engage in the unlawful practice of psychology.

SEC. 10. Section 2982 of the Business and Professions Code is amended to read:

2982. All licenses expire and become invalid at 12 p.m. on the last day of February of each even-numbered year if not renewed.

To renew an unexpired license, the licensee shall, on or before the date on which it would otherwise expire, apply for renewal on a form provided by the committee, accompanied by the prescribed renewal fee.

CHAPTER 758

An act to amend Section 2908 of, and to repeal and add Section 2906 of, the Business and Professions Code, relating to psychologists.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 2906 of the Business and Professions Code is repealed.

SEC. 2. Section 2906 is added to the Business and Professions Code, to read.

2906. The committee shall waive the examination and the board shall issue a license to any person who meets the requirements of Section 2906 as it existed prior to the effective date of this section and who made timely application to the committee under the then existing provisions of Section 2906.

SEC. 3. Section 2908 of the Business and Professions Code is

amended to read:

2908. Nothing in this chapter shall be construed to prevent qualified members of other recognized professional groups licensed to practice in the State of California, such as, but not limited to, physicians, clinical social workers, educational psychologists, marriage, family and child counselors, optometrists, psychiatric technicians, or psychiatric nurses who are registered nurses in the State of California and who work under the supervision of a licensed physician or a licensed psychologist, or attorneys admitted to the California State Bar, or persons utilizing hypnotic techniques by referral from persons licensed to practice medicine, dentistry, or psychology, or persons utilizing hypnotic techniques which offer avocational or vocational self-improvement and do not offer therapy for emotional or mental disorders, or duly ordained members of the recognized clergy, or duly ordained religious practitioners from doing work of a psychological nature consistent with the laws governing their respective professions, provided they do not hold themselves out to the public by any title or description of services incorporating the words "psychological," "psychologist," "psychology," "psychometrist," "psychometrics" or "psychometry," or that they do not state or imply that they are licensed to practice psychology; except that persons licensed under Article 5 (commencing with Section 17860) of Chapter 4, Part 3, Division 7 of this code may hold themselves out to the public as licensed educational psychologists.

However, any person who claims to be exempted from this section by reason of his status as a duly ordained member of the recognized clergy or a duly ordained religious practitioner of a recognized sect and who offers proof that he has submitted information to the Secretary of Health, Education, and Welfare of the United States that, for the purposes of Chapter 7 of Title 42 of the United States Code, he is a duly ordained, commissioned, or licensed minister of a church in the exercise of duties required by such order, and that said secretary's records reflect the same, shall be deemed to have offered prima facie proof of his claimed status to the Psychology Examining Committee.

CHAPTER 759

An act to amend Sections 9840, 9851, 9852, 9862, 9865, 9867, 9873, and 10550 of, to add Sections 9853.1, 9853.2, 9853.3, and 9853.4 to, and to repeal and add Section 9853 of, the Vehicle Code, relating to vessels.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 9840 of the Vehicle Code is amended to read:

9840. As used in this division, unless the context clearly requires a different meaning:

(a) "Vessel" includes every description of watercraft used or capable of being used as a means of transportation on water, except the following:

(1) A seaplane on the water.

(2) A watercraft specifically designed to operate on a permanently fixed course, the movement of which is restricted to or guided on such permanently fixed course by means of a mechanical device on a fixed track or arm to which the watercraft is attached or by which the watercraft is controlled, or by means of a mechanical device attached to the watercraft itself.

(b) "Owner" is a person having all the incidents of ownership, including the legal title, of a vessel whether or not such person lends, rents, or pledges such vessel; the person entitled to the possession of a vessel as the purchaser under a conditional sale contract; or the mortgagor of a vessel. "Owner" does not include a person holding legal title to a vessel under a conditional sales contract, the mortgagee of a vessel, or the renter or lessor of a vessel to the state or to any county, city, district, or political subdivision of the state under a lease, lease-sale, or rental-purchase agreement which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

(c) "Legal owner" is a person holding the legal title to a vessel under a conditional sale contract, the mortgagee of a vessel, or the renter or lessor of a vessel to the state, or to any county, city, district or political subdivision of the state, under a lease, lease-sale, or rental-purchase agreement which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

(d) "Registered owner" is the person registered by the department as the owner of the vessel.

(e) "Waters of this state" means any waters within the territorial limits of this state.

(f) "State of principal use" means the state on which waters a vessel is used or intended to be used most during a calendar year.

(g) "Undocumented vessel" means any vessel which is not required to have and does not have a valid marine document issued by the Bureau of Customs of the United States or any federal agency successor thereto.

(h) "Use" means operate, navigate, or employ.

SEC. 2. Section 9851 of the Vehicle Code is amended to read:

9851. The department may promulgate rules and regulations for the registration of undocumented vessels belonging to the state, local public agencies, or to the United States without payment of any fee therefor.

SEC. 3. Section 9852 of the Vehicle Code is amended to read:

9852. The department shall promulgate rules and regulations setting forth requirements relative to establishing proof of

ownership to be submitted by the owner at the time of filing initial application for a certificate of number and a certificate of ownership. The issuance of a certificate of ownership or certificate of number under this chapter shall not in any way be construed that the department is warranting or guaranteeing the title of the vessel as it appears on such certificates.

SEC. 4. Section 9853 of the Vehicle Code is repealed.

SEC. 5. Section 9853 is added to the Vehicle Code, to read:

9853. The owner of each vessel requiring numbering by this state shall file an initial application for a number with the department or with an agent authorized by the department on forms approved by the department. Such forms shall be prepared in cooperation with the Department of Navigation and Ocean Development. The application shall contain the true full name and address of the owner and of the legal owner, if any, and the builder's hull number or any hull number of the vessel as may be required by the department. The application shall be signed by the owner of the vessel and shall be accompanied by a fee of five dollars ($5).

SEC. 6. Section 9853.1 is added to the Vehicle Code, to read:

9853.1. Upon receipt of the application in approved form, the department shall issue a certificate of ownership to the legal owner and a certificate of number to the owner, or both to the owner if there is no legal owner, stating the number issued to the vessel and the name and address of the owner.

SEC. 7. Section 9853.2 is added to the Vehicle Code, to read:

9853.2. The owner shall paint on or attach to each side of the forward half of the vessel the identification number in such manner as may be prescribed by rules and regulations of the department in order that it may be clearly visible. Any such rules and regulations shall be developed in cooperation with the Department of Navigation and Ocean Development. The number shall be maintained in a legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the vessel for which issued, whenever such vessel is in use, except as to those vessels subject to Section 9853.3.

SEC. 8. Section 9853.3 is added to the Vehicle Code, to read:

9853.3. The certificate of number for vessels less than 26 feet in length and leased or rented to another for the latter's noncommercial use of less than 24 hours may be retained on shore by the vessel's owner or his representative at the place from which the vessel departs or returns to the possession of the owner or his representative. A copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel shall be carried aboard the vessel at all times during use.

SEC. 9. Section 9853.4 is added to the Vehicle Code, to read:

9853.4. The department may issue one or more stickers, tabs, or other suitable devices to identify vessels as being currently registered. The size, shape, and color of such sticker, tab, or other

device and the positioning of such on the vessel shall be as determined by the department after consultation with the Department of Navigation and Ocean Development, such consultation to consider the responsibilities and duties of the Department of Navigation and Ocean Development as prescribed in the Harbors and Navigation Code.

SEC. 10. Section 9862 of the Vehicle Code is amended to read:

9862. If the initial application for number is not received by the department on or before the date set by the department a penalty of one-half the fee shall be assessed. If a certificate of number is not renewed on or before midnight of the first Friday in February after the expiration of the prior year certificate of number a penalty of one-half the fee shall be assessed, except where the vessel has not been used on the waters of the state subsequent to the expiration date.

SEC. 11. Section 9865 of the Vehicle Code is amended to read:

9865. Any holder of a certificate of number shall notify the department within 15 days, if his address no longer conforms to the address appearing on the certificate and shall, as part of such notification, furnish the department with his new address. The department may provide for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder.

SEC. 12. Section 9867 of the Vehicle Code is amended to read:

9867 A fee of one dollar ($1) shall be charged for a duplicate of certificate of number, certificate of ownership, or current year registration stickers.

SEC. 13. Section 9873 of the Vehicle Code is amended to read:

9873. An undocumented vessel shall not be required to be numbered under this chapter if it is:

(a) Already covered by a number in full force and effect which has been issued to it pursuant to federal law or a federally approved numbering system of another state; provided, that such undocumented vessel shall be subject to the numbering requirements of this chapter if it has changed its state of principal use and has been within this state for a period in excess of 90 consecutive days.

(b) A vessel from a country other than the United States temporarily using the waters of this state.

(c) A public vessel of the United States, another state or subdivision thereof or municipality of such other state.

(d) A ship's lifeboat.

(e) Any vessel belonging to a class of boats which has been exempted from numbering by the department after the department has found that the numbering of vessels of such class will not materially aid in their identification; and, if any agency of the federal government has a numbering system applicable to the class of vessels to which the vessel in question belongs, after the department has

further found that the vessel would also be exempt from numbering if it were subject to the federal law. An undocumented vessel propelled solely by oars or paddles and an undocumented vessel eight feet or less propelled solely by sail are exempt from the provisions of this chapter.

SEC. 14. Section 10550 of the Vehicle Code is amended to read:

10550. In this chapter, unless the context clearly requires a different meaning, the terms and definitions set forth in Section 9840 shall apply.

CHAPTER 760

An act to add Section 303.1 to the Streets and Highways Code, relating to state highways

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 303.1 is added to the Streets and Highways Code, to read:

303.1. Notwithstanding Section 263.2, the state scenic highway system shall include that portion of Route 3 from Route 5 near Yreka to Montague.

CHAPTER 761

An act to amend Section 1256 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 1256 of the Unemployment Insurance Code is amended to read:

1256. An individual is disqualified for unemployment compensation benefits if the director finds that he left his most recent work voluntarily without good cause or that he has been discharged for misconduct connected with his most recent work.

An individual is presumed to have been discharged for reasons other than misconduct in connection with his work and not to have voluntarily left his work without good cause unless his employer has given written notice to the contrary to the director within five days after the termination of service, setting forth facts sufficient to

overcome the presumption. The presumption provided by this section is rebuttable.

An individual whose employment is terminated under the compulsory retirement provisions of a collective bargaining agreement to which the employer is a party, shall not be deemed to have left his work without good cause.

CHAPTER 762

An act to amend Section 8589.5 of the Government Code, relating to dam safety, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 8589.5 of the Government Code is amended to read:

8589.5. (a) Inundation maps showing the areas of potential flooding in the event of sudden or total failure of any dam, the partial or total failure of which the Office of Emergency Services determines, after consultation with the Department of Water Resources, would result in death or personal injury, shall be prepared and submitted as provided in this subdivision within six months after the effective date of this section, unless the time for submission of such maps is extended for reasonable cause by the Office of Emergency Services. The local governmental organization, utility, or other owner of any dam so designated shall submit to the Office of Emergency Services one such map which shall delineate potential flood zones that could result in the event of dam failure when the reservoir is at full capacity or if the local governmental organization, utility, or other owner of any dam shall determine it to be desirable he shall submit three such maps, which shall delineate potential flood zones that could result in the event of dam failure when the reservoir is at full capacity, at median-storage level, and at normally low-storage level. After submission of copies of such map or maps, the Office of Emergency Services shall review the map or maps, and shall return that map or maps which do not meet the requirements of this subdivision, together with recommendations relative to conforming to such provisions. Maps rejected by the Office of Emergency Services shall be revised to conform to such recommendations and resubmitted. The Office of Emergency Services shall keep on file those maps which conform to the provisions of this subdivision. Maps approved pursuant to this subdivision shall also be kept on file with the Department of Water Resources. The owner of a dam shall submit final copies of such maps

to the Office of Emergency Services which shall immediately submit identical copies to the appropriate public safety agency of any city, county, or city and county likely to be affected.

(b) Based upon a review of inundation maps submitted pursuant to subdivision (a), the Office of Emergency Services shall designate areas within which death or personal injury would, in its determination, result from the partial or total failure of a dam. The appropriate public safety agencies of any city, county, or city and county, the territory of which includes such an area, shall adopt emergency procedures for the evacuation and control of populated areas below such dams. The Office of Emergency Services shall review such procedures to determine whether adequate public safety measures exist for the evacuation and control of populated areas below the dams, and shall make recommendations with regard to the adequacy of such procedures to the concerned public safety agency. In conducting such review the Office of Emergency Services shall consult with appropriate state and local agencies.

Emergency procedures specified in this subdivision shall conform to local needs, and may be required to include any of the following elements or any other appropriate element, in the discretion of the Office of Emergency Services: (1) delineation of area to be evacuated; (2) routes to be used; (3) traffic control measures; (4) shelters to be activated for the care of the evacuees; (5) methods for the movement of people without their own transportation; (6) identification of particular areas or facilities in the flood zones which will not require evacuation because of their location on high ground or similar circumstances; (7) identification and development of special procedures for the evacuation and care of people from unique institutions; (8) procedures for the perimeter and interior security of the area, including such things as passes, identification requirements, and antilooting patrols; (9) procedures for the lifting of the evacuation and reentry of the area; and (10) details of which organizations are responsible for these functions and the material and personnel resources required. It is the intent of the Legislature to encourage each agency that prepares such emergency procedures to establish a procedure for their review every two years.

(c) "Dam," as used in this section, has the same meaning as specified in Sections 6002, 6003, and 6004 of the Water 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:

This act makes optional with specified dam owners the requirement that inundation maps be filed with the Office of Emergency Services with respect to dam failure when the reservoir is at a medium- or normally low-level, while continuing the requirement that a map relating to dam failure at full-reservoir capacity be so filed.

Present law requires all three types of maps be filed within six

months after the effective date of Section 8589.5 of the Government Code which was March 7, 1973.

Thus, in order to give effect to the policy determined by the Legislature in this act before that six-month period has elapsed, it is necessary that this act take effect immediately.

CHAPTER 763

An act amending Section 25266 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 25266 of the Vehicle Code is amended to read:

25266. Vehicles owned by the state and operated by officers or employees of the state who are actually engaged in aqueduct or levee construction, maintenance, patrol, or inspection, or in stream measurement work, may display flashing amber warning lights to the front, sides and rear when parked on the traveled roadway so as to partially obstruct the free flow of traffic, or when moving at a speed slower than the normal flow of traffic.

CHAPTER 764

An act to amend Sections 8553 and 8576 of the Education Code, relating to courses of study.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 8553 of the Education Code is amended to read:

8553. Instruction in social sciences shall include the early history of California and a study of the role and contributions of American Negroes, American Indians, Mexicans, persons of oriental extraction, and other ethnic groups, and the role and contributions of women, to the economic, political, and social development of California and the United States of America, with particular emphasis on portraying the roles of these groups in contemporary society.

SEC. 2. Section 8576 of the Education Code is amended to read:

8576. Instruction in social sciences shall include the early history

of California and a study of the role and contributions of American Negroes, American Indians, Mexicans, persons of oriental extraction, and other ethnic groups, and the role and contributions of women, to the economic, political, and social development of California and the United States of America, with particular emphasis on portraying the roles of these groups in contemporary society.

SEC. 3. Notwithstanding Section 2164.3 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because duties, obligations, or responsibilities imposed on local governmental entities or school districts by this act are such that related costs are incurred as a part of their normal operating procedures.

CHAPTER 765

An act to amend Section 7451.5 of, and to add Sections 7451.6, 7451.62, and 7451.65 to, the Education Code, relating to regional occupational centers and programs.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 7451.5 of the Education Code is amended to read:

7451.5. A regional occupational center or regional occupational program may:

(a) Be established pursuant to Section 7451 to provide day, including Saturday, and evening full-time and part-time vocational education programs for minors and adults, the year around.

(b) Include within its vocational training programs, the establishment and operation of a sheltered workshop.

(c) Permit the establishment and operation of such business, commercial, trade, manufacturing, or construction activities as will best serve the aims and purposes of vocational education. Such activities shall also permit the sale of products or services to private or public corporations or companies, or to the general public.

SEC. 1.5. Section 7451.5 of the Education Code is amended to read:

7451.5. A regional occupational center or regional occupational program may:

(a) Be established pursuant to Section 7451 to provide day, including Saturday and Sunday, and evening full-time and part-time vocational education programs for minors and adults, the year around.

(b) Include within its vocational training programs, the establishment and operation of a sheltered workshop.

(c) Permit the establishment and operation of such business, commercial, trade, manufacturing, or construction activities as will best serve the aims and purposes of vocational education. Such activities shall also permit the sale of products or services to private or public corporations or companies, or to the general public.

SEC. 2. Section 7451.6 is added to the Education Code, to read:

7451.6. (a) Any business, commercial, trade, manufacturing, or construction activity referred to in subdivision (c) of Section 7451.5 may be undertaken as part of a regional occupational center or program provided all the following conditions have been complied with:

(1) Any such facility or program operated pursuant hereto shall be only for the education or training of students enrolled in a regional occupational center or program.

(2) Any such facility or program shall be approved by the appropriate agency of the Department of Education according to requirements and standards of the State Plan for Vocational Education and rules and regulations adopted by the State Board of Education.

(3) Any such facility or program shall be operated on a nonprofit basis, with all revenues restricted in their use to cover instructional and operating costs.

(4) Notwithstanding any other provision of law, any such facility or program initially shall obtain the approval of the appropriate trade associations concerned with the activity proposed and the approval of the county labor council in the county in which the facility or program is located.

(b) An activity conducted by a regional occupational center or program may be conducted without the need to apply for or obtain local business licenses or permits, nor shall the activity be subject to payment of local business taxes.

(c) Attendance of students in any business, commercial, trade, manufacturing, or construction activity referred to in subdivision (c) of Section 7451.5, at any regional occupational center or regional occupational program, shall be credited to such facility or program for the purposes of apportionments from the State School Fund, except that the Superintendent of Public Instruction shall deduct from such apportionment any revenues earned by such facility or program in excess of operating costs.

SEC. 3. Section 7451.62 is added to the Education Code, to read:

7451.62. To the extent feasible, in establishing programs pursuant to subdivision (c) of Section 7451.5, efforts shall be made to work cooperatively with sheltered workshops which are located in the area of such programs.

SEC. 4. Section 7451.65 is added to the Education Code, to read:

7451.65. A regional occupational center or program may lease buildings of not more than one story or equipment for a term not to exceed 10 years without complying with any other provision of this code.

Any buildings leased hereunder shall be exempt from any of the provisions of Chapter 2 (commencing with Section 15301) of Division 11.

SEC. 5. It is the intent of the Legislature, if this bill and Assembly Bill No. 122 are both chaptered, become effective January 1, 1974, and amend Section 7451.5 of the Education Code, and this bill is chaptered after Assembly Bill No. 122, that the amendments to Section 7451.5 proposed by both bills be given effect and incorporated in Section 7451.5 in the form set forth in Section 1.5 of this act. Therefore, Section 1.5 of this act shall become operative only if this bill and Assembly Bill No. 122 are both chaptered, both become effective January 1, 1974, both amend Section 7451.5, and Assembly Bill No. 122 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 766

An act to add Sections 66637, 66638, 66639, 66640, 66641, and 66642 to the Government Code, relating to San Francisco Bay Conservation and Development Commission.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 66637 is added to the Government Code, to read:

66637. (a) When the executive director determines that any person has undertaken, or is threatening to undertake, any activity that (1) may require a permit from the commission without securing a permit; or (2) may be inconsistent with any permit previously issued by the commission, he may issue an order directing such person to cease and desist.

(b) Any cease and desist order issued by the executive director may be subject to such terms and conditions as the executive director may determine are necessary to ensure compliance with the provisions of this title, including the immediate removal of any fill or other material where such removal is necessary to avoid irreparable injury to any area within the jurisdiction of the commission pending action by the commission under Section 66638.

(c) Any cease and desist order issued by the executive director shall become null and void 30 days after issuance.

(d) A cease and desist order issued by the executive director shall be effective upon the issuance thereof, and copies shall be served forthwith by certified mail upon the person being charged with the actual or threatened violation of this title.

SEC. 2. Section 66638 is added to the Government Code, to read:

66638. (a) When the commission, after public hearing, determines that any person has undertaken, or is threatening to undertake, any activity that (1) requires a permit from the commission without securing a permit, or (2) is inconsistent with any permit previously issued by the commission, the commission may issue an order requiring such person to cease and desist.

(b) Any cease and desist order issued by the commission may be subject to such terms and conditions as the commission may determine are necessary to insure compliance with the provisions of this title, including immediate removal of any fill or other material or the setting of a schedule within which steps must be taken to obtain a permit pursuant to this title.

(c) Notice of the public hearing on a proposed cease and desist order shall be given to all affected persons and such orders shall be effective and final as to the commission upon issuance thereof. Copies shall be served forthwith by certified mail upon the person being charged with the actual or threatened violation of this title and upon other affected persons who appeared at the hearing and requested a copy.

SEC. 3. Section 66639 is added to the Government Code, to read:

66639. (a) Within 30 days after service of a copy of a cease and desist order issued by the executive director under Section 66637 or the commission under Section 66638, any aggrieved party may file with the superior court a petition for writ of mandate for review thereof pursuant to Section 1094.5 of the Code of Civil Procedure. Failure to file such an action shall not preclude a party from challenging the reasonableness and validity of an order of the executive director or the commission in any judicial proceedings brought to enforce such order or for other civil remedies.

(b) The evidence before the court in any proceeding to review an order of the commission described in subdivision (a) shall consist of the record before the commission, and in cases where it is claimed that the findings are not supported by the evidence, abuse of discretion is established only if the court determines that the findings are not supported by substantial evidence in the light of the whole record.

SEC. 4 Section 66640 is added to the Government Code, to read:

66640. (a) Upon the failure of any person to comply with any cease and desist order issued by the commission, the Attorney General, upon request of the commission, shall petition the superior court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining such person or persons from continuing any activity in violation of the cease and desist order.

(b) The evidence before the court shall consist of the record before the commission, and any other relevant evidence which, in the judgment of the court, should be considered to effectuate and implement the policies of this title. In every such case, the court shall exercise its independent judgment on the evidence

(c) The court shall issue an order directing defendants to appear

before the court at a time and place certain and show cause why the injunction should not be issued. The court may grant such prohibitory or mandatory relief as may be warranted.

(d) The court may stay the operation of the cease and desist order after notice of the commission and hearing. Any such stay may be imposed or continued only if it is not against the public interest.

SEC. 5. Section 66641 is added to the Government Code, to read:

66641. (a) Any person who intentionally or negligently violates any cease and desist order issued, reissued, or amended by the commission or the executive director may be liable civilly in a sum of not to exceed six thousand dollars ($6,000) for each day in which such violation persists.

(b) The Attorney General, upon request of the commission, shall petition the superior court to impose, assess and recover such sums. In determining such amount, the court shall take into consideration all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, taken by the person charged.

(c) The provisions of Section 66640 shall apply to proceedings to impose, assess and recover an amount pursuant to this article.

(d) Remedies under this section are in addition to, and do not supersede or limit, any and all other remedies, civil or criminal.

SEC. 6. Section 66642 is added to the Government Code, to read:

66642. (a) Every civil action brought under the provisions of this division at the request of the commission shall be brought by the Attorney General in the name of the people of the State of California and any such actions relating to the same violation may be joined or consolidated.

(b) Any civil action brought pursuant to this division shall be brought in a county in which the alleged violation is occurring or may occur. However, any action by or against a city, city and county, county, or other public agency shall, upon motion of either party, be transferred to a county or city and county not a party to the action or to a county or city and county other than that in which the city or public agency is located.

CHAPTER 767

An act to add Section 7634 to the Business and Professions Code, relating to embalmers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 7634 is added to the Business and Professions Code, to read:

7634. Notwithstanding any other provision of law, a licensed embalmer may enucleate the eyes of dead human bodies for purposes specified in, and pursuant to, the provisions of the Uniform Anatomical Gift Act (Ch. 3.5 (commencing with Section 7150), Pt. 1, Div. 7, H. & S.C.), if such embalmer has completed a course in eye enucleation approved by the Board of Medical Examiners of the State of California.

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 use of corneal transplantation could benefit more than 30,000 persons who are presently blinded from corneal defects. The main sources available for such transplantations are donors whose eyes, upon death, are made available pursuant to law for transplantation. Nevertheless, it is often the case that a physician and surgeon is not immediately available to perform eye enucleation within the very short time following death in which such operation must be performed. In order to make available more donor material and to thereby increase the chances of alleviation of corneal defects for more persons, it is necessary that this act have immediate effect.

CHAPTER 768

An act to add Section 20567.6 to the Government Code, relating to the Public Employees' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 20567.6 is added to the Government Code, to read:

20567.6. The legislative body of a contracting agency that intends to cease to exist may agree to the merger of its contract into the contract of any other contracting agency which employs or is employing any employee of the terminated agency within 90 days after the termination of the agency. Upon approval of the merger by the governing body of the other contracting agency, the merger shall be effective as of the date the contracting agency ceases to exist. Upon such merger the terminating agency's contract shall cease to exist and the contract of the succeeding agency shall be considered a continuation and, to the extent of any differences, an amendment to the terminating agency's contract with respect to its former

employees. Accumulated contributions held for, or as having been made by, the terminating agency and such employees, and assets derived from such contributions, shall be merged with analogous contributions under the contract of the succeeding agency, and credit for prior and current service of such employees who were members under the terminating agency's contract shall not be changed by the transaction. The liability to the system with respect to service credited under the terminating agency's contract shall become a liability under the contract of the succeeding agency. The agencies may agree to payments between them with respect to such liability but any such agreement shall not affect the liability of the succeeding agency with respect to such service.

SEC. 2. This act imposes no state-mandated local costs for which reimbursement is required under Section 2164.3 of the Revenue and Taxation Code.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the provisions of this act to be applicable to contractual agreements under the Public Employees' Retirement Law as soon as possible, this act must take effect immediately.

CHAPTER 769

An act to add Sections 27713 and 27713.5 to the Government Code, relating to counties, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 27713 is added to the Government Code, to read:

27713. The Legislature hereby finds and declares that there are, within the state, people who require legal representation but are unable to afford it. The Legislature thus recognizes the public purpose in, and the necessity of, assuring that legal assistance is available to such persons unable to employ private counsel by appropriating public funds to a legal aid society.

SEC. 2. Section 27713.5 is added to the Government Code, to read:

27713.5. Except as provided in this section, the board of supervisors of any county with a population exceeding 260,000 and not exceeding 290,000, as determined by the 1970 federal census, may annually appropriate a sum not to exceed ten thousand dollars

($10,000) to the Legal Aid Society of such county. Moneys so appropriated to the Legal Aid Society of such county shall be used to defray costs incurred by such society in providing legal representation for those persons unable to employ private counsel who qualify for such representation pursuant to rules adopted by such society.

No county having a population exceeding 260,000 and not exceeding 290,000, as determined by the 1970 federal census, shall be authorized to appropriate any funds pursuant to this section unless such county has been selected for participation in a staff-attorney-judicare program sponsored by the State Bar of California.

SEC. 3. The Legislature hereby finds and declares that a general law cannot be made applicable because Santa Barbara has been selected by the State Bar Association as a demonstration staff-attorney-judicare program.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to provide legal representation for low-income citizens of this state, it is necessary that this act take effect immediately.

CHAPTER 770

An act to add Section 10501.5 to the Fish and Game Code, relating to fish and game.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 10501.5 is added to the Fish and Game Code, to read:

10501.5. It is unlawful to fly any aircraft, including any airplane or helicopter, less than 3,000 feet above water or land over the Sespe Condor Sanctuary, and less than 1,000 feet above water or land over the Año Nuevo State Reserve, the Farallon Islands Game Refuge, the Point Lobos State Reserve, the California Sea Otter Game Refuge, and Anacapa, San Miguel, Santa Barbara, and San Nicolas Islands, except for rescue operations, in case of any emergency, or for scientific purposes under a permit issued by the department.

This section does not apply to the landing of any aircraft, including any airplane or helicopter, on Anacapa, San Miguel, Santa Barbara, San Nicolas, and Farallon Islands for administrative or operational purposes of the National Park Service, the United States Navy, or the United States Coast Guard.

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SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 771

An act relating to the state park system, and in this connection to amend the Budget Act of 1973 (Chapter 129, Statutes of 1973–74) by amending Section 2.8 thereof, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 2.8 of the Budget Act of 1973 (Chapter 129, Statutes of 1973–74) is amended to read:

Sec. 2.8. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1973–74, 1974–75, and 1975–76 fiscal years, contingent upon adoption of the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974. All such appropriations shall be paid out of the State Beach, Park, Recreational, and Historical Facilities Fund of 1974.

CAPITAL OUTLAY

Resources

379—For capital outlay, Department of Parks and Recreation, for purposes set forth in subdivisions (c) and (e) of Section 5096.85 of the Public Resources Code, for expenditure during the 1973–74, 1974–75, and 1975–76 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974		26,591,000
Schedule:		
(a) Stanford Home, land acquisition and development	951,000	
(b) Carmel River (Odello), land acquisition	1,700,000	
(c) Century Ranch, land acquisition	5,700,000	
(d) Jetty Beach, land acquisition	500,000	
(e) Leo Carrillo (Marguart), land acquisition	8,100,000	

(f) Manresa Beach (Grimm), land acquisition	1,100,000
(g) Old Town San Diego, land acquisition	950,000
(h) Pomponio, land acquisition	500,000
(i) Shasta County (Horr Ranch), land acquisition	850,000
(j) Stone Lake, land acquisition	6,240,000

provided, that none of the funds which are appropriated by this item for the projects set forth herein shall be available for expenditure unless and until such projects are recommended by the State Park and Recreation Commission and reviewed by the Secretary of the Resources Agency.

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 1973, by an unintended omission, do not permit the appropriation made by such act for the Stanford Home to be expended for development, in addition to acquisition, of such property for the state park system. Furthermore, the designation of a Shasta County land acquisition project for the state park system as set forth in the act is incorrect. It is essential that such omissions and errors be corrected at the earliest possible time in order to avoid any disruption of the greatly needed expansion of the state park system. It is, therefore, necessary that this act go into immediate effect.

CHAPTER 772

An act to add Chapter 12 (commencing with Section 679.70) to Part 1 of Division 1 of the Insurance Code, relating to insurance.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 12 (commencing with Section 679.70) is added to Part 1 of Division 1 of the Insurance Code, to read:

CHAPTER 12. PROHIBITION OF DISCRIMINATORY PRACTICES BY CERTAIN ADMITTED INSURERS

679.70. This chapter shall apply to policies of insurance, other than automobile insurance and workmen's compensation insurance, on risks located or resident in this state which are issued and take

effect or which are renewed after the effective date of this chapter and which insure any of the following contingencies:

(a) Loss of or damage to real property which is used predominantly for residential purposes.

(b) Loss of or damage to personal property in which natural persons resident in specifically described real property of the kind described in subdivision (a) have an insurable interest.

(c) Legal liability of a natural person or persons for loss of, damage to, or injury to, persons or property.

679.71. No admitted insurer, licensed to issue any policy of insurance covered by this chapter, shall fail or refuse to accept an application for, or to issue a policy to an applicant for, such insurance (unless such insurance is to be issued to the applicant by another insurer under the same management and control), or cancel such insurance, under conditions less favorable to the insured than in other comparable cases, except for reasons applicable alike to persons of every marital status, sex, race, color, religion, national origin, or ancestry; nor shall sex, race, color, religion, national origin, or ancestry of itself constitute a condition or risk for which a higher rate, premium, or charge may be required of the insured for such insurance.

679.72. No application for insurance specified in this chapter or insurance investigation report furnished by such an insurer to its agents or employees for use in determining the insurability of the applicant shall carry any identification, or any requirement therefor, of the applicant's race, color, religion, national origin, or ancestry.

679.73. Nothing in this chapter shall prohibit use in an application for insurance specified in this chapter of a question asking for the birthplace of an applicant if such question is used only to identify the applicant and not to discriminate against the applicant.

CHAPTER 773

An act to add Section 381.2 to the Insurance Code, relating to personal property insurance.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 381.2 is added to the Insurance Code, to read:

381.2. In any case in which a policy includes coverage for loss of or damage to personal property of the insured, from whatever cause, if the insurer places a valuation upon the specific items of covered property and uses such valuation for purposes of determining the premium charge to be made under the policy, the insurer shall compute any covered loss of or damage to such property which

occurs during the term of the policy at such valuation without deduction or offset, unless a different method is to be used in the computation of loss, in which latter case, the policy, and any application therefor, shall set forth, in type of a prominent size, the actual method of such loss computation used by the insurer.

The provisions of this section shall not apply to automobile insurance as defined by Section 116.

CHAPTER 774

An act to amend Sections 11713, 24603, and 28051 of, and to repeal Section 4602.5 of, the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 4602.5 of the Vehicle Code is repealed.

SEC. 2. Section 11713 of the Vehicle Code is amended to read:

11713. It shall be unlawful and a violation of this code for the holder of any license issued under this article:

(a) To make or disseminate or cause to be made or disseminated before the public in this state, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or in any other manner or means whatever, any statement which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading; or to so make or disseminate or cause to be so disseminated any such statement as part of a plan or scheme with the intent not to sell any vehicle or service so advertised at the price stated therein, or as so advertised.

(b) To advertise or offer for sale or exchange in any manner, any vehicle not actually for sale at the premises of such dealer or available to said dealer from the manufacturer or distributor of such vehicle at the time of the advertisement or offer; provided however, that this subdivision does not apply to advertising or offering for sale or exchange any used mobilehome, as defined by Section 18008 of the Health and Safety Code, or used commercial coach, as defined by Section 18012 of the Health and Safety Code, other than a recreational vehicle, as defined by Section 18010.5 of the Health and Safety Code, where such advertising or offering for sale is not contrary to any terms of a contract between the seller of the mobilehome or commercial coach and the owner of the mobilehome park, and which mobilehome or commercial coach is either in place on a lot rented or leased for human habitation within an established mobilehome park, as defined in Section 18214 of the Health and

Safety Code, or is otherwise located, pursuant to a local zoning ordinance or permit, on a lot where its presence has been authorized or its continued presence and such use would be authorized, for a total and uninterrupted period of at least one year.

(c) To fail within 48 hours in writing to withdraw any advertisement of a vehicle that has been sold or withdrawn from sale.

(d) To advertise or represent a vehicle as a new vehicle if such vehicle falls within the purview of Section 665 of this code

(e) To engage in the business for which licensee is licensed without having in force and effect a good and sufficient bond with corporate surety as hereinbefore provided.

(f) For any licensed dealer to engage in the business for which such dealer is licensed without at all times maintaining an established place of business as required by this code.

(g) To include as an added cost to the selling price of a vehicle, an amount for licensing or transfer of title of the vehicle, which amount is not due to the state unless, prior to the sale, such amount has been paid by a dealer to the state in order to avoid penalties that would have accrued because of late payment of such fees.

(h) To employ any person as a salesman who has not been licensed pursuant to Article 2 (commencing with Section 11800) of this chapter, and whose license is not displayed on the premises of the dealer as provided in Section 11804.

(i) To deliver, following sale, a vehicle for operation on California highways, if such vehicle does not meet all of the equipment requirements of Division 12 (commencing with Section 24000) of this code.

(j) To use or permit the use of the special plates assigned to him for any purpose other than permitted by Section 11715.

(k) To advertise or otherwise represent, or knowingly to allow to be advertised or represented on his behalf or at his place of business, that no downpayment is required in connection with the sale of a vehicle when a downpayment is in fact required and the buyer is advised or induced to finance such downpayment by a loan in addition to any other loan financing the remainder of the purchase price of the vehicle.

(*l*) To participate in the sale of a motor vehicle reported to the Department of Motor Vehicles under the provisions of Section 5900 of this code without making the return and payment of any sales tax due and required by Section 6451 of the Revenue and Taxation Code.

(m) To permit the use of his dealer's license, supplies, or books by any other person for the purpose of permitting that person to engage in the sale of vehicles required to be registered under this code, or to permit the use of his dealer's license, supplies, or books to operate a branch location to be used by any other person, if, in either situation, the licensee has no financial or equitable interest or investment in the vehicles sold by, or the business of, or branch location used by, such person, or has no such interest or investment other than commissions, compensations, fees, or any other thing of

value received for the use of the dealer's license, supplies, or books to engage in the sale of vehicles.

(n) To violate any of the provisions of Article 10 (commencing with Section 28050) of Chapter 5 of Division 12 of this code.

SEC. 3. Section 24603 of the Vehicle Code is amended to read:

24603. Every motor vehicle which is not in combination with any other vehicle and every vehicle at the end of a combination of vehicles shall at all times be equipped with stoplamps mounted on the rear as follows:

(a) Every such vehicle shall be equipped with one or more stoplamps.

(b) Every such vehicle, other than a motorcycle, manufactured and first registered on or after January 1, 1958, shall be equipped with two stoplamps.

(c) Stoplamps on vehicles manufactured on or after January 1, 1969, shall be mounted not lower than 15 inches or higher than 72 inches.

(d) Where two stoplamps are required, at least one shall be mounted at the left and one at the right side, respectively, at the same level.

(e) Stoplamps shall emit a red or amber light and shall be plainly visible and understandable from a distance of 300 feet to the rear both during normal sunlight and at nighttime, except that stoplamps on a vehicle of a size required to be equipped with clearance lamps shall be visible from a distance of 500 feet during such times.

(f) Stoplamps shall be actuated upon application of the service (foot) brake and the hand control head for air, vacuum, or electric brakes. In addition, all stoplamps may be activated by a mechanical device designed to function only upon sudden release of the accelerator while the vehicle is in motion. Such mechanical device shall be approved by, and comply with specifications and regulations established by, the department.

(g) Any vehicle may be equipped with supplemental stoplamps mounted to the rear of the rearmost portion of the driver's seat in its rearmost position in addition to the lamps required to be mounted on the rear of the vehicle. The supplemental stoplamp on that side of a vehicle toward which a turn will be made may flash as part of the supplemental turn signal lamp.

SEC. 4. Section 28051 of the Vehicle Code is amended to read:

28051. It is unlawful for any person to disconnect, turn back, advance, or reset the odometer of any motor vehicle with the intent to alter the number of miles indicated on the odometer gauge.

SEC. 5. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act, because the Legislature recognizes that during any legislative session, a variety of changes to laws relating to crimes and infractions

may be enacted that serve to cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that (1) the authorization to the Department of Motor Vehicles to issue registration cards and potential registration cards without a space to show the mileage on the vehicle odometer, (2) the application to licensed dealers, manufacturers, and transporters of all provisions, rather than only specified provisions, re odometers, (3) the prohibition against any alteration, rather than only an alteration to reduce the mileage, of an odometer, and (4) the authorization to use a mechanical device to activate stoplamps on a vehicle upon sudden release of the accelerator while the vehicle is in motion take effect at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 775

An act to amend Section 3509 of, and to repeal Section 3509.5 of, the Fish and Game Code, relating to birds.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 3509 of the Fish and Game Code is amended to read:

3509. If the birds are not killed, captured, or injured, a person may break, train, hold field trials with, or practice dogs on game birds, wild or domesticated, between July 1st and March 31st anywhere in the state between the hours of sunrise and sunset, except the department may permit the use of domesticated game birds for organizational field trials between April 1st and June 30th under such regulations as the commission may prescribe and upon the following conditions:

(a) That no birds are nesting in the immediate area of the trials.

(b) That any dog under trial shall be under strict control.

SEC. 2. Section 3509.5 of the Fish and Game Code is repealed.

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CHAPTER 776

An act to amend Sections 73823 and 73824 of the Government Code, relating to municipal courts.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 73823 of the Government Code, as amended by Chapter 136 of the Statutes of 1972, is amended to read:

73823. There shall be one clerk appointed by a majority of the judges of the court. The clerk shall be on range 44 and he may appoint, with the approval of a majority of the judges of the court:

(a) One assistant clerk on range 40.

(b) Three municipal court clerks on range 37.

(c) One legal clerk on range 34.5.

(d) Two account clerks III on range 33.5.

(e) One clerk III on range 32.5.

(f) Eight clerks II on range 29.5.

SEC. 2. Section 73824 of the Government Code, as amended by Chapter 136 of the Statutes of 1972, is amended to read:

73824. There shall be one marshal who shall be on range 40.5 and the marshal may appoint:

(a) Two deputy marshals on range 38.5.

(b) One clerk II on range 29.5.

(c) Two deputy marshals who shall be custodians at the fee allowed by law for keeping property.

SEC. 3. The affected local agency has requested the Legislature to revise state law in accordance with the provisions of this act and the agency desires to bear the expense of any increased costs resulting from such revision without reimbursement by the state. Therefore, no appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code for reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 777

An act to amend Section 54797.3 of the Government Code and Section 13954 of the Health and Safety Code, relating to fire protection districts.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 54797.3 of the Government Code is amended to read:

54797.3. (a) Notwithstanding any other provision of law, if an application is for the incorporation of a new city or the annexation of territory to an existing city, the commission may, in any resolution approving such incorporation or annexation, provide that any territory of a fire protection district which is to be dissolved pursuant to Part 2.7 (commencing with Section 13801) of Division 12 of the Health and Safety Code as a result of such incorporation or annexation, or any territory which is to be detached from such a fire protection district or a county service area organized pursuant to Chapter 2.2 (commencing with Section 25210.1) of Part 2, Division 2, Title 3 as a result of such incorporation or annexation, shall be subject to any of the terms and conditions authorized in Section 56470, as the commission may specify in such resolution with respect to such territory.

(b) When, pursuant to Section 13954 of the Health and Safety Code, the commission is required to determine a division of the property and assets of a fire protection district between such district and a city, the commission may by rule provide a procedure for making such determination; provided, however, that any such procedure shall provide that the determination shall be made by resolution adopted by the commission. The commission shall cause a certified copy of any such resolution to be mailed to the legislative bodies of the fire protection district and the city.

SEC. 2. Section 13954 of the Health and Safety Code is amended to read:

13954. Upon the withdrawal of any territory of a district, by inclusion within a city:

(a) If the assessed value of the real property within the area withdrawn represents 1 percent, or less, of the total assessed value of the real property within the district prior to the withdrawal, as determined from the last equalized assessment roll of the property within the district, all of the property and assets of the district shall be retained by the district.

(b) If the assessed value of the real property in the area withdrawn exceeds the amount prescribed by subdivision (a), the city and the district shall have six months from the effective date of the withdrawal in which, after giving consideration to all factors involved, including population, assessed valuation, the effect of the annexation or change of boundaries on the remaining portion of the district, the length of time the portion being withdrawn has paid taxes and the total amount of such taxes paid, and such other matters as should be considered in arriving at an equitable distribution, they may establish a mutually agreeable basis for the distribution of the property and assets of the district between the city and the remaining district. If, within such period a mutually agreeable basis is reached, the property and assets of the district shall be distributed between the city and the remaining district upon such basis.

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(c) If, under the provisions of subdivision (b), no mutually agreeable basis for the distribution of the property and assets of the district is reached within the six-month period, the legislative body of the city shall notify the local agency formation commission that no mutually agreeable basis has been reached. Thereafter, all of the property and unencumbered funds of the district shall be divided between the city and remaining district on such basis as shall be determined by the local agency formation commission pursuant to subdivision (b) of Section 54797.3 of the Government Code.

All funds and property received by the city shall be used exclusively and directly for the prevention and extinguishment of fires; provided, that nothing herein shall prevent the sale of property not needed for such purposes for its fair market value if the funds derived from such sale are used solely for such purposes.

For the purpose of this section, the unencumbered funds are the sum of money, uncollected taxes, and other uncollected amounts in excess of an amount sufficient to pay all claims and accounts against the district, but shall not include funds necessary for the maintenance and operation of the district for any period for which the district has the duty to provide fire protection services within the area withdrawn.

For the purpose of determining the application of the provisions for apportioning the assets of a fire protection district pursuant to this section between a district and a city which has withdrawn territory of the district pursuant to Section 13952, separate annexations may not be aggregated and each annexation shall be considered as separately withdrawn.

SEC. 3. In enacting this act, the Legislature hereby determines and finds that any duties, obligations, or responsibilities imposed on local government are minor in nature and do not result in a significant new program for local government, or a significant increase in level of service of an existing mandated program, and no significant economic burden or cost is intended to be imposed hereby. Therefore, and solely as a result of this finding and determination, no appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for reimbursement of any local agency for any costs that may be incurred by it.

CHAPTER 778

An act to add Section 598a to the Penal Code, relating to animals.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1 Section 598a is added to the Penal Code, to read:

598a. (a) Every person is guilty of a misdemeanor who kills any dog or cat with the sole intent of selling or giving away the pelt of such animal.

(b) Every person is guilty of a misdemeanor who possesses, imports into this state, sells, buys, gives away or accepts any pelt of a dog or cat with the sole intent of selling or giving away the pelt of the dog or cat, or who possesses, imports into this state, sells, buys, gives away, or accepts any dog or cat, with the sole intent of killing or having killed such dog or cat for the purpose of selling or giving away the pelt of such animal.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because during any legislative session a variety of changes to laws relating to crimes may be enacted that serve to cause both increased and decreased costs to local governmental entities which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 779

An act to add Section 26156 to the Government Code, relating to county educational programs.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 26156 is added to the Government Code, to read:

26156. For purposes of assisting in the development of the human resources of the county, the board of supervisors may provide for the testing of individuals to determine such individual's level of educational achievement and job capabilities, both actual and potential; provided, however, that such testing may be done only upon the request of the individual to be tested.

CHAPTER 780

An act to add Section 11018.7 to, and repeal Section 11018.7 of, the Business and Professions Code, relating to subdivided lands.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 11018.7 is added to the Business and Professions Code, to read:

11018.7 (a). No amendment or modification of provisions in the declaration of restrictions, bylaws, articles of incorporation or other instruments controlling or otherwise affecting rights to ownership, possession or use of interests in subdivisions as defined in Sections 11000.1 and 11004.5, which are not also land projects as defined in Section 11000.5, which would materially change such rights of an owner, either directly or as a member of an association of owners, is valid without the prior written consent of the Real Estate Commissioner during the period of time when the subdivider or his successor in interest holds or directly controls as many as one-fourth of the votes that may be cast to effect such change.

If the subdivision is a land project as well as a subdivision within the definition of Section 11000.1 or 11004.5, no such amendment or modification is valid without the prior written consent of the Real Estate Commissioner until three years from the date on which the subdivider, or his successor in interest, ceases to hold or directly control one-third of the votes that may be cast to effect such change.

(b) The commissioner shall not grant his consent to the submission of the proposed change to a vote of owners or members if he finds that the change if effected would create a new condition or circumstance that would form the basis for denial of a public report under Sections 11018 or 11018.5.

An application for consent may be filed by any interested person on a form prescribed by the commissioner. A filing fee to be fixed by regulation, but not to exceed twenty-five dollars ($25), shall accompany each application.

There shall be no official meeting of owners or members nor any written solicitation of them for the purpose of effectuating a change referred to herein except in accordance with a procedure approved by the commissioner after the application for consent has been filed with him; provided, however, that the governing body of the owners association may meet and vote on the question of submission of the proposed change to the commissioner.

SEC. 2. Section 11018.7 of the Business and Professions Code is repealed.

CHAPTER 781

An act making an appropriation for the Orientation Center for the Blind.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the General Fund to the Department of Rehabilitation the sum of ten thousand dollars ($10,000), which shall be made available to the Orientation Center for the Blind for the purpose of hiring personnel to arrange for the maintenance and repair of and to distribute and maintain accountability for talking book machines.

SEC. 2. If money is made available to the state by the federal government which may be used for the purposes specified in Section 1 of this act, then the federal money shall be used in lieu of the state funds appropriated for those purposes.

CHAPTER 782

An act to amend Section 1608.7 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 1608.7 of the Revenue and Taxation Code is amended to read:

1608.7. (a) At the time of filing the application or at any time prior to 20 days before the commencement of the hearing on the application, any applicant for a change of an assessment on the local roll or the assessor, in those cases where the assessed value of the property involved, as shown on the current assessment roll, exceeds twenty-five thousand dollars ($25,000) without regard to any exemptions, may cause an exchange of information between himself and the other party by submitting the following data to the other party in writing:

(1) Information stating the basis of such party's opinion of value.

(2) When the opinion of value is to be supported with evidence of comparable sales, information identifying the properties with sufficient certainty such as by assessor parcel number, street address or legal description of the property, the approximate date of sale, the applicable zoning, the price paid, and the terms of the sale, if known.

(3) When the opinion of value is to be supported with evidence based on an income study, information relating to income, expenses and the capitalization method.

(4) When the opinion of value is to be supported with evidence of replacement cost, information relating to date of construction, type of construction, replacement cost of construction, obsolescence, allowance for extraordinary use of machinery and equipment, and depreciation allowances.

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(b) Notwithstanding any limitation on assessed value contained in subdivision (a), if an applicant for a change of an assessment or the assessor has submitted the data required by subdivision (a) within the specified time, at least 10 days prior to the hearing the other party shall submit to the party who caused the exchange of information in writing the following data:

(1) Information stating the basis of such other party's opinion of value.

(2) When the opinion of value is to be supported with evidence of comparable sales, information identifying the properties with sufficient certainty such as by assessor parcel number, street address or legal description of the property, the approximate date of sale, the applicable zoning, the price paid, and the terms of the sale, if known.

(3) When the opinion of value is to be supported with evidence based on an income study, information relating to income, expenses and the capitalization method.

(4) When the opinion of value is to be supported with evidence of replacement cost, information relating to date of construction, type of construction, replacement cost of construction, obsolescence, allowance for extraordinary use of machinery and equipment, and depreciation allowances.

The person assigning a hearing date shall provide adequate notice to the parties of such date, so that the exchange of information permitted by this section can be made without requiring a continuance of the hearing.

Whenever information has been exchanged pursuant to this section the parties may not introduce evidence on matters not so exchanged unless the other party consents to such introduction. However, at the hearing, each party may introduce new material relating to the information received from the other party. If a party introduces new material at the hearing, the other party, upon his request, shall be granted a continuance for a reasonable period of time.

Nothing in this section shall be construed as an intent of the Legislature to change, alter or modify generally acceptable methods of using the sales approach, income approach, or replacement cost approach to determine full cash value.

CHAPTER 783

An act to amend Sections 23053.5, 23320, 23366.5, 25500, 25502, and 25503 of, and to add Sections 23373, 23373.1, 23373.2, 23373.3, 23373.4, and 23373.5 to, the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

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The people of the State of California do enact as follows:

SECTION 1. Section 23053.5 of the Business and Professions Code is amended to read:

23053.5. The department shall have the function of investigation of violations of Chapters 10, 11 and 15 of this division and rules of the department relating thereto. To the end that such provisions are more adequately and strictly enforced, funds for support of this program shall be derived as follows: In addition to fees otherwise provided for in this division, the following amounts shall be paid to the department by holders of the following types of licenses:

(a)	Retail package off-sale general license	$24 per year
(b)	Rectifier's license	$52 per year
(c)	Distilled spirits wholesaler's license	$52 per year
(d)	Distilled spirits manufacturer's agent's license	$52 per year
(e)	Distilled spirits manufacturer's license	$52 per year
(f)	Distilled spirits importer's general license	$52 per year
(g)	California winegrower's agent's license	$52 per year

Payment of such amounts shall be made upon issuance or transfer of said types of licenses, and shall be made by the holders of said types of licenses at the time specified in this division for payment of annual renewal fees therefor.

The provisions of Section 23322 shall apply to the amounts to be paid under this section. The provisions of Section 25761 shall not apply to the amounts to be paid under this section, and such amounts shall be deposited directly in the General Fund in the State Treasury.

SEC. 2. Section 23320 of the Business and Professions Code is amended to read:

23320. The following are the types of licenses to be issued under this division and the annual fees to be charged therefor:

(1)	Beer manufacturer's license	
	(a) Steam beer manufacturer exclusively	$56.00 per year
	(b) All other beer manufacturer	828.00 per year
(2)	Winegrower's license or wine blender's license (to be computed only on the gallonage produced or blended), 5,000 gallons or less	22.00 per year
	Over 5,000 gallons to 20,000 gallons per year	44.00 per year
	Over 20,000 to 100,000 gallons per year	82.50 per year
	Over 100,000 to 200,000 gallons per year	110.00 per year
	Over 200,000 gallons to 1,000,000 gallons per year	165.00 per year
	For each 1,000,000 gallons or fraction	

	thereof over 1,000,000 gallons an additional	110.00 per year
(3)	Brandy manufacturer's license	168.00 per year
(4)	Distilled spirits manufacturer's license	276.00 per year
(5)	Distilled spirits manufacturer's agent's license	276.00 per year
(5a)	California winegrower's agent's license	276.00 per year
(6)	Still license	12.00 per year
(7)	Rectifier's license	276.00 per year
(7a)	Distilled spirits rectifier's general license	276.00 per year
(8)	Wine rectifier's license	276.00 per year
(9)	Beer and wine importer's license	No fee
(10)	Beer and wine importer's general license	56.00 per year
(11)	Brandy importer's license	No fee
(12)	Distilled spirits importer's license	No fee
(13)	Distilled spirits importer's general license	276.00 per year
(14)	Public warehouse license	12.00 per year
(15)	Customs broker's license	12.00 per year
(16)	Wine broker's license	56.00 per year
(17)	Beer and wine wholesaler's license	56.00 per year
(18)	Distilled spirits wholesaler's license	276.00 per year
(18a)	California brandy wholesaler's license	276.00 per year
(19)	Industrial alcohol dealer's license	56.00 per year
(20)	Retail package off-sale beer and wine license	24.00 per year
(21)	Retail package off-sale general license	350.00 per year
(22)	On-sale beer license	168.00 per year
(23)	On-sale beer and wine license	168.00 per year
(24)	On-sale beer and wine license for trains (per train)	16.00 per year
(25)	On-sale beer license for fishing party boats (per boat)	32.00 per year
(26)	On-sale beer and wine license for boats (per boat)	56.00 per year
(27)	On-sale beer and wine license for airplanes (per scheduled flight)	16.00 per year
(28)	On-sale general license:	
	In cities of 40,000 population or over	580.00 per year
	In cities of less than 40,000 but more than 20,000 population	412.00 per year
	In all other localities	360.00 per year
(29)	On-sale general license for seasonal business:	
	In cities of 40,000 population or over	145.00 per quarter year
	In cities of less than 40,000 but	

	more than 20,000 population	103.00 per quarter year
	In all other localities	90.00 per quarter year
(30)	(a) On-sale general license for bona fide clubs, (b) Club license (issued under Article 4 of this chapter), or (c) Veterans' club license (issued under Article 5 (com- mencing with Section 23450) of this chapter):	
	In cities of 40,000 population or over	330.00 per year
	In cities of less than 40,000 but more than 20,000	248.00 per year
	In all other localities	220.00 per year
(31)	On-sale general license for trains and sleeping cars	128.00 per year
	Duplicate on-sale general license for trains and sleeping car companies.....	32.00 per year
(32)	On-sale general license for boats	332.00 per year
(33)	On-sale general license for airplanes.....	332.00 per year
	Duplicate on-sale general license for air common carriers.....	10.00 per year
(34)	On-sale general license for vessels of more than 1,000 tons burden	128.00 per year
	Duplicate on-sale general license for vessels of more than 1,000 tons burden	32.00 per year
(35)	On-sale general bona fide public eating place intermittent dockside license for vessels of more than 15,000 tons displacement	360.00 per year
(36)	On-sale special beer and wine license for hospitals, con- valescent homes, and rest homes	56.00 per year

SEC. 3. Section 23366.5 of the Business and Professions Code is amended to read:

23366.5. A winegrower's license, brandy manufacturer's license, California winegrower's agent's license, beer and wine wholesaler's license or a distilled spirits manufacturer's agent's license also authorizes the solicitation of orders for wine or brandy, or both, which are produced or manufactured in this state and which the licensee is authorized to sell by his license for and on behalf of any licensee for the sale to other licensees of such wine or brandy.

SEC 4. Section 23373 is added to the Business and Professions Code, to read:

23373. A California winegrower's agent's license authorizes any of the following:

(a) The possession of wine produced in California and brandy distilled in California in public or private warehouses.

(b) The sale to wholesalers for his own account or the solicitation of and sale to wholesalers for the account of a licensed winegrower of wine which was produced in this state and brandy which was distilled in this state.

(c) The invoicing and collection on behalf of a winegrower of payments for orders solicited by the agent.

(d) Performance or furnishing on behalf of the winegrower for which he is an agent, of the services which the winegrower is authorized to perform or furnish under the provisions of Sections 23356.1, 25503.1, 25503.2, 25503.3, 25503.5, and 25503.9.

SEC. 5. Section 23373.1 is added to the Business and Professions Code, to read:

23373.1. Neither the holder of any wholesaler's license nor the holder of any retail license may hold a California winegrower's agent's license, except that the holder of a wholesaler's license who has been a primary distributor for a winegrower for more than 20 years immediately prior to the effective date of this section may continue to be issued and to hold a beer and wine wholesaler's license and a distilled spirits wholesaler's license as well as a California winegrower's agent's license.

SEC. 6. Section 23373.2 is added to the Business and Professions Code, to read:

23373.2. A winegrower or brandy manufacturer may be represented by only one California winegrower's agent.

SEC. 7. Section 23373.3 is added to the Business and Professions Code, to read:

23373.3. A California winegrower's agent licensee may be authorized to post, file and establish prices of wine and brandy to retailers and consumers and may be authorized to execute and file trade contracts on behalf of the winegrower and brandy manufacturer he represents.

SEC. 8. Section 23373.4 is added to the Business and Professions Code, to read:

23373.4. A California winegrower's agent's license authorizes the holder to furnish samples, to produce and distribute wine lists, to produce and furnish advertising material, retailers' advertising specialties and consumer advertising specialties, with respect to the wine or brandy he distributes as an agent for a winegrower or brandy manufacturer so authorized.

SEC. 9. Section 23373.5 is added to the Business and Professions Code, to read:

23373.5. Nothing in this division shall preclude the department from taking disciplinary action against a winegrower or brandy manufacturer for any violation of this division when such violation was committed by the holder of a California winegrower's agent's license while acting on behalf of the winegrower or brandy manufacturer.

SEC. 10. Section 25500 of the Business and Professions Code is amended to read:

25500. No manufacturer, winegrower, manufacturer's agent, rectifier, California winegrower's agent, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of any such person shall:

(a) Hold the ownership, directly or indirectly, of any interest in any on-sale license.

(b) Furnish, give, or lend any money or other thing of value, directly or indirectly, to, or guarantee the repayment of any loan or the fulfillment of any financial obligation of, any person engaged in operating, owning, or maintaining any on-sale premises where alcoholic beverages are sold for consumption on the premises.

(c) Own any interest, directly or indirectly, in the business, furniture, fixtures, refrigeration equipment, signs, except signs for interior use mentioned in subdivision (g) of Section 25503, or lease in or of any premises operated or maintained under any on-sale license for the sale of alcoholic beverages for consumption on the premises where sold; or own any interest, directly or indirectly, in realty acquired after June 13, 1935, upon which on-sale premises are maintained unless the holding of the interest is permitted in accordance with rules of the department.

The provisions of this section shall not apply to the holding by one person of a wholesaler's license and an on-sale license in counties not to exceed 15,000 population.

The provisions of this section shall not apply to the financial or representative relationship between a manufacturer, winegrower, manufacturer's agent, rectifier, California winegrower's agent, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of such person, and a person holding only one of the following types of licenses:

(a) On-sale general license for a bona fide club.

(b) Club license (issued under Article 4 (commencing at Section 23425) of Chapter 3 of this division).

(c) Veterans' club license (issued under Article 5 (commencing at Section 23450) of Chapter 3 of this division).

(d) On-sale license for boats, trains, sleeping cars or airplanes where the alcoholic beverages produced or sold by such manufacturer, winegrower, manufacturer's agent, rectifier, California winegrower's agent, bottler, importer, or wholesaler or any officer, director, or agent of such person are not sold, furnished or given, directly or indirectly to the on-sale licensee.

SEC. 11. Section 25502 of the Business and Professions Code is amended to read:

25502. No manufacturer, winegrower, manufacturer's agent, California winegrower's agent, rectifier, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of any such person, shall, except as authorized by this division:

(a) Hold the ownership, directly or indirectly, of any interest in an off-sale general license.

(b) Furnish, give, or lend any money or other thing of value,

directly or indirectly, to, or guarantee the repayment of any loan or the fulfillment of any financial obligation of, any person engaged in operating, owning, or maintaining any off-sale general licensed premises.

(c) Own or control any interest, directly or indirectly, by stock ownership, interlocking directors, or trusteeship, in the business, furniture, fixtures, refrigeration equipment, signs, except signs for interior use mentioned in subdivision (g) of Section 25503, or lease in premises licensed with an off-sale general license.

(d) Own or control any interest, directly or indirectly, by stock ownership, interlocking directors, trusteeship, or mortgage of the realty upon which an off-sale general licensed premises is maintained.

Any wholesaler in counties not to exceed 15,000 population who holds both a beer and wine wholesaler's license and an off-sale general license and who held such licenses prior to September 19, 1947, may continue to hold such licenses or may transfer either or both licenses to another individual, individuals, partnership, corporation or other legal entity. Where both licenses are simultaneously transferred to an individual, individuals, partnership, corporation or other legal entity, the transfer shall be a person-to-person transfer only.

Nothing in this section prohibits any holder of a distilled spirits manufacturer's, manufacturer's agent's, California winegrower's agent, rectifier's, or wholesaler's license, or any officer, employee, or representative of any such licensee, from acting as a trustee for any off-sale general licensee in any bankruptcy or other proceedings for the benefit of the creditors of the off-sale general licensee.

Nothing in this section shall alter, change, or otherwise affect, retroactively or prospectively, any of the rights or privileges granted to a winegrower or brandy manufacturer by Section 23362 of this code, or by any other provision of this division.

SEC. 12. Section 25503 of the Business and Professions Code is amended to read:

25503. No manufacturer, winegrower, manufacturer's agent, California winegrower's agent, rectifier, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of any such person, shall do any of the following.

(a) Directly or indirectly, deliver the possession of any alcoholic beverages to any on- or off-sale licensee under an agreement of consignment whereby title to the alcoholic beverages is retained by the seller or whereby the licensee receiving the alcoholic beverages has the right at any time prior to sale to relinquish possession to or return them to the original seller.

(b) Directly or indirectly, give any licensee or any person any alcoholic beverages as free goods as a part of any sale or transaction involving alcoholic beverages.

(c) Give secret rebates or make any secret concessions to any licensee or the employees or agents of any licensee, and no licensee

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shall request or knowingly accept from another licensee secret rebates or secret concessions.

(d) Give or furnish, directly or indirectly, to any employee of any holder of a retail on-sale or off-sale license only anything of value for the purpose or with the intent to solicit, acquire, or obtain the help or assistance of the employee to encourage or promote either the purchase or the sale of the alcoholic beverage sold or manufactured by the licensee giving or furnishing anything of value, and any employee who accepts or acquires anything of value contrary to the provisions of this subdivision is guilty of a misdemeanor.

(e) Willfully or knowingly discriminate, in the same trading area, either directly or indirectly, in the price of any brand of distilled spirits sold to different retail licensees purchasing under like terms and conditions.

(f) Pay, credit, or compensate a retailer or retailers for advertising, display, or distribution service in connection with the advertising and sale of distilled spirits.

(g) Furnish, give, lend, or rent, directly or indirectly, to any person any decorations, paintings, or signs, other than signs advertising their own products as permitted by Section 25611.1.

(h) Pay money or give or furnish anything of value for the privilege of placing or painting a sign or advertisement, or window display, on or in any premises selling alcoholic beverages at retail.

SEC. 13. There are no state-mandated local costs which require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 784

An act to amend Section 5878.1 of the Streets and Highways Code, relating to sidewalks and curbs.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 5878.1 of the Streets and Highways Code is amended to read:

5878.1. The notice also shall specify the day, hour, and place when the legislative body will hear and pass upon objections or protests, if any, which may be raised by any property owner or other interested persons but in no case shall such hearing be sooner than 10 days after giving of notice. Upon the day and hour fixed for the hearing, the legislative body shall hear and pass upon such objections or protests.

If the public convenience and necessity require the installation of such improvements in front of such part, the legislative body, by an affirmative vote of four-fifths of its members, may overrule such

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objections and protests. However, when a petition has been filed with the city clerk requesting the installation of such improvements, the legislative body may overrule such objections and protests by an affirmative vote of a majority of its members. The decision of the legislative body on all protests and objections which may be made, shall be final and conclusive.

The hearing required by this section shall be in addition to the hearing required by Section 5881.

CHAPTER 785

An act to add Sections 789.10 and 789.11 to the Civil Code, relating to mobilehome parks.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 789.10 is added to the Civil Code, to read:

789.10. The ownership or management of a park, subdivision, cooperative, or condominium for mobilehomes shall not make as a condition or precondition of residency or tenancy that the mobilehome be prohibited from remaining in the mobilehome park in the event of a sale to a third party during the term of the tenant's lease or any renewal or extension thereof; provided, however, that the owner may, in the event of a sale to a third party, in order to upgrade the quality of his mobilehome park, require that any mobilehome less than 10 feet wide or more than 10 years old or both, or any mobilehome in a rundown condition or in disrepair be removed from the park. The decision of the mobilehome park ownership or management in this regard shall be binding.

Nothing in this section shall be construed to deny the ownership or management the right to require prior approval of a purchaser if the mobilehome will remain located in the mobilehome park or other facility.

In the event that a mobilehome remains unoccupied for more than 120 consecutive days and is subsequently sold during the ongoing period of vacancy, this section shall not be applicable to that mobilehome.

No rental, lease, or sale agreement shall contain any provision by which the purchaser or tenant waives his rights under this section, and any such waiver shall be deemed contrary to public policy and shall be void and unenforceable.

SEC. 2. Section 789.11 is added to the Civil Code, to read:

789.11. The ownership or management of a park, subdivision, cooperative, or condominium for mobilehomes must obtain written authorization from the owner before showing or listing for sale a

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tenant's or resident's mobilehome. This written authorization shall specifically set forth the terms and conditions regarding such showing or listing.

Nothing contained in this section shall be construed to affect the provisions of the Vehicle Code governing the licensing of mobilehome salesmen.

CHAPTER 786

An act to amend Section 405 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows.

SECTION 1. Section 405 of the Revenue and Taxation Code is amended to read:

405. (a) Annually, the assessor shall assess all the taxable property in his county, except state-assessed property, to the persons owning, claiming, possessing, or controlling it on the lien date.

(b) The assessor may assess all taxable property in his county on the unsecured roll jointly to both the lessee and lessor of such property.

(c) Notices of assessment and tax bills relating to jointly assessed property on the unsecured roll shall be mailed to both the lessee and the lessor at their latest addresses known to the assessor.

CHAPTER 787

An act to amend Section 690.3 of the Code of Civil Procedure, relating to attachment and execution.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 690.3 of the Code of Civil Procedure, as amended by Chapter 418 of the Statutes of 1972, is amended to read:

690.3. One housetrailer or mobilehome in which the debtor, or the family of such debtor, actually resides, of a value not exceeding fifteen thousand dollars ($15,000) over and above all liens and encumbrances on that housetrailer or mobilehome, provided neither such debtor nor the spouse of such debtor has an existing homestead as provided by Title 5 (commencing with Section 1237) of Part 4 of

Division 2 of the Civil Code.

CHAPTER 788

An act to add Chapter 10.2 (commencing with Section 670) to Part 1 of Division 1 of the Insurance Code, relating to liability insurance.

[Approved by Governor September 25, 1973. Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Chapter 10.2 (commencing with Section 670) is added to Part 1 of Division 1 of the Insurance Code, to read:

CHAPTER 10.2. PROHIBITED CANCELLATIONS

670. (a) No admitted insurer licensed to issue motor vehicle liability policies, as defined in Section 16450 of the Vehicle Code, shall cancel, or refuse to renew, a motor vehicle liability insurance policy covering drivers hired to drive by a commercial business establishment nor execute the agreement specified in paragraph (1) of subdivision (d) of Section 11580.1 with respect to such drivers for the reason that such drivers have been convicted of violations of the Vehicle Code or the traffic laws of any subdivision of the state which were committed while operating vehicles other than those which they were hired to drive.

(b) This section does not apply to any drivers convicted of any of the following:

(1) Homicide or assault arising out of the operation of a private passenger motor vehicle.

(2) A violation while operating a private passenger motor vehicle of any of the following sections or section subdivisions: subdivision (a) of Section 14601, subdivision (a) of Section 14601.1, Section 20001, Section 20002, subdivision (a) of Section 20008, 23101, 23104, 23105, 23106, or 23108, of the Vehicle Code.

(3) A second or any subsequent violation, while operating a private passenger motor vehicle, within seven years of a prior violation while operating a private passenger motor vehicle, of Section 23102 of the Vehicle Code.

CHAPTER 789

An act to add Section 14260.1 to the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 14260.1 is added to the Education Code, to read:

14260.1. Notwithstanding the provisions of Section 14260, any member who applied for a disability allowance to be effective during July, August or September 1972, and who has been or is in the future approved for a disability allowance with an effective date in July, August or September 1972, shall have that allowance recalculated effective on the first day of the month for which the disability allowance was or is approved, if the following conditions exist:

(a) The member has five or more years of credited service, the last five of which have been served in this state, and has not attained age 60, and

(b) Earned no service credit in the first two school years immediately preceding and less than a year of service credit in the third school year immediately preceding the effective date of the allowance, then the benefit shall be equal to 50 percent of the highest annual salary earned in any one of the four school years immediately preceding the effective date of the disability allowance, increased by 10 percent of such salary for each child to a maximum of four such children.

All other provisions of Section 14260 shall be applicable to a member who receives an allowance pursuant to the provisions of this section.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 790

An act to amend Section 12800 of the Welfare and Institutions Code, relating to aid to the blind.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

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SECTION 1. Section 12800 of the Welfare and Institutions Code is amended to read:

12800. There is in the State Treasury a permanent revolving fund, in the amount of seventy thousand dollars ($70,000), to be known as the Revolving Loan Fund, and to be administered by the department. The fund is hereby continuously appropriated without regard to fiscal year and shall be used to make loans to recipients of aid under this chapter or Chapter 5 (commencing with Section 13000) of this part, at a rate of interest not to exceed 3 percent per year, to enable those recipients to establish themselves in businesses, professions, or other gainful employment, including, but not limited to self-employment or to assist those already engaged in such endeavors. No loan in excess of ten thousand dollars ($10,000) shall be made to any individual under this section.

The department shall establish the terms and conditions of loans made pursuant to this section, and shall prescribe the procedure to be followed in making application for such loans. All funds received in repayment of loans made pursuant to this section shall be deposited in the Revolving Loan Fund, and shall be available for the making of additional loans as provided in this section.

In no event shall the amount expended in any fiscal year from the Revolving Loan Fund exceed the amount saved by the state as a result of discontinuance of aid due to the earnings of persons during the preceding fiscal year.

SEC. 2. The Controller shall transfer thirty-five thousand dollars ($35,000) from the General Fund to the Revolving Loan Fund in augmentation thereof.

CHAPTER 791

An act to add Section 5022.6 to the Public Resources Code, relating to the state park system.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 5022.6 is added to the Public Resources Code, to read:

5022.6. The department shall adopt standard design and detail for the marker and for the plaque which may be erected or raised at registered historical landmarks. The use of such marker or plaque shall be prescribed by rule adopted by the department. Any person who maliciously or for commercial purposes, or contrary to such rule, uses or allows to be used any reproduction or facsimile of such standard marker or plaque in any manner whatsoever is guilty of a misdemeanor

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 792

An act to add Section 425.7 of the Government Code, relating to State Fossil.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 425.7 is added to the Government Code, to read:

425.7. The saber-toothed cat (Smilodon californicus) is the official State Fossil.

CHAPTER 793

An act to amend Section 1806.3 of the Civil Code, relating to refund credits of unearned finance charges.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 1806.3 of the Civil Code is amended to read:

1806.3. (a) Notwithstanding the provisions of any contract to the contrary, any buyer may pay the contract in full at any time before maturity and in so paying it shall receive a refund credit thereon for such anticipation. The amount of any such refund credit shall represent at least as great a proportion of the finance charge or, if the contract has been extended, deferred or refinanced, of the additional charge therefor, as the sum of the periodic monthly time balances not yet due bears to the sum of all the periodic monthly time balances under the schedule of installments in the contract or, if the contract has been extended, deferred or refinanced, as so extended, deferred or refinanced. Where the amount of the credit for anticipation of payment is less than one dollar ($1), no refund need be made. Where the earned finance charge amounts to less than the minimum finance charge, there may be retained an amount equal to the minimum finance charge applicable.

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(b) Notwithstanding the provisions of any contract to the contrary, whenever the indebtedness created by any retail installment contract is satisfied prior to its maturity through surrender of the collateral, repossession of the collateral, redemption of the collateral after repossession, or any judgment, the buyer shall receive a refund credit of that portion of the finance charge recovered by the holder which was not earned. The refund credit may be made in cash or credited to the amount due on the obligation of the buyer.

The refund credit shall be computed by the holder as of the date the holder takes possession of the collateral or judgment is entered or, if the holder assigns the obligation for collection, at the time the assignment for collection is made, in the same manner that the refund credit for the buyer's anticipation of payment is computed above.

(c) This section does not preclude the collection or retention by the holder of any delinquency charge made pursuant to Section 1803.6.

SEC. 2. This act shall only apply to retail installment contracts entered into on or after the effective date of this act.

CHAPTER 794

An act to amend Section 20331 of the Government Code, relating to the Public Employees' Retirement System, and making an appropriation therefor.

[Approved by Governor September 25, 1973. Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 20331 of the Government Code is amended to read:

20331. Any person who on October 1, 1963, is employed by the university, and is a member of any retirement system maintained by the university, or who after that date enters university employment, shall be excluded from membership in this system.

Any member who is employed as a member of the police department or fire department of the university and who elects, in accordance with regulations of the Board of Regents, to become a sworn officer member of a retirement system of the university in such employment shall be excluded from membership in this system in such employment after the date upon which he becomes a member of the university system. Such election shall not constitute a permanent separation from state service for purposes of a right to refund of accumulated contributions but shall constitute a discontinuance of employment as a member of this system and entry

into employment as a member of the university system within the meaning of Section 20015.5.

SEC. 2. There is hereby appropriated from the General Fund in the State Treasury the sum of eight thousand dollars ($8,000) to the Regents of the University of California for an increased retirement benefit program for university firemen within the university retirement system in augmentation of the university appropriations for support and other purposes for the 1973–1974 fiscal year.

CHAPTER 795

An act to amend the heading of Article 3.5 (commencing with Section 38120) of Division 25 of, to amend Section 38122 of, and to add Section 38124 to, the Health and Safety Code, relating to mentally retarded persons.

[Approved by Governor September 25, 1973. Filed with Secretary of State September 25, 1973.]

The people of the State of California do enact as follows:

SECTION 1. The heading of Article 3.5 (commencing with Section 38120) of Division 25 of the Health and Safety Code is amended to read:

CHAPTER 3.5. JUDICIAL REVIEW

SEC. 2. Section 38122 of the Health and Safety Code is amended to read:

38122. This chapter shall not be construed to impair the right of a parent, guardian, or conservator of an adult mentally retarded patient to remove the patient from the state hospital at any time pursuant to Section 38150.

SEC. 3. Section 38124 is added to the Health and Safety Code, to read:

38124. Whenever a proceeding is held in a superior court under the provisions of this chapter, involving a person who has been placed in a state hospital located outside the county of residence of the person, the provisions of this section shall apply. The county clerk of the county in which the proceeding is held may make out a statement of all of the costs incurred by the county for the investigation, preparation, and conduct of the proceedings, and the costs of appeal, if any. The statement may be certified by a judge of the superior court of such county. The statement may then be sent to the county of residence of the person, which shall reimburse the county providing such services. If it is not possible to determine the actual county of residence of the person, the statement may be sent to the county in which the person was originally detained, which

shall reimburse the county providing the services.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code because there are no duties, obligations, or responsibilities imposed on local government by this act.

CHAPTER 796

An act to add Sections 18656 and 22454.1 to the Financial Code, relating to loans.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 18656 is added to the Financial Code, to read:

18656. In lieu of computing charges and applying payments as provided in Sections 18655 or 18667 an industrial loan company may combine the interest rate percentages permitted by Section 18655 that are applicable to different portions of unpaid principal balances, and allocate periodic installments between charges and unpaid principal based on the resulting single interest rate percentage; provided, however, that if prepayment in full occurs on or before the third installment date, all charges shall be recomputed as a percentage per month of the unpaid principal balance or portions thereof based on the number of days actually elapsed.

SEC. 2. Section 22454.1 is added to the Financial Code, to read:

22454.1. Notwithstanding Section 22454, a licensee may combine the interest rate percentages permitted by Section 22451 that are applicable to different portions of unpaid principal balances, and allocate periodic installments between charges and unpaid principal based on the resulting single interest rate percentage; provided, however, that if prepayment in full occurs on or before the third installment date, all charges shall be recomputed as a percentage per month of the unpaid principal balance or portions thereof based on the number of days actually elapsed.

CHAPTER 797

An act to amend Section 674 of the Code of Civil Procedure, and to amend Section 908 of the Welfare and Institutions Code, relating to juveniles.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

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The people of the State of California do enact as follows:

SECTION 1. Section 674 of the Code of Civil Procedure is amended to read:

674. (a) An abstract of the judgment or decree of any court of this state, including a judgment of any court sitting as a small claims court, or any court of record of the United States, the enforcement of which has not been stayed on appeal, certified by the clerk, judge or justice of the court where such judgment or decree was rendered, may be recorded with the recorder of any county and from such recording the judgment or decree becomes a lien upon all the real property of the judgment debtor, not exempt from execution, in such county, owned by him at the time, or which he may afterward and before the lien expires, acquire. Such lien continues for 10 years from the date of the entry of the judgment or decree unless the enforcement of the judgment or decree is stayed on appeal by the execution of a sufficient undertaking or the deposit in court of the requisite amount of money as provided in this code, or by the statutes of the United States, in which case the lien of the judgment or decree, and any lien or liability now existing or hereafter created by virtue of an attachment that has been issued and levied in the action, unless otherwise by statutes of the United States provided, ceases, or upon an undertaking on release of attachment, or unless the judgment or decree is previously satisfied, or the lien otherwise discharged. The abstract above mentioned shall contain the following: title of the court and cause and number of the action; date of entry of the judgment or decree; names of the judgment debtor and of the judgment creditor; amount of the judgment or decree, and where entered in judgment book, minutes or docket in the justice court.

(b) An order made pursuant to subdivision (b) of Section 908 of the Welfare and Institutions Code shall be considered a judgment for the purposes of subdivision (a) of this section.

SEC. 2. Section 908 of the Welfare and Institutions Code is amended to read:

908. (a) Where the juvenile court has ordered payment of money to be made for the cost of legal services referred to by Section 903.1, for the cost of probation supervision referred to by Section 903.2, or for the cost of care, support, or maintenance in any county institution, or as reimbursement to the county for the expense of support and maintenance of any ward, dependent child, or other minor person as provided in this article, or as additional payment for the expense of support and maintenance of such ward, dependent child, or other minor person to the person, association, or institution that, under court order, is caring for and maintaining such ward, dependent child, or other minor person, either from the earnings, property, or estate of such ward, dependent child, or other minor person, or by his parents or guardian, or by any other person liable for his support, upon affidavit of the county officers designated by the board of supervisors that any payment is due and has not been

made, or execution may issue for such payment upon the order and at the discretion of the court after 15 days' prior notice to the person or estate ordered to make such payment.

(b) Whenever an order for execution may issue pursuant to subdivision (a) for the total amount due, the court may, upon the same notice required for an order of execution under subdivision (a), enter an order for payment of such amount, and such order shall be considered a judgment for purposes of Section 674 of the Code of Civil Procedure.

CHAPTER 798

An act to amend Sections 7184, 7609, and 9205 of the Financial Code, relating to savings and loan associations.

[Approved by Governor September 25, 1973. Filed with Secretary of State September 25, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 7184 of the Financial Code is amended to read:

7184. An association may, with or without security, make loans, advance credit, and purchase obligations representing loans and advances of credit, for the purpose of financing repairs, alterations, improvements, or equipment, except furnishings, on residential real property. Such loans or advances:

(a) Shall not exceed ten thousand dollars ($10,000) on any one loan or advance when aggregated with the balance of all outstanding loans relating to the same real property made by the association under the sole authority of this section.

(b) Shall not be for a period in excess of 10 years.

(c) Shall not aggregate at any one time more than 5 percent of the association's total assets with regard to loans made for the purpose of financing repairs, alterations or improvements nor more than 5 percent of the association's assets with regard to loans made for the purpose of financing equipment.

SEC. 2. Section 7609 of the Financial Code is amended to read:

7609. If any attachment is levied upon any shares or investment certificates of any association the copy of writ and notice shall be left with the manager or any other officer of such association at the office or branch at which such shares or investment certificates were issued if such office or branch is still being maintained, and if not, at the principal office of such association. Attachments which are not so served, are not effective as to any share or investment certificate issued by such association, irrespective of any other provision of law relating to service of attachments.

SEC. 3. Section 9205 of the Financial Code is amended to read:

9205. The board of directors of each association seeking to merge or consolidate shall, by resolution, approve the terms and conditions of the proposed agreement and the mode of carrying them into effect, as well as the manner and basis of converting the shares or stock of the constituent associations into the shares or stock or other securities of the surviving or consolidated association or of a holding corporation of any of the constituent associations. The agreement may provide for the distribution of cash, property, or securities, in whole or in part, in lieu of stock, to stockholders of the constituent associations.

CHAPTER 799

An act relating to disposition and leasing of property by the Director of General Services.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. The Director of General Services, with the approval of the State Public Works Board, is hereby authorized to sell, exchange, or lease for current market value and upon such terms and conditions and with such reservations and exceptions as in his opinion may be for the best interest of the state, all or any part of the following real property:

Parcel 1. Approximately 6.66 acres of land on Ramona Road near Mt. Woodson Road, being a portion of the Ramona Forest Fire Station in San Diego County.

Parcel 2. Approximately 10 acres of land located on Camp Beale Road, south of Smartville, being the former Walsh Mountain Lookout in Yuba County.

Parcel 3. Approximately 40 acres of land located on Forbes Town Road, east of Oroville, being the former Hurleton Forest Fire Station in Butte County.

Parcel 4. Approximately 20 acres of land located on State Highway 128 near Ida Clayton Road, near Robert Louis Stevenson State Park in Sonoma County.

Parcel 5. Approximately 0.185 acre of land located near U.S. Highway 99 and Main Street, being a portion of Castle Crags State Park in Shasta County.

Parcel 6. Approximately 22.4 acres of land located northwesterly of the intersection of Interstate Route 605 and Whittier Boulevard being a portion of the Fred C. Nelles School in Whittier, Los Angeles County.

Parcel 7. Approximately four acres of land located at the easterly end of Rose Hedge Drive, being a portion of the Fred C. Nelles

School in Whittier, Los Angeles County.

Parcel 8. Approximately 1,220 acres of land, together with the improvement thereon, located at Squaw Valley, Placer County and being the site of the former Squaw Valley State Recreation Area, provided that such parcel shall only be sold, exchanged, or leased as one parcel. Sections 21100 to 21108, inclusive, of the Public Resources Code shall not apply to such parcel.

SEC. 2. Notice of every public auction or bid opening shall be posted on the property to be sold and shall be published in a newspaper of general circulation published in the county in which the real property to be sold is situated.

SEC. 3. Any moneys received from the disposition of Parcels 1 to 8, inclusive, shall be paid into the General Fund.

SEC. 4. Any cost or expense incurred in the disposition of any parcel may be reimbursed from the proceeds of such disposition.

SEC. 6. The authorization granted by Chapter 951, Statutes of 1970 to dispose of Parcel 3 in such chapter is hereby repealed.

SEC. 7. The Director of General Services, with the approval of the Director of Parks and Recreation and the State Public Works Board, is hereby authorized to convey portions of state-owned land at Seacliff State Beach in Santa Cruz County upon which private structures may be encroaching, upon such terms and conditions and for such consideration as in his opinion may be for the best interest of the state.

SEC. 8. The Director of General Services, with the approval of the State Public Works Board, is hereby authorized to convey approximately .346 acres of state-owned land on Harding Way in the City of Stockton to the City of Stockton, upon such terms and conditions and for such consideration as in his opinion may be for the best interest of the state. The state presently leases the property to the city.

SEC. 9. The Director of General Services, with the approval of the State Public Works Board, is hereby authorized to convey Kern River State Recreation Area to the County of Kern, upon such terms and conditions as in his opinion may be in the best interests of the state. Kern River State Recreation Area has been leased to and operated by the County of Kern since November 1950.

SEC. 10. The Director of General Services shall except and reserve in the state all deposits of minerals, including oil and gas in lands disposed of pursuant to this act, and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from such lands.

CHAPTER 800

An act to add Section 3500.1 to the Elections Code, relating to initiative measures.

[Approved by Governor September 25, 1973. Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 3500.1 is added to the Elections Code, to read:

3500.1. The heading of a proposed initiative measure shall be in substantially the following form:

Initiative Measure to Be Submitted Directly to the Electors

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

(Here set forth the title and summary prepared by the Attorney General. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

To the Honorable Secretary of State of California

We, the undersigned, registered, qualified electors of California, residents of _____ County (or City and County), hereby propose amendments to the Constitution of California (the _____ Code, relating to _____) and petition the Secretary of State to submit the same to the electors of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or otherwise provided by law. The proposed constitutional (or statutory) amendments (full title and text of the measure) read as follows:

CHAPTER 801

An act to amend Sections 72702, 72702.5, 72703, 72704, 72704.5, 72708, 72750.5, 72751, 72751.1, 72751.5, 72752, 72753, and 72754 of the Government Code, relating to municipal courts.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 72702 of the Government Code is amended to read:

72702. There shall be one clerk who shall be appointed by the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 86 of the salary schedule. Notwithstanding any other provisions of law, whenever any vacancy occurs after March 7, 1973, the judges shall appoint one clerk who shall hold office at their pleasure and who shall receive the salary hereinabove provided.

SEC. 2. Section 72702.5 of the Government Code is amended to read:

72702.5. The clerk may appoint one chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 76 of the salary schedule.

SEC. 3. Section 72703 of the Government Code is amended to read:

72703. The clerk may appoint:

(a) One deputy clerk who shall be chief, traffic division, and who shall receive a monthly salary at a rate specified in Schedule 69.

(b) One deputy clerk who shall be chief, civil division, and who shall receive a monthly salary at a rate specified in Schedule 69.

(c) One deputy clerk who shall be chief, criminal division, and who shall receive a monthly salary at a rate specified in Schedule 69.

(d) One deputy clerk who shall be chief, data processing division, and who shall receive a monthly salary at a rate specified in Schedule 69.

(e) One deputy clerk who shall be chief, accounting division, and who shall receive a monthly salary at a rate specified in Schedule 67.

(f) Three deputy clerks, assistant division chiefs, each of whom shall receive a monthly salary at a rate specified in Schedule 64.

(g) One deputy clerk who shall be chief, administrative services, and who shall receive a monthly salary at a rate specified in Schedule 69.

(h) One deputy clerk who shall be administrative jury commissioner, and who shall receive a monthly salary at a rate specified in Schedule 65.

(i) One deputy clerk who shall be assistant secretary and jury commissioner, and who shall receive a monthly salary at a rate specified in Schedule 69.

(j) One deputy clerk, who shall be criminal courts coordinator, and who shall receive a monthly salary at a rate specified in Schedule 56.

(k) Five deputy clerks, principal clerk, each of whom shall receive a monthly salary at a rate specified in Schedule 60.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule.

SEC. 4. Section 72704 of the Government Code is amended to read:

72704. The clerk may also appoint:

(a) Five deputy clerks grade V, each of whom shall receive a monthly salary at a rate specified in Schedule 60.

(b) Ninety-five deputy clerks grade IV, plus one additional such deputy clerk for each judge in excess of 64 and each commissioner or traffic referee in excess of 17 to which the court is or may become entitled by law, each of whom shall receive a monthly salary at a rate specified in Schedule 56.

(c) One deputy clerk, executive secretary, presiding judge, who shall receive a monthly salary at a rate specified in Schedule 54. Appointments to said position shall be at step 3 of said schedule.

(d) One deputy clerk, administrative secretary, clerk, who shall receive a monthly salary at a rate specified in Schedule 50. Appointments to said position shall be at step 3 of said schedule.

(e) One deputy clerk, jury interviewer, who shall receive a monthly salary at a rate specified in Schedule 51.

(f) Fifteen deputy clerks, judicial secretary, each of whom shall receive a monthly salary at a rate specified in Schedule 44. Appointments to said positions shall be at step 3 of said schedule.

(g) Seventy-five deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 39.

(h) Five deputy clerks, supervising clerk, each of whom shall receive a monthly salary at a rate specified in Schedule 45.

(i) One hundred thirty-five deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 33.

(j) One hundred forty-five deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 29. Appointments to such positions shall be at step 3 of the schedule.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule.

SEC. 5. Section 72704.5 of the Government Code is amended to read:

72704.5. The clerk may also appoint the following deputy clerks as needed:

(a) One computer operations supervisor, who shall receive a monthly salary at a rate specified in Schedule 64.

(b) One head keypunch operator, who shall receive a monthly salary at a rate specified in Schedule 46.

(c) Three supervising keypunch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 42.

(d) Twelve senior keypunch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 38.

(e) Seventy-five keypunch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 34.

(f) One EDP data systems analyst who shall receive a monthly salary at a rate specified in Schedule 59.

(g) One EDP staff aide who shall receive a monthly salary at a rate specified in Schedule 42.

(h) Six supervising computer operators, each of whom shall

receive a monthly salary at a rate specified in Schedule 54.

(i) Six computer systems operators, each of whom shall receive a monthly salary at a rate specified in Schedule 48.

(j) Six computer equipment operators, each of whom shall receive a monthly salary at a rate specified in Schedule 42.

(k) One senior data control clerk, who shall receive a monthly salary at the rate specified in Schedule 39.

(*l*) Two data control clerks, each of whom shall receive a monthly salary at the rate specified in Schedule 35.

On the effective date of any amendment to the Salary Ordinance of Los Angeles County adjusting the salary of any position having the same classification as a court position listed in this section, the salary of such listed court position shall be adjusted an equivalent number of schedules in the salary schedule to which it is attached. If the level of compensation established by any such salary adjustment is not reflected in the salary schedule number provided for any court classification, the adjustment shall apply to each position in such classification on the effective date of the act fixing such salary schedule number. Such salary adjustments shall be effective until 90 days after adjournment of the next succeeding regular session of the Legislature.

Persons occupying positions listed in this section shall be entitled to all employee benefits that are provided for or made applicable to a Los Angeles County employee having an equal period of service.

SEC. 6. Section 72708 of the Government Code is amended to read:

72708. Notwithstanding the provisions of Section 72400 of the Government Code, the Judges of the Municipal Court, Los Angeles Judicial District, may appoint such number of traffic referees, not exceeding five, as the business of the court requires who shall possess the powers and perform the duties specified in Article 9 (commencing with Section 72400) of Chapter 8 of Title 8 of the Government Code. Each of such traffic referees shall hold office at the pleasure of the judges of the court and shall receive a salary equal to sixty-five percent (65%) of the salary of a judge of such court. They shall be members of any retirement system which includes attachés of the court.

SEC. 7. Section 72750.5 of the Government Code is amended to read:

72750.5. In each municipal court district having seven judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 74.

The clerk may appoint:

(a) Eleven deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 29. Appointment to said positions shall be at step 3 of said schedule.

(b) Thirteen deputy clerks grade II, each of whom shall receive

a monthly salary at a rate specified in Schedule 33.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 39.

(d) Nine deputy clerks grade IV, plus one additional such deputy clerk for each commissioner or traffic referee appointed pursuant to Section 72400 or 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 56.

(e) One deputy clerk, judicial secretary, who shall receive a monthly salary at a rate specified in Schedule 44.

(f) One chief clerk—administrative services, who shall receive a monthly salary at a rate specified in Schedule 61.

(g) One jury secretary who shall receive a monthly salary at a rate specified in Schedule 61.

(h) One chief clerk—civil, who shall receive a monthly salary at a rate specified in Schedule 61.

(i) One chief clerk—criminal, who shall receive a monthly salary at a rate specified in Schedule 61.

(j) One chief clerk—traffic, who shall receive a monthly salary at a rate specified in Schedule 61.

(k) One occupant of chief clerk position as set forth in this section shall be designated by the clerk as assistant clerk and shall receive a one-step increase in compensation.

SEC. 8. Section 72751 of the Government Code is amended to read:

72751. In each municipal court district having six judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 72.

The clerk may appoint:

(a) Ten deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 29. Appointment to said positions shall be at step 3 of said schedule.

(b) Twelve deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 33.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 39.

(d) Eight deputy clerks grade IV, plus one additional such deputy clerk for each commissioner or traffic referee appointed pursuant to Section 72400 or 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 56.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 63.

SEC. 9. Section 72751.1 of the Government Code is amended to read:

72751.1. In each municipal court district having five judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who

shall receive a monthly salary at a rate specified in Schedule 71.

The clerk may appoint:

(a) Nine deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 29. Appointments to said positions shall be at step 3 of said schedule.

(b) Eleven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 33.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 39.

(d) Seven deputy clerks grade IV, plus one additional such deputy clerk for each commissioner or traffic referee appointed pursuant to Section 72400 or 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 56.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 62.

SEC. 10. Section 72751.5 of the Government Code is amended to read:

72751.5. In each municipal court district having four judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 71.

The clerk may appoint:

(a) Nine deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 29. Appointments to said positions shall be at step 3 of said schedule.

(b) Eleven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 33.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 39.

(d) Six deputy clerks grade IV, plus one additional such deputy clerk for each commissioner or traffic referee appointed pursuant to Section 72400 or 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 56.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 62.

SEC. 11. Section 72752 of the Government Code is amended to read:

72752. In each municipal court district having three judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 70.

The clerk may appoint:

(a) Nine deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 29. Appointments to said positions shall be at step 3 of said schedule.

(b) Eleven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 33.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 39.

(d) Five deputy clerks grade IV, plus one additional such deputy clerk for each commissioner or traffic referee appointed pursuant to Section 72400 or 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 56.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 62.

SEC. 12. Section 72753 of the Government Code is amended to read:

72753. In each municipal court district having two judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 70.

The clerk may appoint:

(a) Six deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 29. Appointments to said positions shall be at step 3 of said schedule.

(b) Eight deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 33.

(c) Six deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 39.

(d) Three deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 56.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 62.

SEC. 13. Section 72754 of the Government Code is amended to read:

72754. In each municipal court district having one judge authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judge of the court, who shall receive a monthly salary at a rate specified in Schedule 68.

The clerk may appoint:

(a) Two deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 29. Appointments to said positions shall be at step 3 of said schedule.

(b) Three deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 33.

(c) Two deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 39.

(d) Two deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 56; provided, however, that one of such deputy clerks grade IV whose regular duties shall include the supervision of clerical

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personnel shall, for the duration of such assignment, receive compensation at the rate of the next higher numbered salary schedule which will increase his basic compensation by one step.

SEC. 14. There are no state-mandated local costs which require reimbursement by the state under Section 2164.3 of the Revenue and Taxation Code because the affected local agency has requested the Legislature to revise state law in accordance with the provisions of this act in order to carry on any program and perform any service required by the act.

CHAPTER 802

An act to amend Section 39107 of, and to add Section 39107.3 to, the Health and Safety Code, relating to air pollution.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 39107 of the Health and Safety Code is amended to read:

39107. Except as otherwise provided in this section, and in Sections 39107.3, 39107.5, and 39107.6, in order for an exhaust emission device to be accredited by the board pursuant to Article 5 (commencing with Section 39175) of this chapter it shall not allow emissions exceeding any of the following:

(a) 350 parts per million hydrocarbons.

(b) 2 percent carbon monoxide.

(c) 800 parts per million nitrogen oxide.

However, if no exhaust emission device meets all three of the maximums specified in subdivisions (a), (b), and (c), the board may accredit an exhaust emission device which meets any two of the three maximums specified, provided that the installation of such device in a motor vehicle would not increase the other emission in excess of the emission of that pollutant by the vehicle in the absence of such a device.

If two or more exhaust emission devices are accredited that meet the requirements of this section, the board may not require the installation of more than one exhaust emission device on any vehicle.

SEC. 2. Section 39107.3 is added to the Health and Safety Code, to read:

39107.3. (a) In addition to accrediting devices which meet the standards set forth in, or established pursuant to, Sections 39107, 39107.5, and 39107.6, the board shall establish standards for accrediting exhaust emission devices which achieve a reduction of the emission of hydrocarbons, carbon monoxide, and oxides of nitrogen from the exhaust of a motor vehicle substantially below the

standards for any two pollutants set forth in, or established pursuant to, Section 39107, 39107.5, or 39107.6.

If, however, an exhaust emission device is shown to substantially reduce the emission of any two of the three pollutants, the board may accredit such a device, so long as the installation of such device in a motor vehicle does not increase the emission of the other pollutant in excess of the emission of that pollutant by the vehicle in the absence of such a device.

(b) Devices accredited pursuant to this section may be accredited without regard to the provisions of subdivision (a) of Section 39177.3 or subdivision (a) of Section 39180.

(c) After one or more such devices are initially accredited, no device shall be accredited pursuant to this section which is substantially less effective than any device previously accredited, unless the board determines, pursuant to a cost-benefit analysis, that such less effective device is also substantially less costly and therefore merits accreditation. Any subsequent accreditation of a more effective device shall not affect the accreditation of a previously accredited device.

(d) The board may permit the installation of a device accredited pursuant to this section in lieu of any approved, certified, or other accredited motor vehicle pollution control device which is required to be installed pursuant to any other provision of state law, if the installation of such device on that particular classification of motor vehicles results in no greater emissions than if the accredited, approved, or certified device were operative over the life of the vehicle. The applicant shall be responsible for proving compliance with this subdivision and with other applicable criteria. Certificates of compliance shall be required upon the installation of a device accredited pursuant to this section and installed pursuant to this subdivision, as if it were a device required by any other provision of state law.

CHAPTER 803

An act to repeal Section 661.1 of the Harbors and Navigation Code, to amend Section 21404 and to repeal Section 21406 of the Public Utilities Code, and to amend Section 17158 of the Vehicle Code, relating to liability.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 661.1 of the Harbors and Navigation Code is repealed.

SEC. 2. Section 21404 of the Public Utilities Code is amended to

read:

21404. Liability of the owner or pilot of an aircraft carrying passengers for injury or death to the passengers is determined by the rules of law applicable to torts on the land or waters of this state, arising out of similar relationships. Every owner of an aircraft is liable and responsible for death or injury to person or property resulting from a negligent or wrongful act or omission in the operation of the aircraft, in the business of the owner or otherwise, by any person using or operating the same with the permission, express or implied, of the owner.

SEC. 3. Section 21406 of the Public Utilities Code is repealed.

SEC. 4. Section 17158 of the Vehicle Code is amended to read:

17158. No person riding in or occupying a vehicle owned by him and driven by another person with his permission has any right of action for civil damages against the driver of the vehicle or against any other person legally liable for the conduct of the driver on account of personal injury to or the death of the owner during the ride, unless the plaintiff in any such action establishes that the injury or death proximately resulted from the intoxication or willful misconduct of the driver.

CHAPTER 804

An act to add Section 4205.5 to the Civil Code, relating to marriage.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 4205.5 is added to the Civil Code, to read:

4205.5. In addition to those persons permitted to solemnize marriages under the provisions of Section 4205, a county may license officials of a nonprofit religious institution, whose articles of incorporation are registered with the Secretary of State, to solemnize the marriages of persons who are affiliated with or are members of the religious institution. The licensee shall possess the degree of doctor of philosophy and must perform religious services or rites for the institution on a regular basis. Such marriages shall be performed without fee to the parties.

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CHAPTER 805

An act to amend Sections 10801.1, 10805, 10813, 17702.5, 20903.5, and 20904 of, and to add Section 10813.1 to, the Education Code, and to amend Section 16130 of the Government Code, relating to school districts, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 10801.1 of the Education Code is amended to read:

10801.1. Effective July 1, 1973, the average daily attendance resulting from an interdistrict attendance agreement shall be credited to the district in which the pupil lives for purposes of determining a revenue limit. In computing the 1972–73 base revenue pursuant to Article 6 (commencing with Section 20902) of Chapter 3 of Division 16, all amounts received in fiscal year 1972–73 by the school district of attendance pursuant to an interdistrict attendance agreement executed pursuant to Section 10801 may be included.

SEC. 2. Section 10805 of the Education Code is amended to read:

10805. If attendance in a district is pursuant to an interdistrict attendance agreement, or if the county board of education determines that the pupil should be permitted to attend in the district in which he desires to attend, the governing board of the district in which the pupil lives shall pay a tuition to the district of attendance, on or before the close of each school year as follows:

(a) For attendance in regular day schools, summer schools, and adult schools and classes, the tuition per average daily attendance, if any, shall not exceed the revenue limit per unit of average daily attendance of the district of attendance.

(b) For attendance in programs for the physically handicapped as defined in Section 6801, the mentally retarded as defined in Section 6902 or 6903, the educationally handicapped as defined in Section 6750, or the mentally gifted as defined in Section 6421, the tuition per unit of average daily attendance shall be no greater than the expenditures per unit of average daily attendance as authorized by statute for that special program less any state and federal allowance per unit of average daily attendance for the program but no less than the appropriate unit foundation program pursuant to Section 17656 or 17664, as modified by subdivision (e) of Section 17301.

(c) For attendance in any other school or class not mentioned in (a) or (b) and for which an interdistrict attendance agreement pursuant to this article has been executed, the tuition, if any, shall be no greater than the revenue limit of the district of attendance.

SEC. 3. Section 10813 of the Education Code is amended to read:

10813. Except as may otherwise be specially provided, the

average daily attendance of all pupils who live in one school district and attend school in another school district shall be credited to the district in which the pupil lives for foundation program apportionment purposes.

The district of attendance shall record and report separately for foundation program purposes the attendance of pupils who live in another school district. When such average daily attendance is credited to a district in which the pupil lives the average daily attendance so credited shall be used to determine additional district foundation program based on the appropriate unit foundation program and such average daily attendance shall not be added to the average daily attendance used in determining any necessary small school allowance for the district in which the pupil lives.

SEC. 4. Section 10813.1 is added to the Education Code, to read:

10813.1. For the purposes of apportionment pursuant to Sections 6426, 18060, 18102 to 18102.9, inclusive, and 18102.11, the average daily attendance of those special pupils who live in one school district and attend school in another district under an interdistrict attendance agreement shall be credited to the district of attendance, and the Superintendent of Public Instruction shall pay the allowances under those sections to the district of attendance.

SEC. 4.3. Section 17702.5 of the Education Code is amended to read:

17702.5. Effective July 1, 1974, any elementary school district located in a county of the 39th class shall be excluded from the application of the provisions of Sections 17680, 17702.2 and Chapter 3.5 (commencing with Section 20910) of Division 16, and shall be deemed to be a single elementary district for purposes of school apportionments and school district property taxation, when all of the following qualifications are met.

(1) It is an elementary district which had an average daily attendance in 1972–73 between 250 and 400, inclusive.

(2) It is an elementary district which has been included in at least two proposals for the formation of a unified district, none of which have been adopted by the electorate of the area.

(3) It is an elementary district which, if treated as a single district for school apportionment purposes, would have been apportioned only basic state aid.

(4) It is an elementary district which, when included in an areawide tax support program for elementary schools, would have been allocated in areawide aid at least forty-five thousand dollars ($45,000) less than the amount produced by the areawide tax in that district.

SEC. 4.5. Section 20903.5 of the Education Code is amended to read:

20903.5. For purposes of Section 20904, for the 1973–74 fiscal year the maximum general purpose tax rate of a unified school district, which district was effective for all purposes on July 1, 1973, and the formation of which was approved by the voters on June 6, 1972, shall

be a rate computed by adding: (1) the rate set out in the ballot proposition for the election which approved the formation of said unified district, (2) such additional rates, not exceeding one dollar and fifty cents ($1.50) for each one hundred dollars ($100) assessed valuation of taxable property in the district, as the district could have levied if those permissive override taxes which are made inoperative by Section 20903 were allowed in fiscal year 1973–74, and (3) an additional rate approved by the State Superintendent of Public Instruction which in his opinion would raise sufficient revenues to offset inflationary factors which have occurred since June 30, 1971.

Each of those districts for which this section provides a maximum general purpose tax rate shall have its revenue limit per unit of average daily attendance for the 1974–75 fiscal year determined from the actual revenue limit per unit of average daily attendance for the 1973–74 fiscal year. The actual revenue limit per unit of average daily attendance for the 1973–74 fiscal year is defined as the sum of: (1) all income from the general purpose tax rate levied in the 1973–74 fiscal year, (2) the actual state aid for the foundation program in 1973–74 fiscal year as determined from the second principal apportionment, (3) any equalization offset tax income received in the 1973–74 fiscal year, and (4) any income from the unsecured roll or prior year taxes received in the 1973–74 fiscal year that are related to the maximum general purpose tax rate, divided by the average daily attendance of the second principal apportionment for the 1973–74 fiscal year.

SEC. 5. Section 20904 of the Education Code is amended to read:

20904. For the purposes of this section, the assessed valuation used in computing revenue limits and the maximum tax rate is defined as the total actual assessed valuation, including business inventory and homeowners exemption and exclusive of the assessed valuation increment used to allocate tax receipts to a redevelopment agency pursuant to Article 6 (commencing with Section 33670) of Chapter 6 Part 1 of Division 24 of the Health and Safety Code.

For the purposes of this section, the revenue limit computational tax rate is defined as the district's fiscal year tax rate exclusive of tax rates provided in Section 1905, 6880.16, 7456 for capital outlay purposes only, 11872 but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, 15517, 15518, 15708, 15709, 16633, 16635, 16645.9, 16750, 19443, 19619, 19683.5, 19687, 19688, 19695, 20801, 20911, or 22101 of the Education Code and Section 5302.5 of the Streets and Highways Code.

In computing the sum of the tax rates pursuant to this section, Section 20808.5 shall be considered a rate upon the elementary district taxed and not on the high school district.

(a) For the 1973–74 fiscal year only, the county superintendent of 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 revenue limit computational tax rate, multiplied by the actual assessed valuation on the secured roll of the district for the 1972–73 fiscal year, and the district's 1971–72 fiscal year revenue limit

computational tax rate, multiplied by the assessed valuation on the unsecured roll 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 Chapter 117 of the Statutes of 1972, (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, and (5) the amount of income from the equalization offset tax pursuant to Section 17263.1.

(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 seventy dollars ($70) 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 in the second principal apportionment 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), excluding Section 17668.5, Article 2.1 (commencing with Section 17671), and subdivision (a) of Section 17951. 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 116 percent of the 1972–73 base revenue per unit of average daily attendance multiplied by the 1973–74 fiscal year estimated foundation program average daily attendance or the 1972–73 base revenue per unit of average daily attendance plus seventy dollars ($70) multiplied by the 1973–74 fiscal year estimated foundation program average daily attendance, whichever is higher. This revenue limit is exclusive of federal funds and state funds except those specified in subdivision (a).

In lieu of the revenue limit determined pursuant to the preceding paragraphs of subdivision (f) a district may request the county superintendent of schools to determine its revenue limit for the 1973–74 fiscal year using either, but not both, of the two following methods: (1) determine the base revenue per average daily

attendance for the 1972–73 fiscal year by including the unused portion of a voted override in the revenue limit computational tax rate, use sixty-five dollars ($65) instead of seventy dollars ($70) as the computational amount in subdivision (d), use 115 percent instead of 116 percent as the computational limit in subdivision (f). For purposes of this paragraph, the unused portion of a voted override shall be determined as the difference between the total of the maximum tax rate approved by an election pursuant to Section 20803 added to the actual tax rates levied, in the same fiscal year during which the election was held, for all other purposes except pursuant to Sections 1905, 7456 for capital outlay only, 11872 but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, 15517, 15518, 15708, 15709, 16633, 16635, 16645.9, 19443, 19619, 19683.5, 19687, 19688, 19695, 20801, 20930, and 22101 of the Education Code, and Section 5302.5 of the Streets and Highways Code, and the actual tax levied for the 1972–73 fiscal year, including the areawide tax rate levied but exclusive of the tax rates levied pursuant to Sections 1905, 7456 for capital outlay only, 11872 but no greater than five cents ($0 05) per one hundred dollars ($100) of assessed valuation, 15517, 15518, 15708, 15709, 16633, 16635, 16645 9, 19443, 19619, 19683.5, 19687, 19688, 19695, 20801, 20930, and 22101 of the Education Code, and Section 5302.5 of the Streets and Highways Code.

(2) Determine the base revenue per average daily attendance for the 1972–73 fiscal year by including an amount equal to the unrestricted balance used to balance income to expenditures in the 1972–73 fiscal year with such amount not to exceed 3 percent of the total expenditures plus tuition excluding debt service and transfers in the General Fund for the 1972–73 fiscal year, use sixty-five dollars ($65) instead of seventy dollars ($70) as the computational amount in subdivision (d), use 115 percent instead of 116 percent as the computational limit in subdivision (f). For purposes of this paragraph, the unrestricted balance shall be determined as the difference when the ending balance, less restricted amounts plus transfers of unrestricted amounts to other funds which remain as ending balances in other funds, is subtracted from the beginning balance, less restricted amounts in the 1972–73 General Fund.

Notwithstanding subdivision (f), if, due to changes in federal legislation or administrative policy, the entitlement under Public Law 81-874 is reduced or discontinued and is not replaced by other federal funding, and if a district experiencing such loss has a revenue limit less than the foundation program, it shall be allowed to increase the revenue limit by an amount equal to the difference between the Public Law 81-874 income per unit of foundation program average daily attendance of the 1972–73 fiscal year and the estimated Public Law 81-874 income per unit of foundation program average daily attendance of the 1973–74 fiscal year, if any, multiplied by the estimated foundation program average daily attendance of the 1973–74 fiscal year. Such increased revenue limit shall not exceed the

foundation program of the 1973–74 fiscal year.

(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, the amount of areawide aid to be received for the 1973–74 fiscal year, and the amount of income to be received from the equalization offset tax pursuant to Section 17263.1.

(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. Such adjustment, together with any rate levied in the 1972–73 fiscal year pursuant to Section 14111, shall not exceed the revenue derived by the tax rate provided in Section 14111.

(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 Chapter 117 of the Statutes of 1972.

(j) From the amount computed in subdivision (i), there shall be subtracted, (1) 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 1905, 7456 for capital outlay purposes only, 11872, 15517, 15518, 15708, 15709, 16633, 16635, 16645.9, 16750, 19443, 19619, 19683.5, 19687, 19688, 19695, 19700.3, 20801, 20911, or 22101 of the Education Code and Section 5302.5 of the Streets and Highways Code and (2) the income from prior year taxes.

(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 after due allowance for delinquencies pursuant to Section 20704. 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 1905, 6880.16, 7456 for capital outlay purposes only, 11872, 15517, 15518, 15708, 15709, 16750, 19443, 19619, 19683.5, 19687, 19688, 19695, 19700.3, 20801, 20911, or 22101 of the Education Code and Section 5302.5 of the Streets and Highways Code. The revenue limit in subdivision (f) notwithstanding, in no case for districts receiving state equalization aid, shall the tax rate 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 a unified school district, except that when the district has levied upon it an areawide tax, such areawide tax rate levied shall be considered first as part of the minimum tax rate limit.

SEC. 6. Section 16130 of the Government Code is amended to read.

16130. (1) 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 Chapter 1406 of the Statutes of 1972, 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 Chapter 1147 of the Statutes of 1972.

For the Early Childhood Education Program, any moneys made available for expenditure under this subdivision in any such fiscal year which are not expended may be carried over into the next succeeding fiscal year, and shall be available for expenditure in such fiscal year in addition to those funds otherwise made available by this section for such year.

(b) For the 1974–1975 fiscal year, he shall transfer eighty-two million dollars ($82,000,000) to be allocated on the basis of the educational need factor formula described in subdivision (a), and forty million dollars ($40,000,000) to finance the Early Childhood Education Program, established by Chapter 1147 of the Statutes of 1972.

For the Early Childhood Education Program any moneys made available for expenditure under this subdivision in any such fiscal year which are not expended may be carried over into the next succeeding fiscal year, and shall be available for expenditure in such fiscal year in addition to those funds otherwise made available by this section for such year.

(c) For the 1975–1976 fiscal year and each fiscal year thereafter, he shall transfer 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.

For the Early Childhood Education Program any moneys made available for expenditure under this subdivision in any such fiscal year which are not expended may be carried over into the next succeeding fiscal year, and shall be available for expenditure in such fiscal year in addition to those funds otherwise made available by this section for such year.

(d) The funds appropriated in this section for purposes of funding Chapter 1147 of the Statutes of 1972 shall be expended on grades kindergarten through 3 only, unless otherwise authorized by the Legislature.

(2) There is hereby appropriated from the General Fund to the Department of Education the sum of two hundred twenty thousand dollars ($220,000) for the administration by the department of the provisions of Chapter 6.1 (commencing with Section 6445) of Division 6 of the Education Code.

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Any moneys made available for expenditure under this subdivision in any fiscal year which are not expended may be carried over into the next fiscal year, and shall be available for expenditure in such fiscal year in addition to those funds otherwise made available.

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:

Chapter 1406 of the Statutes of 1972 and Chapter 207 of the Statutes of 1973 enacted comprehensive provisions relating to the financial support of the public schools. Certain provisions of these acts have unintended and harmful consequences. In order to alleviate this burden upon the school districts of the state at the earliest possible time and to fully effectuate the intent of the Legislature, it is necessary that this act take effect immediately.

CHAPTER 806

An act to amend Section 23818 of the Business and Professions Code, to amend Sections 13073, 25001, 26203, 28084, 35702, 35802, 40200, 40203, 40205, 40231, 40234, and 40236 of, to add Section 13073.5 to the Government Code, to amend Section 1101 of the Health and Safety Code, to amend Sections 11005 and 30462 of the Revenue and Taxation Code, and to amend Section 2017 of the Streets and Highways Code, relating to planning and research.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 23818 of the Business and Professions Code is amended to read:

23818. Population, for the purpose of Sections 23816 and 23817, shall be determined by the most recent United States decennial or special census or a subsequent census validated by the Population Research Unit of the Department of Finance.

SEC. 2. Section 13073 of the Government Code is amended to read:

13073. Within the Department of Finance, there is the Population Research Unit. The purposes of the unit include, but are not limited to, the following:

(a) Providing adequate demographic data to aid effective state and local planning and policymaking.

(b) Serving all levels of government and the private sector as the centralized state source of demographic data.

(c) Assuring equitable classification of cities and counties according to population to provide equitable distribution of funds

and tax rate limits.

(d) Rendering advisory, investigational, or other similar service of relevance to the establishment of population and its composition to any city, county, district, association of cities, counties, districts or any other political subdivision or the federal government upon such terms and conditions as may be satisfactory to the director, provided that the state shall be reimbursed for all costs incurred in performing services authorized by this subdivision.

SEC. 3. Section 13073.5 is added to the Government Code, to read:

13073.5. The Population Research Unit shall:

(a) Develop basic demographic data and statistical compilations, which may include current population survey and a middecade census.

(b) Design and test methods of research and data collection.

(c) Conduct local population estimates as required by law.

(d) Validate all official census data and population statistics.

(e) Analyze and prepare projections of enrollments in public schools, colleges, and universities.

(f) Analyze governmental records to establish characteristics of migration and distribution.

(g) Publish annual estimates of the population of the state and its composition.

(h) Prepare short- and long-range projections of population and its composition.

(i) Provide advisory services to state agencies and other levels of government.

(j) Conduct or contract for a feasibility study for a current population survey. The unit shall report its findings and recommendations with respect to the study to the Governor and the Legislature prior to August 1, 1974. The scope of study:

1. Study demographic, social, and economic data needs of public and private agencies—including, as appropriate, those of state and local government, regional agencies, special districts, public utilities, and financial institutions.

2. Determine what types of data should be collected on an ongoing basis, special survey process, and through a full census and the degree of confidence for samples of various sizes.

3. Describe alternatives in carrying out a current population survey. Determine the role of the United States Bureau of the Census, including possible expansion of the current population survey, and any costs to the state.

4. Determine monetary savings and other benefits to be derived from improved demographic data.

5. Identify operational costs for the various alternatives and potential funding.

SEC. 4. Section 25001 of the Government Code is amended to read:

25001. Following each decennial federal census, and using

population figures as validated by the Population Research Unit of the Department of Finance as a basis, the board shall adjust the boundaries of any or all of the supervisorial districts of the county so that the districts shall be as nearly equal in population as may be. In establishing the boundaries of the districts the board may give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests of the districts.

SEC. 5. Section 26203 of the Government Code is amended to read:

26203. In years other than those in which a census is taken by the United States, the board of supervisors by ordinance may cause a census of the county or any district therein to be taken which shall be validated by the Population Research Unit of the Department of Finance. The board of supervisors shall cause a census of a judicial district to be taken upon presentation to it of a petition signed by not less than 40 percent of the qualified electors residing in the district whose names appear upon the great register of the county at the last general election. The persons taking the census shall enumerate all the inhabitants of the county or district. The census shall be validated by the Population Unit. The expenses of taking such census is a county charge.

SEC. 6. Section 28084 of the Government Code is amended to read:

28084. The board of supervisors of a newly created county shall fix the numerical population of the county which figure shall be validated by the Population Research Unit of the Department of Finance.

SEC. 7. Section 35702 of the Government Code is amended to read:

35702. For the purposes of this article, the last federal census or a subsequent census validated by the Population Research Unit in the Department of Finance shall determine which city has the largest population. If any of the cities has been incorporated subsequent to the last federal census or a subsequent census validated by the Population Research Unit in the Department of Finance, the city in which the largest vote was cast at the last preceding general state election shall be deemed to have the largest population.

SEC. 8. Section 35802 of the Government Code is amended to read:

35802. For the purposes of this article, the last federal census or a subsequent census validated by the Population Research Unit in the Department of Finance shall determine which city has the largest population. If any of the cities has been incorporated subsequent to the last federal census or a subsequent census validated by the Population Research Unit in the Department of Finance, the one with the largest number of electors, as shown by the county registration of electors is deemed to have the largest

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population.

SEC. 9. Section 40200 of the Government Code is amended to read:

40200. Pursuant to this article, the legislative body may take a census of the city between the years of taking the federal census Such census shall be validated by the Population Research Unit of the Department of Finance.

SEC. 10. Section 40203 of the Government Code is amended to read:

40203. The persons taking the census shall enumerate all the inhabitants of the city.

SEC. 11. Section 40205 of the Government Code is amended to read:

40205. Upon receipt of the verified census, the clerk shall make a certified copy. Thereafter it is the official census of the city.

SEC. 12. Section 40231 of the Government Code is amended to read:

40231. The legislative body may adopt a resolution providing that a census be taken in the city to establish the population in years other than those in which a federal census is taken. Such census shall be validated by the Population Research Unit of the Department of Finance.

SEC. 13. Section 40234 of the Government Code is amended to read:

40234. The city clerk shall prepare a certified copy of the final census report. Thereafter it is the official census of the city for the purposes of this article.

SEC. 14. Section 40236 of the Government Code is amended to read:

40236. For the purposes of this article, any enumeration of population made by the United States Bureau of Census in any year other than that in which a decennial census is taken establishes the population of any city. A copy of such determination of population shall be filed in the Population Research Unit of the Department of Finance and thereafter is the official census of the city for the purposes of this article.

SEC. 15. Section 1101 of the Health and Safety Code is amended to read:

1101. "Population," for the purpose of this chapter, shall be determined by the most recent United States decennial census; provided, however, whenever it appears to the State Department of Health that the population of any city, county, or city and county has changed sufficiently to warrant adjustment, the State Department of Health for purposes of this chapter may request the Population Research Unit of the Department of Finance to determine the population for cities, counties, and cities and counties.

SEC. 16. Section 11005 of the Revenue and Taxation Code is amended to read:

11005. After payment of refunds therefrom and after making the

deductions authorized by Section 11003 and reserving such amount as is determined by the Pooled Money Investment Board to be necessary to meet the transfers ordered or proposed to be ordered pursuant to Section 16310 of the Government Code, at least 90 percent of the balance of all motor vehicle license fees and any other money appropriated by law for expenditure pursuant to this section and deposited to the credit of the Motor Vehicle License Fee Account in the Transportation Tax Fund and remaining unexpended therein at the close of business on the last day of the calendar month shall be transferred to the credit of a special account in the General Fund and allocated by the Controller by the 10th day of the following month in the following manner:

(a) Fifty percent thereof shall be paid to the cities and cities and counties of this state in the proportion that the population of each city or city and county bears to the total population of all cities and cities and counties in this state, as determined by the Population Research Unit of the Department of Finance. For the purpose of this subdivision the population of each city or city and county is that determined by the last federal census or a subsequent census validated by the Population Research Unit of the Department of Finance. In the case of a city incorporated subsequent to the last census, or in the case of an inhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the city or the annexed territory by multiplying the number of registered electors therein by two. In the case of uninhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the annexed territory, by the use of any federal decennial or special census or estimate pursuant to Section 2107.2 of the Streets and Highways Code by which the population of the annexed territory was counted, or, if no such other estimate or census was made, by multiplying the number of registered electors therein by two two years after the completion of annexation proceedings or at such earlier time as the legislative body may request. In the case of the consolidation of one city with another subsequent to the last census the population of the consolidated city for the purpose of this subdivision is the aggregate population of the respective cities as determined by the last federal census or a subsequent census validated by the Population Research Unit of the Department of Finance.

(b) Fifty percent thereof shall be paid to the counties and cities and counties of the state in the proportion that the population of each county or city and county bears to the total population of all the counties and cities and counties of the state, as determined by the Population Research Unit of the Department of Finance. For the purpose of this subdivision the population of each county or city and county is that determined by the last federal census, or as determined by Section 11005.6 or subsequent census validated by the Population Research Unit of the Department of Finance.

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(c) Money disbursed by the Controller pursuant to this section may be used for county or city purposes and may, but need not necessarily, be used for purposes of general interest and benefit to the state.

SEC. 17. Section 30462 of the Revenue and Taxation Code is amended to read:

30462. All money deposited in the Cigarette Tax Fund under this part is hereby appropriated, subject to the provisions of any budget bill heretofore or hereafter enacted and Section 11006 of the Government Code, and shall, upon order of the State Controller, be drawn therefrom and allocated for the following purposes:

(a) To pay the refunds authorized by this part.

(b) To the Controller an amount not to exceed one hundred fifty thousand dollars ($150,000) in each fiscal year.

(c) For transfer to the credit of a special account in the General Fund, an amount equal to 30 percent of the money in the fund which is derived from taxes imposed on and after October 1, 1967, less 30 percent of the cost of administering this part, such money to be disbursed by the Controller on or before December 15, 1967, and on the 15th day of each month thereafter to each city and county in this state in the following manner:

(1) The money to be allocated pursuant to this subdivision shall first be divided into two separate accounts, one for the cities and counties and counties of this state and one for the cities of this state. In order to determine the amount of money in each account, the Controller shall first determine the amount due each county, city and county and city in this state in the proportion that sales tax revenues transmitted pursuant to Part 1.5 (commencing with Section 7200) of this division to each such city, city and county and in the unincorporated territory of a county bear to the total of such revenue in the state. In making such determinations, the Controller shall not consider any revenues derived from that portion of the taxes imposed by the county at a rate in excess of 1 percent pursuant to Part 1.5 (commencing with Section 7200) of this division. The amount due each county and city and county shall be allocated in accordance with this formula and the amount due each city shall be allocated pursuant to paragraph (2) or paragraph (3) of this subdivision.

(2) Upon the application of any city for an allocation pursuant to this paragraph, the Controller shall determine the amount of revenue derived from the city's selective local tax on, or with respect to, the sale, distribution, use, consumption, or holding of cigarettes or any other tobacco product during the 1966–1967 fiscal year, or which would have been derived from such tax if the rate in effect on August 1, 1967, had been in effect throughout such fiscal year. This amount shall be adjusted, beginning on July 1, 1969, by the percentage by which the cigarette tax revenues have increased or decreased. For the 1969–1970 fiscal year the percentage shall be derived by comparing the revenues deposited in the Cigarette Tax

Fund during the period January 1 through June 30, 1969, with those deposited during the period January 1 through June 30, 1968. For the 1970–1971 fiscal year and each fiscal year thereafter, the percentage shall be derived by comparing revenues deposited in the Cigarette Tax Fund during the preceding fiscal year with those deposited during the entire 1968–1969 fiscal year. The amount computed after applying the percentage factor shall then be reduced by deducting the cost to the city of administering and collecting any such tax for the 1966–1967 fiscal year. If such amount, when divided by 12, is more than the amount which would be disbursed to the city at the time of the next allocation pursuant to paragraph (3) of this subdivision, an amount equal to the amount which such city would have netted from its own tax shall be allocated to such city each month pursuant to this paragraph from the account established for cities in paragraph (1), and no allocation shall be made to such city pursuant to paragraph (3) until such time as the city rescinds its right to receive an allocation under this paragraph. A city which has rescinded such right may not, thereafter, file another application for an allocation pursuant to this paragraph. No city shall be eligible for a subvention pursuant to this paragraph unless, on August 1, 1967, it in fact imposed a selective local tax on, or with respect to, the sale, distribution, use, consumption or holding of cigarettes or any other tobacco product.

(3) (A) After making any allocations required by paragraph (2) of this subdivision, 50 percent of the revenue remaining in the account for the cities of this state shall be allocated to the remaining cities in the proportion that sales tax revenues transmitted pursuant to Part 1.5 (commencing with Section 7200) of this division to each remaining city bears to the total of such revenue transmitted to all remaining cities.

(B) Fifty percent thereof shall be paid to the cities receiving an allocation under this paragraph in the proportion that the population of each such city bears to the total population of all cities in this state receiving an allocation under this paragraph, as determined by the Controller. For the purpose of this subdivision the population of each city is that determined in the manner specified in Section 11005 of this code.

(d) The balance remaining in the fund shall be transferred to the General Fund of this state.

The allocation provided for in subdivision (c) shall not be made to any county, or city which, after October 1, 1967, imposes a selective local tax on, or with respect to, the sale, distribution, use, consumption, or holding of cigarettes or any other tobacco product.

Moneys disbursed pursuant to subdivision (c) of this section may be used for county, city and county, or city purposes, and may, but need not necessarily, be used for purposes of general interest and benefit to the state.

SEC. 18. Section 2107 of the Streets and Highways Code is amended to read:

2107. A sum equal to 72.5 percent of one cent ($0.00725) per gallon tax under the Motor Vehicle Fuel License Tax Law shall be apportioned monthly to the cities and cities and counties of this state from the Highway Users Tax Fund as provided in this section.

From such amount, the Controller shall allocate annually to each city which has filed a report containing the information prescribed by subdivision (c) of Section 2152 and which had expenditures in excess of five thousand dollars ($5,000) during the preceding fiscal year for snow removal, an amount equal to one-half of the amount of its expenditures for snow removal in excess of five thousand dollars ($5,000) during such fiscal year.

The balance of such apportionments from the Highway Users Tax Fund shall be made to each city, including city and county, in the proportion that the total population of such city bears to the total population of all cities in this state. For the purpose of this section the population in each city is that determined by the last preceding federal census or a subsequent census validated by the Population Research Unit of the Department of Finance. In the case of a city incorporated subsequent to the last census, or in the case of inhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the city, or of the annexed territory, by multiplying the number of registered electors therein by two or, at the election of the city, the population of annexed territory may be ascertained pursuant to Section 2107.2. In the case of uninhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the annexed territory, by the use of any federal decennial or special census or an estimate pursuant to Section 2107.2 by which the population of the annexed territory was counted, or, if no such other estimate or census was made, by multiplying the number of registered electors therein by two two years after the completion of annexation proceedings or at such earlier time as the legislative body may request.

CHAPTER 807

An act to amend Section 1797.3 of the Civil Code, relating to mobilehome warranties.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 1797.3 of the Civil Code is amended to read:

1797.3. The mobilehome warranty from the manufacturer or dealer to the buyer shall be set forth in a separate written document entitled "Mobilehome Warranty," shall be delivered to the buyer by

the dealer at the time the contract of sale is signed, and shall contain, but is not limited to, the following terms:

(a) That the mobilehome is free from any substantial defects in materials or workmanship.

(b) That the manufacturer or dealer or both shall take appropriate corrective action at the site of the mobilehome in instances of substantial defects in materials or workmanship which become evident within one year from the date of delivery of the mobilehome to the buyer, provided the buyer or his transferee gives written notice of such defects to the manufacturer or dealer at their business address not later than 1 year and 10 days after date of delivery.

(c) That the manufacturer and dealer shall be jointly and severally liable to the buyer for the fulfillment of the terms of warranty, and that the buyer may notify either one or both of the need for appropriate corrective action in instances of substantial defects in materials or workmanship.

(d) That the address and the phone number of where to mail or deliver written notices of defects shall be set forth in the document.

(e) That the one-year warranty period applies to the structures, plumbing, heating, electrical systems and all appliances and other equipment installed and included therein by the manufacturer or dealer.

(f) That while the manufacturers of any or all appliances may also issue their own warranties, the primary responsibility for appropriate corrective action under the warranty rests with the dealer and manufacturer, and the buyer should report all complaints to the dealer and manufacturer initially.

CHAPTER 808

An act to amend Section 2 of Chapter 1192 of the Statutes of 1971, relating to state employees.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of Chapter 1192 of the Statutes of 1971 is amended to read:

Sec. 2. This act shall be operative until December 31, 1974, and thereafter shall be of no force or effect.

CHAPTER 809

An act to amend Section 23356.1 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 25, 1973. Filed with Secretary of State September 25, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 23356.1 of the Business and Professions Code is amended to read:

23356.1. (a) A winegrower's license also authorizes the person to whom issued to conduct winetastings of wine produced or bottled by, or produced and packaged for, such licensee, either on or off the winegrower's premises.

(b) Notwithstanding any other provisions of this division, a winegrower who, prior to July 1, 1970, had, at his premises of production, sold to consumers for consumption off the premises domestic wine other than wine which was produced or bottled by, or produced and packaged for, such licensee, and which was not sold under a brand or trade name owned by such licensee, and who had, prior to July 1, 1970, conducted winetastings of such domestic wine at his licensed premises, is authorized to continue to conduct such winetasting and selling activities at such licensed premises.

(c) A winegrower who was licensed as such prior to July 1, 1954, and who prior to July 1, 1970 had, at his licensed premises, sold to consumers for consumption off the premises, wine packaged for and imported by him, and who conducted winetastings of such wines at his licensed premises, may continue to conduct such winetasting and selling activities at such licensed premises.

(d) The department may adopt such rules as it determines to be necessary for the administration of this section.

CHAPTER 810

An act to amend Section 1269b of, to repeal Sections 1269c, 1276, and 1320.5 of, and to add Section 1269c to, the Penal Code, relating to bail.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 1269b of the Penal Code is amended to read:

1269b. The officer in charge of a jail wherein an arrested person is held in custody, an officer of a sheriff's department or police department of a city who is in charge of a jail or employed at a fixed

police or sheriff's facility and is acting under an agreement with the agency which keeps the jail wherein an arrested person is held in custody, the clerk of the justice or municipal court of the judicial district in which the offense was alleged to have been committed, and the clerk of the superior court in which the case against the defendant is pending shall have authority to approve and accept bail in such amount as fixed by the warrant of arrest or schedule of bail or order admitting to bail in cash or surety bond executed by a certified, admitted surety insurer as provided in the Insurance Code, to issue and sign an order for the release of the arrested person, and to set a time and place for the appearance of the arrested person before the appropriate court and give notice thereof, as follows:

(a) For appearance before the court of an arrested person who has been arrested for having committed a felony, misdemeanor or infraction and is being held in custody prior to the filing of a formal complaint, indictment or information, and for appearance before the court of a defendant charged with a felony, misdemeanor, or infraction by a formal complaint, indictment or information filed in the court. If a defendant has appeared before a judge of the court on the charge contained in the complaint, indictment, or information the bail shall be in the amount fixed by such judge at the time of such appearance; if no such appearance has been made the bail shall be in the amount fixed in the warrant of arrest or, if no warrant of arrest has been issued, the amount of bail shall be pursuant to a schedule of bail in such case previously fixed and approved as provided in subdivision (b).

(b) It is the duty of the superior, municipal and justice court judges in each county to prepare and adopt, by a majority vote, at a meeting called by the presiding judge of the superior court of the county, a uniform countywide schedule of bail for all bailable felony offenses. It is the duty of the municipal and justice court judges in each county to prepare and adopt, by a majority vote, at a meeting called by the presiding judge of the municipal court at each county seat, a uniform, countywide schedule of bail for all misdemeanor and infraction offenses. Each schedule shall contain a list of such offenses and the amounts of bail applicable thereto as the judges determine to be appropriate. If the schedules do not list all offenses specifically, they shall contain a general clause for designated amounts of bail as the judges of the county determined to be appropriate for all such offenses not specifically listed in the schedules. The schedules of bail may be revised from time to time by the judges of the county, and one or more meetings of judges for this purpose may be called by the presiding judges of the superior and municipal courts located at each county seat. A copy of the bail schedules shall be sent to the officer in charge of the county jail and to the officer in charge of each city jail within the county and to each superior, municipal and justice court judge and commissioner.

(c) Upon posting such bail the defendant or arrested person shall be discharged from custody as to the offense on which the bail is

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posted.

All money and surety bonds so deposited with such officer shall be transmitted immediately to the judge or clerk of the court by which the order was made or warrant issued or bail schedule fixed. If, in the case of felonies, an indictment is filed, such judge or clerk of the court shall transmit all such money and surety bonds to the county clerk.

(d) If a defendant or arrested person so released fails to appear at the time and in the court so ordered upon his release from custody, the court before which he was ordered to appear may forfeit the cash bail or surety bond and if the bail is a surety bond the surety company is obligated as provided by Section 1306 of the Penal Code, subject to the right of the court to set aside the forfeiture as provided by law.

(e) For the appearance before the proper court of a person who has been arrested for an offense on a warrant issued in a county of this state other than the county where such person is held in custody.

SEC. 2. Section 1269c of the Penal Code is repealed.

SEC. 3. Section 1269c is added to the Penal Code to read:

1269c. In any case in which a defendant is arrested without a warrant for a bailable felony offense and a peace officer has reasonable cause to believe that the amount of bail set forth in the schedule of bail for that offense is insufficient to assure defendant's appearance, the peace officer shall prepare a declaration under penalty of perjury setting forth the facts and circumstances in support of his belief and file it with a magistrate, as defined in Section 808, in the county in which the offense is alleged to have been committed or having jurisdiction of the person of defendant, or a commissioner of such magistrate, requesting an order setting a higher bail. The defendant, either personally or through his attorney, friend, or member of family, also may make application to such magistrate for release on bail lower than that provided in the schedule of bail or on his own recognizance. The magistrate or commissioner to whom such application is made is authorized to set bail in such amount as he deems sufficient to assure the defendant's appearance, and to set such bail on such terms and conditions as he, in his discretion, deems appropriate, or he may authorize the defendant's release on his own recognizance. If, after such an application is made, no order changing the amount of bail is issued within eight hours after booking, the defendant shall be entitled to be released on posting the amount of bail set forth in the applicable bail schedule.

SEC. 4. Section 1276 of the Penal Code is repealed.

SEC. 5. Section 1320.5 of the Penal Code is repealed.

SEC. 6. Notwithstanding Section 2164.3 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because there are minor savings as well as minor costs in this act which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 811

An act to amend Sections 73642, 73643, 73952, 73953, 74342, 74343, 74343.1, 74343.2, 74343.4, 74343.5, 74357, 74361, 74364, 74369, and 74374 of, and to add Section 73644 to, the Government Code, relating to courts.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 73642 of the Government Code is amended to read:

73642. There shall be one clerk who shall be appointed by the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 50 of the salary schedule provided in Section 74343.1. In no event shall the salary of the clerk be less than ten (10) schedule ranges higher than that specified for the position of chief deputy clerk.

SEC. 2. Section 73643 of the Government Code is amended to read:

73643 The clerk may appoint with the approval of the judges:

(a) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule No. 45.

(b) Eleven deputy clerks IV, each of whom shall receive a monthly salary at a rate specified in Schedule No. 38.

(c) Thirteen deputy clerks III, each of whom shall receive a monthly salary at a rate specified in Schedule No. 33.

(d) Twelve deputy clerks II, each of whom shall receive a monthly salary at a rate specified in Schedule No. 30.

(e) Twelve deputy clerks I, each of whom shall receive a monthly salary at a rate specified in Schedule No. 26.5. Appointments to this position shall be at step B of the schedule.

(f) Four deputy clerks who shall be keypunch operators, each of whom shall receive a monthly salary at a rate specified in Schedule No. 29. The deputy clerk assigned as supervising keypunch operator shall receive a monthly salary at a rate two (2) schedules higher than that which such deputy clerk keypunch operator was receiving prior to such assignment.

(g) Any person occupying a position specified in subdivision (b), (c), (d), or (e) and performing as a certified interpreter shall be paid at a monthly rate which shall be three salary ranges higher than that specified for the position as set forth in Section 74343.1, except that no more than two such certified interpreters shall be so compensated at any one time.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1, and the provisions of subdivisions (a), (b), (c), (d), and (e) of that section are applicable

to the attachés appointed pursuant to this section.

SEC. 2.5. Section 73644 is added to the Government Code, to read:

73644. By order entered in the minutes of the court, a majority of judges of the court may appoint one judicial secretary to be known as judicial secretary of the court. The judicial secretary shall receive a monthly salary at a rate specified in Schedule No. 34.5 of the salary schedule provided in Section 74343.1, commencing at step D at initial employment and advancing to step E at the end of one year of continuous service.

The position of judicial secretary shall be deemed comparable to the position of assistant secretary authorized by Section 69892. Whenever the salary of assistant secretary is adjusted by the board of supervisors, a commensurate adjustment shall be made to the salary of judicial secretary and shall be effective on the same date as the effective date of the assistant secretary salary adjustment. But any such adjustment shall not be more than 20 percent higher or 20 percent lower than the range specified by this section and shall be effective only until 60 days after the final adjournment of the 1975–76 Regular Session of the Legislature.

SEC. 3. Section 73952 of the Government Code is amended to read:

73952. There shall be one clerk, who shall be appointed by the majority of judges of the court and who shall receive a monthly salary at a rate specified in Schedule No. 50 of Section 74343.1. In no event shall the salary of the clerk be less than 10 schedule ranges higher than that specified for the position of chief deputy.

SEC. 4. Section 73953 of the Government Code is amended to read:

73953. The clerk may appoint:

(a) One chief deputy who shall receive a monthly salary at a rate specified in Schedule No. 45.

(b) One supervising deputy clerk who shall receive the monthly salary specified in Schedule No. 41.

(c) Eight deputy clerks IV, each of whom shall receive the monthly salary specified in Schedule No. 38.

(d) Sixteen deputy clerks III, each of whom shall receive the monthly salary specified in Schedule No. 33.

(e) Thirteen deputy clerks II, each of whom shall receive the monthly salary specified in Schedule No. 30.

(f) Eleven deputy clerks I, each of whom shall receive the monthly salary specified in Schedule No. 26.5. Appointments to such positions shall be at step B of the schedule.

(g) Two keypunch operators, each of whom shall receive the monthly salary specified in Schedule No. 29.

(h) One deputy clerk who shall be a stenographer and who shall receive a monthly salary at a rate specified in Schedule No. 32.5.

(i) Any person occupying a position specified in subdivision (b), (c), (d), (e) or (f) and performing as a certified interpreter shall be

paid at a monthly rate which shall be three salary ranges higher than that specified for the position as set forth in Section 74343.1, except that no more than four such certified interpreters shall be so compensated at any one time.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1. The provisions of subdivisions (a), (b), (c), (d) and (e) of that section apply to the attachés appointed pursuant to this section. In no event shall the salary of the clerk or any deputy clerk who occupied his position on the day prior to the effective date of this section be less than his salary on such day.

SEC. 5. Section 74342 of the Government Code is amended to read:

74342. There shall be one clerk who shall be appointed by a majority of the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 57.5 of the salary schedule provided in Section 74343.1. In no event shall the compensation of the clerk be less than 12 schedule ranges higher than that specified for the position of assistant clerk.

SEC. 6. Section 74343 of the Government Code is amended to read:

74343. The clerk may appoint:

(a) One assistant clerk, with the consent of a majority of the judges of the court, who shall be empowered to act in the place and stead of the clerk in the event that the clerk is absent or unavailable for any reason and who shall receive a monthly salary at a rate specified in Schedule 51.5. In no event shall the compensation of the assistant clerk be less than 15 schedule ranges higher than that specified for the position of chief clerk.

(b) Five deputy clerks who shall be chief clerks in the administrative, civil, criminal, traffic, and accounting divisions of the court, and who shall receive a monthly salary at the rate specified in Schedule 44.

(c) Five deputy clerks who shall be assistant chief clerks of division and who shall receive a monthly salary at a rate specified in Schedule 41.

(d) Four supervising deputy clerks who shall receive a monthly salary at a rate specified in Schedule 39.5.

(e) Thirty-nine deputy clerks IV, each of whom shall receive a monthly salary at a rate specified in Schedule 38.

(f) One deputy clerk supervising keypunch operator who shall receive a monthly salary at a rate specified in Schedule 32.

(g) Thirty-seven deputy clerks III, each of whom shall receive a monthly salary at a rate specified in Schedule 33.

(h) Forty-three deputy clerks II, each of whom shall receive a monthly salary at a rate specified in Schedule 30.

(i) Sixty-five deputy clerks I, each of whom shall receive a monthly salary at a rate specified in Schedule 26.5.

Appointments to such positions shall be at step B of the schedule. In no event shall the monthly salary of deputy clerks I holding positions on the effective date of the 1971 amendment be less than step B of the salary schedule.

(j) Eleven deputy clerks who shall be keypunch operators and who shall receive a monthly salary at a rate specified in Schedule 29.

(k) The seven deputy clerks assigned by the clerk of the court as clerks in the presiding department, traffic arraignment departments (two deputies), special proceedings department, and setting and motion department, while serving in those capacities, shall receive a monthly salary at a rate two schedules higher than that which such deputy clerks were receiving prior to such assignment. The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1.

SEC. 7. Section 74343.1 of the Government Code is amended to read:

74343.1. Whenever reference to a numbered salary schedule is made in any section of this article, the following schedule of monthly salaries shall apply:

Range and schedule number	A	B	C	D	E
22	$378	$397	$417	$438	$460
22.5	387	407	427	449	471
23	397	417	438	460	483
23.5	407	427	449	471	495
24	417	438	460	483	507
24.5	427	449	471	495	519
25	438	460	483	507	532
25.5	449	471	495	519	545
26	460	483	507	532	559
26.5	471	495	519	545	573
27	483	507	532	559	587
27.5	495	519	545	573	601
28	507	532	559	587	616
28.5	519	545	573	601	631
29	532	559	587	616	647
29.5	545	573	601	631	663
30	559	587	616	647	679
30.5	573	601	631	663	696
31	587	616	647	679	713
31.5	601	631	663	696	731
32	616	647	679	713	749
32.5	631	663	696	731	767
33	647	679	713	749	786
33.5	663	696	731	767	805
34	679	713	749	786	825

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34.5	696	731	767	805	845
35	713	749	786	825	866
35.5	731	767	805	845	887
36	749	786	825	866	909
36.5	767	805	845	887	931
37	786	825	866	909	954
37.5	805	845	887	931	978
38	825	866	909	954	1,002
38.5	845	887	931	978	1,027
39	866	909	954	1,002	1,052
39.5	887	931	978	1,027	1,078
40	909	954	1,002	1,052	1,105
40.5	931	978	1,027	1,078	1,132
41	954	1,002	1,052	1,105	1,160
41.5	978	1,027	1,078	1,132	1,189
42	1,002	1,052	1,105	1,160	1,218
42.5	1,027	1,078	1,132	1,189	1,248
43	1,052	1,105	1,160	1,218	1,279
43.5	1,078	1,132	1,189	1,248	1,311
44	1,105	1,160	1,218	1,279	1,343
44.5	1,132	1,189	1,248	1,311	1,376
45	1,160	1,218	1,279	1,343	1,410
45.5	1,189	1,248	1,311	1,376	1,445
46	1,218	1,279	1,343	1,410	1,481
46.5	1,248	1,311	1,376	1,445	1,518
47	1,279	1,343	1,410	1,481	1,555
47.5	1,311	1,376	1,445	1,518	1,594
48	1,343	1,410	1,481	1,555	1,633
48.5	1,376	1,445	1,518	1,594	1,674
49	1,410	1,481	1,555	1,633	1,715
49.5	1,445	1,518	1,594	1,674	1,758
50	1,481	1,555	1,633	1,715	1,801
50.5	1,518	1,594	1,674	1,758	1,846
51	1,555	1,633	1,715	1,801	1,891
51.5	1,594	1,674	1,758	1,846	1,938
52	1,633	1,715	1,801	1,891	1,986
52.5	1,674	1,758	1,846	1,938	2,035
53	1,715	1,801	1,891	1,986	2,085
53.5	1,758	1,846	1,938	2,035	2,137
54	1,801	1,891	1,986	2,085	2,189
54.5	1,846	1,938	2,035	2,137	2,243
55	1,891	1,986	2,085	2,189	2,298
55.5	1,938	2,035	2,137	2,243	2,355
56	1,986	2,085	2,189	2,298	2,413
56.5	2,035	2,137	2,243	2,355	2,473
57	2,085	2,189	2,298	2,413	2,534
57.5	2,137	2,243	2,355	2,473	2,588
58	2,189	2,298	2,413	2,534	2,661
58.5	2,243	2,355	2,473	2,588	2,727

59	2,298	2,413	2,534	2,661	2,794
59.5	2,355	2,473	2,588	2,727	2,863
60	2,413	2,534	2,661	2,794	2,934
60.5	2,473	2,588	2,727	2,863	3,007
61	2,534	2,661	2,794	2,934	3,081
61.5	2,588	2,727	2,863	3,007	3,158
62	2,661	2,794	2,934	3,081	3,235
62.5	2,727	2,863	3,007	3,158	3,316

(a) Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall, for the first six months of service, receive monthly the rate of compensation specified in step A of the salary schedule for the position to which he is appointed. Upon the first day of the month following six months continuous service in step A, the initial rate of compensation of such person shall be increased to step B of the salary schedule for the position occupied. Upon the first day of the month following six months continuous service in step B, the initial rate of compensation of such person shall be increased to step C of the salary schedule for the position occupied. On and after the first day of the month following six months of continuous service at step C, such compensation shall be increased to step D of the salary schedule. On and after the first day of the month following 12 months of continuous service at step D, such compensation shall be increased to step E of the salary schedule.

(b) When any person in the service of the County of San Diego or in the service of another municipal court in San Diego County is appointed to a position in the service of the court compensated at a higher salary range than the salary range for the position relinquished or when any person in the service of the court is appointed or promoted to another position in such service compensated at a higher numbered schedule, he shall receive step A of such schedule if step A is at least one step higher than the salary received in the position relinquished; but if not, he shall receive initially that step schedule pertaining to such position which will provide a one-step increase in his compensation.

(c) Officers and attachés may be voluntarily transferred from a position in the service of a court in one judicial district to a position in the service of a court in another judicial district within the County of San Diego, from a position in the service of the County of San Diego to a position in the service of a court or between the offices of clerk and marshal within the same judicial district in the same manner that classified employees of the County of San Diego may be transferred between departments of the county. In determining the step of the salary range at which such transferred employee shall be paid, the employee may be given credit for continuous prior service in the service of the court or the County of San Diego from which he was transferred.

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(d) When any person in the service of the court is demoted to another position he shall receive compensation at the highest step of the salary schedule applicable to the position to which he is demoted which provides a salary not higher than that previously received by such person, except that if such demotion is due to disciplinary action, the appointing power may specify any step rate of such schedule which provides compensation not higher than that last previously received by such person.

(e) The hereinafter enumerated classes of positions in the court are deemed to be comparable in job level to certain classifications in the classified civil service of San Diego County and whenever the salaries of such classifications in the service of San Diego County are adjusted by the board of supervisors, the salaries of the comparable classifications in the clerk's office shall be adjusted a commensurate percentage in the salary schedule. Such adjustment shall not be more than 20 percent higher or 20 percent lower than the ranges specified in this article. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to the county classifications. In the event that the salary of any of the San Diego County classifications listed in this section are adjusted by the board of supervisors on any date prior to the effective date of any amendments to this article enacted by the Legislature at the 1973–74 Regular Session of the Legislature, commensurate adjustments shall be applied to the salaries of the comparable classifications in the clerk's office, such adjustments to take effect on the effective date of any amendments of this article enacted at the 1973–74 Regular Session of the Legislature. Any salary adjustments made as a result of this section shall be effective only until January 1, 1976.

The comparable classifications are as follows:

Municipal court classification	County classification
Chief deputy	Superior court clerk
Deputy clerk, chief clerk	Superior court clerk
Deputy clerk, assistant chief clerk	Superior court clerk
Deputy clerk I	Junior clerk
Deputy clerk II	Intermediate clerk
Deputy clerk III	Senior clerk
Deputy clerk IV	Superior court clerk
Supervising deputy clerk	Superior court clerk
Supervising keypunch operator	Supervising keypunch operator
Keypunch operator	Keypunch operator
Court interpreter	Senior clerk
Deputy clerk stenographer	Senior stenographer

SEC. 8. Section 74343.2 of the Government Code is amended to read:

74343.2. There shall be four court interpreters who shall be deputy clerks to be appointed by a majority of the judges of the court

and who shall receive a monthly salary at a rate specified in Schedule 32 of the salary schedule provided in Section 74343.1.

SEC. 9. Section 74343.4 of the Government Code is amended to read:

74343.4. (a) The traffic referee shall receive a salary equal to 60 percent of the salary of a judge of the municipal court. He shall, after each year of service, receive an increase of 5 percent of the salary of a judge of the municipal court but in no event shall he receive more than 65 percent of the salary of a judge of the municipal court.

(b) The commissioner shall receive a salary equal to 60 percent of the salary of a judge of the municipal court. He shall, after each year of service, receive an increase of 5 percent of the salary of a judge of the municipal court but in no event shall he receive more than 65 percent of the salary of a judge of the municipal court.

(c) With the approval of the judges of the court and the board of supervisors, each traffic referee and commissioner may be reimbursed for any payment he makes for his annual State Bar of California membership fee.

SEC. 10. Section 74343.5 of the Government Code is amended to read:

74343.5. In the event that the Board of Supervisors of the County of San Diego consolidates all or a substantial part of the National Judicial District with the San Diego Judicial District, the Clerk of the San Diego Municipal Court may appoint three additional deputy clerks III, and five additional deputy clerks II. In the event the board of supervisors consolidates all or a substantial part of the Coronado Judicial District with the San Diego Judicial District, the Clerk of the San Diego Municipal Court may appoint two additional deputy clerk III and three additional deputy clerk II. The Clerk of the National Justice Court and the Clerk of the Coronado Justice Court and each employee in their respective offices on the day preceding the effective date of the consolidation shall succeed to the additional position which is most nearly comparable to the position he held in the office of the Clerk of the National Justice Court or office of the Clerk of the Coronado Justice Court. Any person succeeding to such a position who has attained permanent status in the classified service of the County of San Diego shall succeed to a permanent position in the San Diego Municipal Court without further examination, qualification, or certification and without serving further probationary service. Any person who has not attained permanent status in the classified service of the County of San Diego shall be required to complete a probationary period of six months in the position to which he succeeds, except that service as a county employee in a comparable position shall be counted toward completion of the probationary period. Each person succeeding to a position in the San Diego Municipal Court shall receive a monthly salary at the rate specified in the appropriate schedule provided by Section 74343 and Section 74343.1 of this code. Each person succeeding to a position in the San Diego Municipal Court shall be

given credit for prior service in a comparable position in the office of the Clerk of the National Justice Court or the office of the Clerk of the Coronado Justice Court and in no event shall the salary of any such person be less than that he received on the day prior to the effective date of the consolidation. Each person succeeding to an additional position shall transfer with him any unused vacation or sick leave credit to which he is entitled as a county employee on the day prior to the effective date of the consolidation.

SEC. 11. Section 74357 of the Government Code is amended to read:

74357. By order entered upon the minutes of the court, a majority of the judges of the Municipal Court of the San Diego Judicial District may appoint as many competent judicial secretaries as the business of the court requires, not to exceed five, to be known as judicial secretaries of such court. The judicial secretaries shall hold office during the pleasure of the judges of such court. Of the judicial secretaries, one shall be appointed by the presiding judge as the chief judicial secretary, such appointment to be entered upon the minutes of the court, who, while serving in that capacity, shall receive a monthly salary at a rate comparable to senior assistant secretary of the superior court. The value in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1.

Each judicial secretary shall receive a monthly salary at the rate specified in Schedule 34.5, commencing at step D at initial employment and advancing to step E at the end of one year of continuous service. The position of judicial secretary shall be deemed to be comparable in job level to the position of assistant secretary authorized by Section 69892. Whenever the salaries of senior assistant secretaries and assistant secretaries are adjusted by the Board of Supervisors of San Diego County, the salaries of chief judicial secretary and judicial secretaries shall be adjusted a commensurate percentage in the salary schedule. Such adjustment shall not be more than 20 percent higher or 20 percent lower than the range specified in this section and shall be effective on the same date as the effective date of the action by the board of supervisors on the positions of senior assistant secretary and assistant secretary. Any salary adjustment made as a result of this section shall be effective only until January 1, 1976.

SEC. 12. Section 74361 of the Government Code is amended to read:

74361. There shall be one marshal for all municipal courts established in judicial districts in San Diego County who shall be appointed pursuant to this article and who shall receive the monthly compensation specified in Schedule 58.5, set forth in Section 74343.1. In no event shall the compensation of the marshal be less than 12 schedule ranges higher than that specified for the position of assistant marshal.

SEC. 13. Section 74364 of the Government Code is amended to

read:

74364. The marshal may appoint:

(a) Two assistant marshals, each of whom shall receive the monthly compensation specified in Schedule 52.5, set forth in Section 74343.1. In no event shall the compensation of an assistant marshal be less than eight schedule ranges higher than that specified for the position of captain.

(b) Two captains, who shall receive the monthly compensation specified in Schedule 48.5, set forth in Section 74343.1.

(c) Four lieutenants, each of whom shall receive the monthly compensation specified in Schedule 45.5, set forth in Section 74343.1.

(d) Fourteen sergeants, each of whom shall receive the monthly compensation specified in Schedule 42.5, set forth in Section 74343.1.

(e) One deputy marshal (female), who shall receive the monthly compensation specified in Schedule 41, set forth in Section 74343.1. Upon the occurrence of a vacancy, this position shall be replaced by adding one sergeant.

(f) One hundred and three deputy marshals, each of whom shall receive monthly the compensation specified in Schedule 38.5, set forth in Section 74343.1, except that a deputy marshal shall be compensated at a monthly rate two ranges higher than prescribed in this subdivision when in possession of a basic peace officers standards and training certificate; four ranges higher than prescribed in this subdivision when in possession of an intermediate peace officer standards and training certificate; and five ranges higher than prescribed in this subdivision when in possession of an advanced peace officer standards and training certificate.

(g) Eight deputy marshal-stenographers, each of whom shall receive the monthly compensation specified in Schedule 32 5, set forth in Section 74343.1. The next five vacancies occurring in this position shall cause a corresponding reduction in the number of deputy marshal-stenographers hereby authorized; provided, however, that each such vacancy shall increase by one, a position designated as senior typist.

(h) Four deputy marshal-matrons, who shall receive the monthly compensation specified in Schedule 38.5, set forth in Section 74343.1. In addition there shall be three part-time matrons who shall be employed as relief and additional help as needed.

(i) Eleven intermediate typists, who shall receive the monthly compensation specified in Schedule 28, set forth in Section 74343.1; provided that any intermediate typist while qualified and performing services as an interpreter shall be paid at a monthly rate which shall be eight salary ranges higher than that specified for the position of intermediate typist as set forth in Section 74343.1.

(j) Three senior typists, each of whom shall receive the monthly compensation specified in Schedule 32, set forth in Section 74343.1, provided that any senior typist while qualified and performing services as an interpreter shall be paid at a monthly rate which shall be four salary ranges higher than that specified for the position of

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senior typist as set forth in Section 74343.1.

(k) Two deputy marshal-cadets, each of whom shall receive the monthly compensation specified in Schedule 29, set forth in Section 74343.1.

(*l*) One supervising clerk who shall receive the monthly compensation specified in Schedule 35.5, set forth in Section 74343.1.

(m) Two junior typists, each of whom shall receive the monthly compensation specified in Schedule 24.5, set forth in Section 74343.1.

(n) Every person specified in subdivision (g), (i), (j), (*l*) or (m) who works a night shift shall be paid at the monthly rate specified in the schedule set forth in Section 74343.1 two ranges higher than the rate provided by the applicable subdivision. "Night shift" means an assigned work schedule of which not less than one-half of the total number of hours, plus one-half hour, are worked after 5 p.m. and before 8 a.m.

SEC. 14. Section 74369 of the Government Code is amended to read:

74369. All persons holding positions on the effective date of statutes enacted in any regular session of the Legislature shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Thereafter, any increments earned by additional service in grade shall take effect upon the first day of the month following completion of such required service.

SEC. 15. Section 74374 of the Government Code is amended to read:

74374. The hereinafter enumerated classes of positions in the marshal's office of the municipal courts in San Diego County are deemed to be equivalent in job and salary level to certain classifications in the classified civil service of San Diego County and whenever the salary of a classification in the service of San Diego County is adjusted by the board of supervisors, the salary of the equivalent classification in the marshal's office shall be adjusted a commensurate number of ranges in the salary schedule. Each of such adjustments shall not be more than eight ranges. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to the county classifications. In the event the salary of any San Diego County classification listed in this section is adjusted by the board of supervisors on any date in 1973 prior to the effective date of the 1973 amendment of this section, said adjustment shall be applied to the salary of the equivalent classifications in the marshal's office, such adjustments to take effect on the effective date of said 1973 amendment. Any salary adjustments made as a result of this section shall be effective only until January 1, 1976.

The equivalent classifications are as follows:

Municipal court marshal classification	County classification
Assistant marshal	Deputy sheriff-inspector
Captain	Deputy sheriff-captain
Lieutenant	Deputy sheriff-lieutenant
Sergeant	Deputy sheriff-sergeant
Deputy marshal and deputy marshal—female	Deputy sheriff
Deputy marshal-matron	Deputy sheriff
Deputy marshal-stenographer	Senior stenographer
Senior typist	Senior typist
Intermediate typist	Intermediate typist
Cadet	Deputy sheriff-cadet
Supervisory clerk	Supervisory clerk
Junior typist	Junior typist

SEC. 16. The affected county has requested the Legislature to revise state law in accordance with the provisions of this act and the county desires to bear the expense of any increased costs resulting from such revision without reimbursement by the state. Therefore, no appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code for reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required by this act.

CHAPTER 812

An act to add Section 99270 to the Public Utilities Code, relating to borrowing.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 99270 is added to the Public Utilities Code, to read:

99270. On or after the first day of any fiscal year, an operator may engage in temporary borrowing pursuant to Article 7.6 (commencing with Section 53850), Chapter 4, Part 1, Division 2, Title 5 of the Government Code and for such purposes "revenues" as defined in Sections 53856 and 53858 of that code may include the amount of any claim permitted under this article if a claim has been filed and approved. The amount of any claim for the purposes of this section shall be subject to the limitations on claims specified in this chapter; provided that the calculations of the limitations referred to herein may be based upon estimates of the operator.

The payments made for temporary borrowing authorized under this section shall not be deemed capital expenditures for purposes of Section 99267.

The power of an operator to levy taxes shall not be a prerequisite to its power to issue notes as general obligations pursuant to Article 7.6.

CHAPTER 813

An act to amend Section 99207 of the Public Utilities Code, relating to public transportation.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 99207 of the Public Utilities Code is amended to read:

99207. "Included municipal operator" means a city or county, including (a) a city or county in which any nonprofit corporation or other legal entity wholly owned or controlled by the city or county has operated a public transportation system continuously since at least January 1, 1971, or (b) a city or county in which the University of California has provided a public transportation service since at least January 1, 1971, and which is included, in whole or in part, within a transit district or which has been extended the authority to join a transit district by that district's enabling legislation.

CHAPTER 814

An act to amend Section 20522 of, and to add Section 21252.11 to, the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 20522 of the Government Code is amended to read:

20522. Any cash and securities to the credit of the local system and held on account of persons who become members of this system shall be transferred to this system, as of the effective date of the contract. The board may make arrangements with the agency for such transfer of assets, other than an amount equal to the total

member contributions, over an appropriate period following the effective date of the contract, if it finds that transfer as of the effective date is not possible without hardship to the agency because of contractual restrictions on the return of assets of the local system held by an insurance carrier. The board shall in such case credit, as interest income, such portion of the assets transferred as is necessary to compensate the Retirement Fund for loss of earnings because of the delay in transfer, such amount to be determined by applying a rate which is equal to the difference between the average rate of earnings of the fund on investments made in fixed income securities during the fiscal year preceding the date of contract and the annual interest rate to the balance of the assets not transferred. The value at which the securities shall be credited to the contracting agency shall be determined by the board. In crediting transferred cash, as the contracting agency's contributions, the board may fix such credit, by writing down the book value of securities purchased with such cash, at an amount which will result in an interest return under such securities at least equal to the current rate of interest credited to contributions. As of that date, the governing body or head of the local system shall certify the proportion, if any, of its funds that represents the accumulated contributions of the members, and the relative shares of the members.

SEC. 2. Section 21252.11 is added to the Government Code, to read:

21252.11. The combined current and prior service pensions of a local safety member subject to Section 21252.1 upon redeposit of contributions for local safety service rendered to the same employer prior to January 1, 1953, shall be computed separately under Section 21252.1 for service prior to the absence and service subsequent to the absence as though the other period of service had not been rendered.

This section shall not apply to a contracting agency and its employees unless the agency elects before July 1, 1974, to be subject hereto by amendment to its contract in the manner prescribed for approval of contracts. Upon such election, this section shall apply only to a local safety member whose retirement is effective after the date of such election and prior to January 1, 1975.

CHAPTER 815

An act to amend Section 25174 of the Health and Safety Code and to add Section 6103.10 to the Government Code, relating to hazardous waste disposal sites, and making an appropriation therefor.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 25174 of the Health and Safety Code is amended to read:

25174. Beginning January 1, 1974, each operator of any site at which hazardous wastes are disposed shall pay a fee to the director for each list or other document which such operator receives pursuant to Article 6 (commencing with Section 25160). The director shall establish a schedule of the fees to be paid to the director by such operator for each disposal of hazardous waste listed in such a list or document, 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 chapter. Such fees shall be deposited each month in the Hazardous Waste Control Account in the General Fund. The funds deposited in such account are continuously appropriated for expenditure without regard to fiscal years to the Department of Health to carry out the provisions of this chapter.

SEC. 2. Section 6103.10 is added to the Government Code, to read:

6103.10. Section 6103 does not apply to any fee or charges required to be paid to the Director of Health by the operator of a hazardous waste disposal site pursuant to Section 25174 of the Health and Safety Code.

CHAPTER 816

An act to amend Sections 24073 and 24074.3 of, and to add Section 24074.4 to, the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 24073 of the Business and Professions Code is amended to read:

24073. No retail license limited in numbers, off-sale beer and wine license, on-sale beer and wine license, on-sale beer and wine public premises license, on-sale beer license, on-sale beer public premises license, or on-sale general license for seasonal business, shall be transferred unless before the filing of the transfer application with the department the licensee or the intended transferee records in the office of the county recorder of the county or counties in which the premises to which the license has been issued are situated a notice of the intended transfer, stating all of the following:

(a) The name and address of the licensee.

(b) The name and address of the intended transferee.

(c) The kind of license or licenses intended to be transferred.

(d) The address or addresses of the premises to which the license

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or licenses have been issued.

(e) An agreement between the parties to the transfer that the consideration for the transfer of the business and license or licenses, if any there be, is to be paid only after the transfer is approved by the department.

(f) The place where the purchase price or consideration for the transfer of the business and license or licenses is to be paid, the amount of such purchase price or consideration, and a description of the entire consideration, including a designation of cash, checks, promissory notes, and tangible and intangible property, and the amount of each thereof.

(g) The name and address of the escrow holder referred to in Section 24074, or of the guarantor referred to in Section 24074.4, as the case may be.

A copy of the notice of intended transfer, certified by the county recorder, shall be filed with the department together with a transfer application.

SEC. 2. Section 24074.3 of the Business and Professions Code is amended to read:

24074.3. (a) Within 30 days after the filing of an application for transfer of a license referred to in Section 24073, the intended transferee shall file with the department a statement executed under penalty of perjury that the purchase price or consideration as set forth in the escrow agreement required by Section 24074 has been deposited with the escrowholder. At the time such statement is filed with the department copies thereof shall be submitted by the intended transferee to the transferor and the escrowholder concerned. The 30-day period specified by this section may be extended by the department for good cause; however, the license shall not be transferred until the statement required by this section is received by the department.

(b) This section shall not apply in the case of transfers for which a guaranty of payment has been filed pursuant to Section 24074.4.

SEC. 3. Section 24074.4 is added to the Business and Professions Code, to read:

24074.4. (a) Notwithstanding the provisions of Section 24074, no escrow shall be required to be established in connection with the transfer of a business or license if a corporate person files with the department a guaranty of full, prompt, and faithful payment of all claims of bona fide creditors of the licensee, and such guaranty is acceptable to the creditors. The department shall not transfer the license until the guarantor has paid all the creditors' claims in full and the guarantor has filed with the department a statement executed under penalty of perjury that all conditions of the transfer have been satisfied. Payment of such claims by the guarantor shall be made in United States currency or by certified check in a manner acceptable to the creditors.

(b) This section shall apply only in the case of a transfer involving an off-sale beer and wine license, and in which the guarantor

corporation has a net worth on a consolidated basis, according to its most recent audited financial statement, of not less than five million dollars ($5,000,000).

CHAPTER 817

An act to amend Sections 2924 and 2924c of the Civil Code, relating to deeds of trust.

[Approved by Governor September 25, 1973. Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 2924 of the Civil Code is amended to read:

2924. Every transfer of an interest in property, other than in trust, made only as a security for the performance of another act, is to be deemed a mortgage, except when in the case of personal property it is accompanied by actual change of possession, in which case it is to be deemed a pledge. Where, by a mortgage created after July 27, 1917, of any estate in real property, other than an estate at will or for years, less than two, or in any transfer in trust made after July 27, 1917, of a like estate to secure the performance of an obligation, a power of sale is conferred upon the mortgagee, trustee, or any other person, to be exercised after a breach of the obligation for which such mortgage or transfer is a security, such power shall not be exercised except where such mortgage or transfer is made pursuant to an order, judgment, or decree of a court of record, or to secure the payment of bonds or other evidences of indebtedness authorized or permitted to be issued by the Commissioner of Corporations, or is made by a public utility subject to the provisions of the Public Utilities Act, until (a) the trustee, mortgagee, or beneficiary, shall first file for record, in the office of the recorder of each county wherein the mortgaged or trust property or some part or parcel thereof is situated, a notice of default, identifying the mortgage or deed of trust by stating the name or names of the trustor or trustors and giving the book and page where the same is recorded or a description of the mortgaged or trust property and containing a statement that a breach of the obligation for which such mortgage or transfer in trust is security has occurred, and setting forth the nature of such breach and of his election to sell or cause to be sold such property to satisfy the obligation, and where the default is curable pursuant to Section 2924c, containing the statement specified in paragraph (1) of subdivision (b) of Section 2924c; (b) not less than three months shall thereafter elapse; and (c) after the lapse of the three months the mortgagee, trustee or other person authorized to make the sale shall give notice of sale, stating the time and place thereof, in the manner and for a time not less than that set

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forth in Section 2924f. A recital in the deed executed pursuant to the power of sale of compliance with all requirements of law regarding the mailing of copies of notices for which requests have been recorded or the publication of a copy of the notice of default or the personal delivery of the copy of the notice of default or the posting of copies of the notice of sale or the publication of a copy thereof shall constitute prima facie evidence of compliance with such requirements and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value and without notice.

SEC. 2. Section 2924c of the Civil Code is amended to read:

2924c. (a) Whenever all or a portion of the principal sum of any obligation secured by deed of trust or mortgage on real property hereafter executed has, prior to the maturity date fixed in such obligation, become due or been declared due by reason of default in payment of interest or of any installment of principal, or by reason of failure of trustor or mortgagor to pay, in accordance with the terms of such obligation or of such deed of trust or mortgage, taxes, assessments, premiums for insurance or advances made by beneficiary or mortgagee in accordance with the terms of such obligation or of such deed of trust or mortgage, the trustor or mortgagor or his successor in interest in the mortgaged or trust property or any part thereof, or any beneficiary under a subordinate deed of trust or any other person having a subordinate lien or encumbrance of record thereon, at any time within three months of the recording of the notice of default under such deed of trust or mortgage, if the power of sale therein is to be exercised, or, otherwise at any time prior to entry of the decree of foreclosure, may pay to the beneficiary or the mortgagee or their successors in interest, respectively, the entire amount then due under the terms of such deed of trust or mortgage and the obligation secured thereby (including costs and expenses actually incurred in enforcing the terms of such obligation, deed of trust or mortgage, and trustee's or attorney's fees actually incurred not exceeding one hundred dollars ($100) in case of a mortgage and fifty dollars ($50) in case of a deed of trust or one-half of 1 percent of the entire unpaid principal sum secured, whichever is greater) other than such portion of principal as would not then be due had no default occurred, and thereby cure the default theretofore existing, and thereupon, all proceedings theretofore had or instituted shall be dismissed or discontinued and the obligation and deed of trust or mortgage shall be reinstated and shall be and remain in force and effect, the same as if no such acceleration had occurred. The provisions of this section shall not apply to bonds or other evidences of indebtedness authorized or permitted to be issued by the Commissioner of Corporations or made by a public utility subject to the provisions of the Public Utilities Code.

(b) (1) The notice, of any default described in this section, recorded pursuant to Section 2924, and mailed to any person pursuant to Section 2924b, shall contain the following statement,

printed or typed thereon:

NOTICE

You may have the right to cure the default described herein and reinstate your mortgage or deed of trust. Section 2924c of the Civil Code permits certain defaults to be cured upon the payment of the amounts required by that section without requiring payment by you of that portion of principal and interest which would not be due had no default occurred Where reinstatement is possible, if your default is not cured within three months following the recording of this notice, your right of reinstatement will terminate and your property may be sold.

To determine if reinstatement is possible and the amount, if any, necessary to cure your default, contact the beneficiary or mortgagee. The name and address of the beneficiary or mortgagee as of the date of this notice is _____ at _____.
(name) (address)

(2) Any failure to comply with the provisions of this subdivision shall not affect the validity of a sale in favor of a bona fide purchaser or the rights of an encumbrancer for value and without notice

SEC. 3. This act shall become operative on July 1, 1974.

CHAPTER 818

An act to amend Section 1031 of the Code of Civil Procedure, relating to court costs.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 1031 of the Code of Civil Procedure is amended to read:

1031. (a) Except as provided by subdivision (b), in municipal courts and justice courts the prevailing party, including a defendant as to whom the action is dismissed, is entitled to his costs and necessary disbursements.

(b) Where the prevailing plaintiff or cross-complainant recovers less than the amount prescribed by law as the maximum limitation upon the jurisdiction of the small claims courts, the following shall apply:

(1) Where such party could have brought his action in the small claims courts, the court may, in its discretion, allow or deny costs to such prevailing party, or may allow costs in part in such amount as it may deem proper.

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(2) Where such party could not have brought his action in the small claims courts, such costs and necessary disbursements shall be limited to the actual costs of the filing fee and the actual cost of service of process, provided that such costs shall only be awarded to the plaintiff if he satisfies the court that prior to the commencement of the action he informed the defendant in writing that he intended to commence legal action against the defendant and that legal action could result in a judgment against the defendant which would include the costs and necessary disbursements allowed by this paragraph.

(c) Notwithstanding subdivisions (a) and (b) of this section, in actions for the recovery of wages for labor performed, where the amount of the demand, exclusive of interest, does not exceed three hundred dollars ($300), the court shall add, as part of the cost, in any judgment recovered by the plaintiff or cross-complainant, an attorney's fee not exceeding 20 percent of the amount recovered.

CHAPTER 819

An act to add Section 75036 to the Government Code, relating to retired judges.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 75036 is added to the Government Code, to read:

75036. Any judge who is first appointed a judge after age 70 and who was first assigned to sit in a court by the Chairman of the Judicial Council prior to January 1, 1972, shall receive reimbursement of the contributions that he was required to make to the Judges' Retirement Fund and for which he did not receive service credit under the Judges' Retirement Law.

CHAPTER 820

An act to amend Section 25955 of the Health and Safety Code, relating to abortion.

[Approved by Governor September 25, 1973. Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

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SECTION 1. Section 25955 of the Health and Safety Code is amended to read:

25955. (a) No employer shall require a registered nurse, a licensed vocational nurse, or any other person employed to furnish direct personal health service to a patient to directly participate in the induction or performance of an abortion, if such employee has filed a written statement with the employer indicating a moral, ethical, or religious basis for refusal to participate in the abortion, and the employer shall not penalize or discipline such employee for declining to so directly participate.

(b) Nothing in this chapter shall require a nonprofit facility or clinic which is organized or operated by a religious corporation or other religious organization and licensed pursuant to Chapter 1 (commencing with Section 1200) or Chapter 2 (commencing with Section 1250) of Division 2, or any administrative officer, employee, agent, or member of the governing board thereof, to perform or to permit the performance of an abortion in such facility or clinic or to provide abortion services. No such nonprofit facility or clinic organized or operated by a religious corporation or other religious organization, nor its administrative officers, employees, agents, or members of its governing board shall be liable, individually or collectively, for failure or refusal to participate in any such act. The failure or refusal of any such corporation, unincorporated association or individual person to perform or to permit the performance of such medical procedures shall not be the basis for any disciplinary or other recriminatory action against such corporations, unincorporated associations, or individuals.

(c) This section shall not apply to medical emergency situations and spontaneous abortions.

Any violation of this section is a misdemeanor.

SEC. 2. Section 25955 of the Health and Safety Code is amended to read:

25955. (a) No employer or other person shall require a physician, a registered nurse, a licensed vocational nurse, or any other person employed or with staff privileges at a hospital, facility, or clinic to directly participate in the induction or performance of an abortion, if such employee or other person has filed a written statement with the employer or the hospital, facility, or clinic indicating a moral, ethical, or religious basis for refusal to participate in the abortion.

No such employee or person with staff privileges in a hospital, facility, or clinic shall be subject to any penalty or discipline by reason of his refusal to participate in an abortion. No such employee of a hospital, facility, or clinic which does not permit the performance of abortions, or person with staff privileges therein, shall be subject to any penalty or discipline on account of such person's participation in the performance of an abortion in other than such hospital, facility, or clinic.

No employer shall refuse to employ any person because of such

person's refusal for moral, ethical, or religious reasons to participate in an abortion, unless such person would be assigned in the normal course of business of any hospital, facility, or clinic to work in those parts of the hospital, facility, or clinic where abortion patients are cared for. No provision of this chapter prohibits any hospital, facility, or clinic which permits the performance of abortions from inquiring whether an employee or prospective employee would advance a moral, ethical, or religious basis for refusal to participate in an abortion before hiring or assigning such a person to that part of a hospital, facility, or clinic where abortion patients are cared for.

The refusal of a physician, nurse, or any other person to participate or aid in the induction or performance of an abortion pursuant to this subdivision shall not form the basis of any claim for damages.

(b) No medical school or other facility for the education or training of physicians, nurses, or other medical personnel shall refuse admission to a person or penalize such person in any way because of such person's unwillingness to participate in the performance of an abortion for moral, ethical, or religious reasons. No hospital, facility, or clinic shall refuse staff privileges to a physician because of such physician's refusal to participate in the performance of abortion for moral, ethical, or religious reasons.

(c) Nothing in this chapter shall require a nonprofit hospital or other facility or clinic which is organized or operated by a religious corporation or other religious organization and licensed pursuant to Chapter 1 (commencing with Section 1200) or Chapter 2 (commencing with Section 1250) of Division 2, or any administrative officer, employee, agent, or member of the governing board thereof, to perform or to permit the performance of an abortion in such facility or clinic or to provide abortion services. No such nonprofit facility or clinic organized or operated by a religious corporation or other religious organization, nor its administrative officers, employees, agents, or members of its governing board shall be liable, individually or collectively, for failure or refusal to participate in any such act. The failure or refusal of any such corporation, unincorporated association or individual person to perform or to permit the performance of such medical procedures shall not be the basis for any disciplinary or other recriminatory action against such corporations, unincorporated associations, or individuals. Any such facility or clinic which does not permit the performance of abortions on its premises shall post notice of such proscription in an area of such facility or clinic which is open to patients and prospective admittees.

(d) This section shall not apply to medical emergency situations and spontaneous abortions.

Any violation of this section is a misdemeanor.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 575 are both chaptered and become effective January 1, 1974, both bills amend Section 25955 of the Health and Safety Code, and this bill is chaptered after Senate Bill No. 575, that Section 25955 be amended 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. 575 are both chaptered and become effective January 1, 1974, both amend Section 25955, and this bill is chaptered after Senate Bill No. 575, in which case Section 1 of this act shall not become operative.

CHAPTER 821

An act to amend Sections 18970 and 18985 of, and to add Sections 18804, 18997, and 18999 to, the Financial Code, relating to the guarantee of thrift accounts.

Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 18804 is added to the Financial Code, to read:

18804. The commissioner shall, upon receipt of written notification by an industrial loan company that it intends to engage in or is engaging in transactions permitted under Section 18406 of this code, make an examination of the affairs and records of each such industrial loan company at least once each year. Such examination shall be made or performed unless such company notifies the commissioner of its election to discontinue such activity and gives evidence that it has disposed of all evidences of indebtedness arising from any such transactions.

SEC. 2. Section 18970 of the Financial Code is amended to read:

18970. Guaranty Corporation shall establish and maintain a guarantee fund as follows:

(a) Each new member shall pay seven thousand five hundred dollars ($7,500) to the guarantee fund to become a member.

(b) If the total amount in the fund (less any then unpaid demand made by the commissioner pursuant to Section 18981) on March 15 of any year hereafter is less than either one million dollars ($1,000,000) or one-half of 1 percent of the total outstanding thrift obligations of all members as shown on the most recent independent audit reports required by Section 18610, then on or before May 1 of that year Guaranty Corporation shall levy an assessment. Each member shall be assessed an amount equal to the lesser of the following:

(1) Fifteen-hundredths of 1 percent of its outstanding thrift obligations as shown on its most recent independent audit report required by Section 18610, or;

(2) One-third of 1 percent of its outstanding thrift obligations as shown on its most recent independent audit report required by Section 18610 less the amount of its account balance in Guaranty Corporation on March 15 of that year.

(c) Whenever the total amount in the fund (less any then unpaid

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demand made by the commissioner pursuant to Section 18981) on March 15 of any year hereafter is in excess of one million dollars ($1,000,000) and is in excess of one-half of 1 percent of the total outstanding thrift obligations of all members as shown on the most recent independent audit reports required by Section 18610, Guaranty Corporation shall then refund to its members an amount equal to the lesser of such excesses. Each member shall receive a part of the refund in proportion to the total aggregate assessment contributions the member has made to Guaranty Corporation. Payments currently due and payable pursuant to Section 18997 shall be paid before any refund is made pursuant to this subdivision.

(d) Notwithstanding the provisions of subdivision (c), Guaranty Corporation may withhold any refund to members during any period when a member is in the process of liquidation by the commissioner, and it may further assess members during any calendar year in which the fund has been reduced by a demand of the commissioner provided the aggregate assessments during the year do not exceed the amount provided in subdivision (b).

SEC. 3. Section 18985 of the Financial Code is amended to read:

18985. (a) Guaranty Corporation shall have authority to submit reports and make recommendations to the commissioner regarding the financial condition of any member. Such reports and recommendations shall not be public documents. There shall be no liability on the part of, and no cause of action of any nature shall arise against, guaranty corporation or its members, directors, officers, employees or agents, or the commissioner or his authorized representatives, for any statements made by them in any reports or recommendations made hereunder.

(b) In order to permit Guaranty Corporation to fulfill its obligations under subdivision (a), upon the written request of Guaranty Corporation the commissioner may furnish to Guaranty Corporation a copy of unaudited financial statements filed by an industrial loan company pursuant to subdivision (b) or (e) of Section 18610 and a copy of the commissioner's analysis of an industrial loan company's receivables. There shall be no liability on the part of, and no cause of action of any nature shall arise against the State of California, the commissioner or members of his staff or his authorized representatives, for the release of any information furnished to Guaranty Corporation pursuant to this subdivision. Such financial statements and analysis furnished pursuant to this subdivision shall not be public documents, and the information continued therein shall be privileged and confidential to Guaranty Corporation for its sole use in carrying out its statutory functions.

(c) Guaranty Corporation, in order to fulfill its obligations under subdivision (a), may appoint an independent certified public accountant or public accountant to prepare an audit report containing audited financial statements, together with such other information as Guaranty Corporation, in good faith, requires regarding the financial condition of any member. Costs and expenses

for said audit report shall be paid by Guaranty Corporation.

(d) Guaranty Corporation, any member of Guaranty Corporation, an agent of Guaranty Corporation or of its members, or any person who uses any information obtained under subdivision (b) or (c) of this section for any purpose not authorized by subdivision (a) is guilty of a misdemeanor.

SEC. 4. Section 18997 is added to the Financial Code, to read:

18997. When any member has redeemed its outstanding thrift obligations and has filed an undertaking with the commissioner not to issue thrift obligations, that member shall be entitled to receive from Guaranty Corporation its account balance in Guaranty Corporation, subject to the following conditions:

(a) No payment will be made to the member if, in the opinion of the commissioner, the amount in the members account balance may be needed to pay obligations of Guaranty Corporation under Section 18980.

(b) Written approval from the commissioner to Guaranty Corporation authorizing Guaranty Corporation to pay the member.

(c) The amount paid to the member at any one time shall not reduce the total amount in the fund (less any then unpaid demand made by the commissioner pursuant to Section 18981) on the preceding March 15 below one million dollars ($1,000,000) nor below one-half of 1 percent of the total outstanding thrift obligations of all members as shown on the most recent independent audit reports required by Section 18610.

(d) No payment will be made to the member for a period of one year from the March 15 following the date the member has filed the undertaking with the commissioner.

(e) If more than one member becomes entitled to receive any payment under this section as of March 15 of any year, and the funds available from Guaranty Corporation are not sufficient to pay each member in full, the members shall share the funds on a pro rata basis. However, all amounts due, but not paid, to members previously filing an undertaking, shall be paid in full before newly entitled members are paid.

SEC. 5. Section 18999 is added to the Financial Code, to read:

18999. If Guaranty Corporation is dissolved, subject to the approval of the commissioner, the net assets after settling all liabilities shall be distributed to the members based on their account balances.

CHAPTER 822

An act to amend Section 475a of the Penal Code, relating to crimes.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

01626 379215 772

The people of the State of California do enact as follows:

SECTION 1. Section 475a of the Penal Code is amended to read:

475a. Every person who has in his possession a completed check, money order, traveler's check, or county warrant, whether the parties thereto are real or fictitious, with intention to utter or pass the same, or to permit, cause, or procure the same to be uttered or passed, to defraud any person, is punishable by imprisonment in the state prison for not less than one nor more than 10 years, or by imprisonment in the county jail for not more than one year.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2164 3 of the Revenue and Taxation Code.

CHAPTER 823

An act to amend Section 197.5 of the Civil Code, relating to visitation rights.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 197.5 of the Civil Code is amended to read:

197.5. (a) If either the father or mother of an unmarried minor child is deceased, the children, parents, and the grandparents of such deceased person may be granted reasonable visitation rights to the minor child during its minority by the superior court upon a finding that such visitation rights would be in the best interests of the minor child.

(b) In granting visitation rights to persons other than the parents of the decedent, the court shall consider the amount of personal contact between such persons and the minor child prior to the application for the order granting them visitation rights.

(c) This section shall not apply if the child has been adopted by a person other than a stepparent or grandparent. Any visitation rights granted pursuant to this section prior to the adoption of the child shall be automatically terminated upon such adoption.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because duties, obligations, or responsibilities imposed on local governmental entities by this act are such that related costs are incurred as a part of their normal operating procedures.

CHAPTER 824

An act relating to a certificated employee of the Fontana Unified School District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. For the purposes of Sections 11251 and 13511 of the Education Code, and any other pertinent provision of law relating to allowances and apportionments to school districts and the payment of school employees, the services rendered by a person who was not properly certificated for the Fontana Unified School District from July 1, 1969, to May 22, 1972, shall be deemed to have been rendered as if such person had been the holder of a valid certification document and had been properly and appropriately credentialed pursuant to Chapter 1.5 (commencing with Section 13101) of Division 10 of the Education Code.

This act shall not affect the personal rights or liabilities of any person.

SEC. 2. The Legislature finds and declares that the unusual circumstances surrounding the revocation of the teaching credential of a certain person, and the lack of notification of that fact to the Fontana Unified School District, justify the enactment of a special rather than a general law to relieve the district of various adverse consequences which would otherwise arise from the operation of various statutes.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit the appropriate apportionments and allowances to be made to the Fontana Unified School District during the 1972–1973 fiscal year, and to avoid a reduction in such apportionments and allowances which would be due to circumstances completely beyond the control of the district, it is necessary that this act take effect immediately.

CHAPTER 825

An act to amend Section 38025 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

01656 379236 777

The people of the State of California do enact as follows:

SECTION 1. Section 38025 of the Vehicle Code is amended to read:

38025. Notwithstanding the provisions of Section 4000, motor vehicles issued a plate or device pursuant to Section 38160 may be operated or driven upon a highway but only as follows:

(a) On a two-lane highway, only to cross such highway at an angle of approximately 90 degrees to the direction of the roadway and at a place where a quick and safe crossing may be made, or only when the roadway is not maintained by snow removal equipment and is closed to motor vehicles which are subject to registration pursuant to Division 3 (commencing with Section 4000), or only to cross a highway in the manner specified in subdivision (b).

(b) With respect to the crossing of a highway having more than two lanes, or a highway having limited access, such motor vehicles may cross such highways but only at a place designated by the Department of Transportation or local authorities with respect to highways under their respective jurisdictions as a place where such motor vehicles, or specified types of such motor vehicles, may cross the highways, and such vehicles shall cross such highways only at such designated places and only in a quick and safe manner.

(c) The Department of Transportation and local authorities with respect to highways under their respective jurisdictions may designate, by the erection of appropriate signs of a type approved by the Department of Transportation, places where such motor vehicles, or specified types of such motor vehicles, may cross any highway having more than two lanes or having limited access.

(d) Motor vehicles identified pursuant to Section 38010 may be towed upon a highway, but not driven, if such vehicles display a plate or device issued pursuant to Section 38160.

CHAPTER 826

An act to amend Section 8201 and to repeal Sections 8203 and 8203.7 of the Government Code, relating to notaries public.

[Approved by Governor September 25, 1973. Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 8201 of the Government Code is amended to read:

8201. Every person appointed as notary public shall:

(a) Be at the time of appointment a citizen of the United States.

(b) Be at the time of appointment a legal resident of this state, except as otherwise provided in Section 8203.1.

(c) Be not less than 18 years of age.

(d) Satisfy the Secretary of State that he is of good moral character.

(e) Have satisfactorily answered a written questionnaire on a form prescribed by the Secretary of State to determine the fitness of the person to exercise the functions of the office of notary public. The questionnaire shall be answered before any notary public, and sworn to by such notary public who shall be entitled to a fee of two dollars ($2) for his services with respect thereto. All questions shall be elementary questions based on the statutory law of this state as set forth in the booklet of the laws of California relating to notaries public distributed without charge by the Secretary of State to all applicants for commission as notary public. Applicants shall be permitted to refer to such booklet while taking said examination.

SEC. 1.5. Section 8201 of the Government Code is amended to read:

8201. Every person appointed as certifying witness shall:

(a) Be at the time of appointment a citizen of the United States.

(b) Be at the time of appointment a legal resident of this state, except as otherwise provided in Section 8203.1.

(c) Be not less than 18 years of age.

(d) Satisfy the Secretary of State that he is of good moral character.

(e) Have satisfactorily answered a written questionnaire on a form prescribed by the Secretary of State to determine the fitness of the person to exercise the functions of the office of certifying witness. The questionnaire shall be answered before any certifying witness, and sworn to by such certifying witness who shall be entitled to a fee of two dollars ($2) for his services with respect thereto. All questions shall be elementary questions based on the statutory law of this state as set forth in the booklet of the laws of California relating to certifying witnesses distributed without charge by the Secretary of State to all applicants for commission as certifying witness. Applicants shall be permitted to refer to such booklet while taking said examination.

SEC. 2. Section 8203 of the Government Code is repealed.

SEC. 3. Section 8203.7 of the Government Code is repealed.

SEC. 4. It is the intent of the Legislature, if both this bill and Assembly Bill No. 504 are chaptered, become effective January 1, 1974, and amend Section 8201 of the Government Code, and this bill is chaptered after Assembly Bill No. 504, that the amendments to Section 8201 proposed by both bills be given effect and incorporated in Section 8201 in the form set forth in Section 1.5 of this act. Therefore, Section 1.5 of this act shall become operative only if this bill and Assembly Bill No. 504 are both chaptered, both become effective January 1, 1974, and both amend Section 8201, and Assembly Bill No. 504 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 827

An act to amend Section 12601 of the Education Code, relating to public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 12601 of the Education Code is amended to read:

12601. There are exempted from compulsory attendance in continuation education classes as otherwise required by Sections 12551 and 12553, persons who:

(a) Have been graduated from a high school maintaining a four-year course above the eighth grade of the elementary schools, or who have had an equal amount of education in a private school or by private tuition.

(b) Are in attendance upon a public or private full-time day school, or satisfactory part-time classes maintained by other agencies.

(c) Are disqualified for attendance upon these classes because of their physical or mental condition, or because of personal services that must be rendered to their dependents.

(d) Are satisfactorily attending a regional occupational program or center as provided in Section 5952.

(e) Have successfully demonstrated proficiency equal to or greater than standards as established by the Department of Education pursuant to Section 12603, and have verified approval submitted by their parent or guardian.

(f) Are subject to Section 12551 but not Section 12553 and are in attendance upon classes for adults for not less than four clock hours per calendar week.

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 exemption granted by this act from the compulsory continuation education provisions should reduce the number of dropouts of fully or partially employed older minors and will afford them a practical alternative of adult classes which are usually conducted in the evening. In order for the needed benefits of this act to be available at the commencement of the 1973–74 academic year and for the necessary administrative action to be taken prior thereto, it is necessary that this act go into immediate effect.

01679 379275 785

CHAPTER 828

An act to amend Section 430.10 of, and to repeal Section 425.20 of, the Code of Civil Procedure, relating to pleadings.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 425.20 of the Code of Civil Procedure is repealed.

SEC. 2. Section 430.10 of the Code of Civil Procedure is amended to read:

430.10. The party against whom a complaint or cross-complaint has been filed may object, by demurrer or answer as provided in Section 430.30, to the pleading on any one or more of the following grounds:

(a) The court has no jurisdiction of the subject of the cause of action alleged in the pleading.

(b) The person who filed the pleading does not have the legal capacity to sue.

(c) There is another action pending between the same parties on the same cause of action.

(d) There is a defect or misjoinder of parties.

(e) The pleading does not state facts sufficient to constitute a cause of action.

(f) The pleading is uncertain. As used in this subdivision, "uncertain" includes ambiguous and unintelligible.

(g) In an action founded upon a contract, it cannot be ascertained from the pleading whether the contract is written or oral.

CHAPTER 829

An act to amend Sections 73486, 73487, 73704, 73712, 73713, 73714, 73716, 74803, 74805, 74806, 74807, 74808, and 74809 of, to amend and renumber Section 73489 of, to repeal Sections 73488, 73715.5, 74807.5 and 74808.5 of, and to add Sections 73487.1, 73488, 73489, 73713.1, and 74807.1 to, the Government Code, relating to courts.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 73486 of the Government Code is amended to read:

73486. The following biweekly salary schedule shall apply to persons employed in the clerk's office and marshal's office:

Salary range number	Steps				
	A	B	C	D	E
25	$222.40	$233.60	$245.60	$257.60	$270.40
26	233.60	245.60	257.60	270.40	284.00
27	245.60	257.60	270.40	284.00	298.40
28	257.60	270.40	284.00	298.40	313.60
29	270.40	284.00	298.40	313.60	329.60
30	284.00	298.40	313.60	329.60	346.40
31	298.40	313.60	329.60	346.40	364.00
32	313.60	329.60	346.40	364.00	382.40
33	329.60	346.40	364.00	382.40	401.60
34	346.40	364.00	382.40	401.60	421.60
35	364.00	382.40	401.60	421.60	442.40
36	382.40	401.60	421.60	442.40	464.80
37	401.60	421.60	442.40	464.80	488.00
38	421.60	442.40	464.80	488.00	512.80
39	442.40	464.80	488.00	512.80	538.40
40	464.80	488.00	512.80	538.40	565.60
41	488.00	512.80	538.40	565.60	593.60
42	512.80	538.40	565.60	593.60	623.20
43	538.40	565.60	593.60	623.20	654.40
44	565.60	593.60	623.20	654.40	687.20
45	593.60	623.20	654.40	687.20	721.60
46	623.20	654.40	687.20	721.60	757.60
47	654.40	687.20	721.60	757.60	795.20

SEC. 2. Section 73487 of the Government Code is amended to read:

73487. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set forth in the salary schedule contained in Section 73486, except that if the range shown opposite the title of the position includes a fraction then the person employed in such position shall be paid a salary equal to that shown opposite said fractional range in the salary ordinance of the County of San Joaquin:

(a) Deputy clerk I ..... Range 26
(b) Deputy clerk II ..... Range 28
(c) Deputy clerk III ..... Range 30
(d) Deputy clerk IV ..... Range 33.25
(e) Clerk ..... Range 38.25
(f) Clerk-typist II ..... Range 26
(g) Deputy marshal ..... Range 36.25

Subject to the provisions of the salary ordinance of the County of San Joaquin, each person employed in the clerk's office or marshal's office, including the clerk but not including the marshal, may receive an annual increase in salary of one step on his assigned range until

the employee reaches the maximum step on the range assigned for his position. Thereafter no additional step increase shall be granted.

SEC. 3. Section 73487.1 is added to the Government Code, to read:

73487.1. Notwithstanding any other provisions of this article, commencing July 1, 1974, the salary range of deputy marshal shall be not less than one full range below the salary range of the class of deputy sheriff II in the service of San Joaquin County.

SEC. 4. Section 73488 of the Government Code is repealed.

SEC. 5. Section 73488 is added to the Government Code, to read:

73488. Certain classes of positions herein authorized are equated for purposes of salary adjustments with certain classifications in the service of San Joaquin County and whenever the salary of a classification in the service of San Joaquin County is adjusted by the board of supervisors, the salary of the related classes of court positions shall be adjusted by an amount which is equivalent to the increase or decrease in the salary of the related class in the classified service of the County of San Joaquin. Such adjustments shall be effective on the date of the action by the board of supervisors but such adjustments shall be effective only until January 1, 1975.

SEC. 6. Section 73489 is added to the Government Code, to read:

73489. For purposes of salary adjustments required by Section 73488, the following classes are deemed to be related:

(a) The class of clerk-typist II in the service of the County of San Joaquin and the classes of deputy clerk I, deputy clerk II, deputy clerk III, and clerk-typist II in the court positions.

(b) The class of superior court clerk in the service of San Joaquin County and the class of clerk in the court positions.

(c) The class of deputy sheriff I in the service of San Joaquin County and the class of deputy marshal in the court.

(d) The class of lieutenant in the service of San Joaquin County and the position of marshal in the court.

SEC. 7. Section 73489 of the Government Code is amended and renumbered to read:

73490. Notwithstanding any other provision of law, the provisions of the county ordinance relating to civil service and the rules of the civil service commission adopted pursuant thereto, shall be applicable to all employees, except the marshal, in the same manner and to the same extent as applicable generally to officers and employees of the County of San Joaquin.

Such employees shall be entitled to the same vacation, sick leave, leave of absence, and similar benefits, including uniform allowances for the deputy marshals, and may be appointed, promoted, demoted, terminated or transferred, or their status otherwise adjusted in the same manner and with the same effect as is or may be provided by the current salary ordinance of County of San Joaquin, or the civil service ordinance of the county, for employees of the county.

SEC. 8. Section 73491 is added to the Government Code, to read:

73491. Whenever any person occupying the position of

clerk-typist II in the office of the marshal performs the duties of a matron in that office her salary shall be increased by a sum equivalent to 2½ percent of the salary otherwise payable during the period of the performance of such duties.

SEC. 9. Section 73704 of the Government Code is amended to read:

73704. For purposes of qualification of judges, each division shall be deemed to be a district within the meaning of Section 71140.

SEC. 10. Section 73712 of the Government Code is amended to read:

73712. The following biweekly salary schedule shall apply to persons employed in each division of the municipal court established in said judicial district:

Salary range number	Steps				
	A	B	C	D	E
24	$212 00	$222.40	$233.60	$245.60	$257.60
25	222.40	233.60	245.60	257.60	270.40
26	233.60	245.60	257.60	270.40	284.00
27	245.60	257.60	270.40	284.00	298.40
28	257.60	270.40	284.00	298.40	313.60
29	270.40	284.00	298.40	313.60	329.60
30	284.00	298.40	313.60	329.60	346.40
31	298.40	313.60	329.60	346.40	364.00
32	313.60	329.60	346.40	364.00	382.40
33	329.60	346.40	364.00	382.40	401.60
34	346.40	364.00	382.40	401.60	421.60
35	364.00	382.40	401.60	421.60	442.40
36	382.40	401.60	421.60	442.40	464.80
37	401.60	421.60	442.40	464.80	488.00
38	421.60	442.40	464.80	488.00	512.80
39	442.40	464.80	488.00	512.80	538.40
40	464.80	488.00	512.80	538.40	565.60
41	488.00	512.80	538.40	565.60	593.60
42	512.80	538.40	565.60	593.60	623.20
43	538.40	565.60	593.60	623.20	654.40
44	565.60	593.60	623.20	654.40	687.20

SEC 11. Section 73713 of the Government Code is amended to read:

73713. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set forth in the salary schedule contained in Section 73712, except that if the range shown opposite the title of the position includes a fraction then the person employed in such position shall be paid a salary equal to that shown opposite said fractional range in the salary ordinance of the County of San Joaquin:

(a) Deputy clerk I .....Range 26
(b) Deputy clerk II.....Range 28
(c) Deputy clerk III.....Range 30
(d) Clerk (eastern division) .....Range 38.25
(e) Clerk (western division) .....Range 38.25
(f) Clerk-typist II .....Range 26
(g) Deputy marshal .....Range 36.25

Subject to the provisions of the salary ordinance of the County of San Joaquin, each person employed in the clerk's office or marshal's office, including the clerk, but not including the marshal, may receive an annual increase in salary of one step on his assigned range until the employee reaches the maximum step on the range assigned for his position. Thereafter no additional step increase shall be granted.

SEC. 12. Section 73713.1 is added to the Government Code, to read:

73713.1. Notwithstanding any other provisions of this article, commencing July 1, 1974, the salary range of deputy marshal shall be not less than one full range below the salary range of the class of deputy sheriff II in the service of San Joaquin County.

SEC. 13. Section 73714 of the Government Code is amended to read:

73714. Certain classes of positions herein authorized are equated for purposes of salary adjustments with certain classifications in the service of San Joaquin County and whenever the salary of a classification in the service of San Joaquin County is adjusted by the board of supervisors, the salary of the related classes of court positions shall be adjusted by an amount which is equivalent to the increase or decrease in the salary of the related class in the classified service of the County of San Joaquin. Such adjustments shall be effective on the date of the action by the board of supervisors but such adjustments shall be effective only until January 1, 1975.

SEC. 14. Section 73715.5 of the Government Code is repealed.

SEC. 15. Section 73716 of the Government Code is amended to read:

73716. Notwithstanding any other provision of law, the provisions of the county ordinance relating to civil service and the rules of the civil service commission adopted pursuant thereto, shall apply to all employees, except the marshal, in the same manner and to the extent as applicable generally to officers and employees of the County of San Joaquin.

Such employees shall be entitled to the same vacation, sick leave, and other employee benefits, including uniform allowances for deputy marshals, as are now, or may hereafter be, provided for the employees of the county, including the right to participate in any group, accident, health or life insurance plan adopted by the board of supervisors.

SEC. 16. Section 73716.5 is added to the Government Code, to

read:

73716.5. Whenever any person occupying the position of clerk-typist II in the office of the marshal performs the duties of a matron in that office her salary shall be increased by a sum equivalent to 2½ percent of the salary otherwise payable during the period of the performance of such duties.

SEC. 17. Section 74803 of the Government Code is amended to read:

74803. The clerk may appoint:

(a) One deputy clerk who shall be assistant administrative officer and chief deputy.

(b) Eight deputy clerks IV.

(c) Five deputy clerks III.

(d) One deputy clerk III (stenographer).

(e) Two deputy clerks II (stenographer).

(f) Five deputy clerks II.

(g) Fourteen deputy clerks I.

SEC. 18. Section 74805 of the Government Code is amended to read:

74805. The marshal may appoint:

(a) One senior deputy marshal.

(b) Twelve deputy marshals.

(c) Twenty deputies who shall be custodians at the fee allowed by law for the keeping of property.

SEC. 19. Section 74806 of the Government Code is amended to read:

74806. The following biweekly salary schedule shall apply to persons employed in the clerk's office and in the marshal's office:

Salary Schedule

Salary range number	Steps				
	A	B	C	D	E
25	$222.40	$233.60	$245.60	$257.60	$270.40
26	233.60	245.60	257.60	270.40	284.00
27	245.60	257.60	270.40	284.00	298.40
28	257.60	270.40	284.00	298.40	313.60
29	270.40	284.00	298.40	313.60	329.60
30	284.00	298.40	313.60	329.60	346.40
31	298.40	313.60	329.60	346.40	364.00
32	313.60	329.60	346.40	364.00	382.40
33	329.60	346.40	364.00	382.40	401.60
34	346.40	364.00	382.40	401.60	421.60
35	364.00	382.40	401.60	421.60	442.40
36	382.40	401.60	421.60	442.40	464.80
37	401.60	421.60	442.40	464.80	488.00
38	421.60	442.40	464.80	488.00	512.80
39	442.40	464.80	488.00	512.80	538.40
40	464.80	488.00	512.80	538.40	565.60

41	488.00	512.80	538.40	565.60	593.60
42	512.80	538.40	565.60	593.60	623.20
43	538.40	565.60	593.60	623.20	654.40
44	565.60	593.60	623.20	654.40	687.20
45	593.60	623.20	654.40	687.20	721.60
46	623.20	654.40	687.20	721.60	757.60
47	654.40	687.20	721.60	757.60	795.20
48	687.20	721.60	757.60	795.20	835.20
49	721.60	757.60	795.20	835.20	876.80
50	757.60	795.20	835.20	876.80	920.80

SEC. 20. Section 74807 of the Government Code is amended to read:

74807. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set forth in the biweekly salary schedule contained in Section 74806, except that if the range shown opposite the title of the position includes a fraction then the person employed in such position shall be paid a salary equal to that shown opposite said fractional range in the salary ordinance of the County of San Joaquin:

(a) Deputy clerk I ..... Range 26
(b) Deputy clerk II (stenographer) ..... Range 27.5
(c) Deputy clerk II ..... Range 28
(d) Deputy clerk III ..... Range 30
(e) Deputy clerk III (stenographer) ..... Range 30.5
(f) Deputy clerk IV ..... Range 33.25
(g) Chief deputy clerk ..... Range 37.5
(h) Clerk ..... Range 46.25
(i) Clerk-typist II ..... Range 25
(j) Deputy marshal ..... Range 36.25
(k) Senior deputy marshal ..... Range 38.5

Subject to the provisions of the salary ordinance of the County of San Joaquin, each person employed in the clerk's office or marshal's office may receive an annual increase in salary of one step on his assigned range until the employee reaches the maximum step on the range assigned for his position. Thereafter no additional step increase shall be granted.

SEC. 21. Section 74807.1 is added to the Government Code, to read:

74807.1. Notwithstanding any other provision of this article, commencing July 1, 1974, the salary range of deputy marshal shall be not less than one full range below the salary range of the class of deputy sheriff II in the service of San Joaquin County.

If the salary range of deputy marshal is increased as a result of the preceding paragraph, the salary range of the senior deputy marshal

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shall be increased an equal number of ranges and fraction of ranges.

SEC. 22. Section 74807.5 of the Government Code is repealed.

SEC. 23. Section 74808 of the Government Code is amended to read:

74808. Certain classifications in the clerk's office and marshal's office are deemed to be equivalent in job and salary level to certain classifications in the service of San Joaquin County and whenever the salary of a classification in the service of San Joaquin County is adjusted by the board of supervisors, the salary of the comparable classification in the clerk's office or marshal's office, as well as the related classifications hereinafter listed, shall be adjusted by an amount which is equivalent to the increase or decrease in the salary of the comparable classification in the classified service of the County of San Joaquin. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to the county classifications, but such adjustments shall be effective only until January 1, 1975.

(a) The class of deputy clerk I in the clerk's office is equivalent in job and salary level to the class of clerk-typist II in the service of San Joaquin County. Whenever the class of clerk-typist II is adjusted, the classes of deputy clerk I, deputy clerk II and deputy clerk III shall be adjusted an equal number of ranges on the salary schedule.

(b) The class of deputy clerk III (stenographer) is equivalent in job and salary to the class of clerk-stenographer III in the service of San Joaquin County. Whenever the class of clerk-stenographer III is adjusted, the class of deputy clerk III (stenographer) shall be adjusted an equal number of ranges on the salary schedule.

(c) The class of deputy clerk IV is equivalent in job and salary level to the class of superior court clerk in the service of San Joaquin County. Whenever the class of superior court clerk is adjusted, the classes of deputy clerk IV, chief deputy clerk and clerk shall be adjusted an equal number of ranges on the salary schedule.

(d) The class of deputy clerk II (stenographer) is equivalent in job and salary level to the class of clerk-stenographer II in the service of San Joaquin County. Whenever the class of clerk-stenographer II is adjusted, the class of deputy clerk II (stenographer) shall be adjusted an equal number of ranges on the salary schedule.

(e) Whenever the salary of the class of deputy sheriff I in the service of San Joaquin County is adjusted, the class of deputy marshal and senior deputy marshal shall be adjusted an equal number of ranges on the salary schedule.

SEC. 24. Section 74808.5 of the Government Code is repealed.

SEC. 25. Section 74809 of the Government Code is amended to read:

74809. Notwithstanding any other provisions of law, the provisions of the county ordinance relating to civil service and the rules of the civil service commission adopted pursuant thereto, shall apply to all employees, except the marshal, in the same manner and to the same extent as applicable generally to officers and employees

of the County of San Joaquin.

Such employees shall be entitled to the same vacation, sick leave, leave of absence, and similar benefits, including uniform allowances for the deputy marshals, and may be appointed, promoted, demoted, terminated or transferred, or their status otherwise adjusted in the same manner and with the same effect as is or may be provided by the current salary ordinance of San Joaquin County, or the civil service ordinance of the county, for employees of the county.

SEC. 26. There are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code because this act is in accordance with the request of a local government entity or entities which desires legislative authority to act to carry out the program specified in this act.

CHAPTER 830

An act to add Section 6240.3 to the Harbors and Navigation Code, relating to port districts.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 6240.3 is added to the Harbors and Navigation Code, to read:

6240.3. (a) The Stockton Port District shall be governed by a board of port commissioners consisting of seven members who shall have the qualifications prescribed by Section 6244. Three of the commissioners shall be appointed by the Board of Supervisors of San Joaquin County and four of the commissioners shall be appointed by the City Council of the City of Stockton.

(b) Commissioners may be removed from office during their term at pleasure by a two-thirds vote of the appointing authority.

(c) The terms of members of the board of port commissioners in office on the effective date of this section shall expire on the succeeding calendar day. Within 10 days thereafter, members of the board of port commissioners shall be appointed in the manner prescribed by subdivision (a). The terms of office of the members of the board of port commissioners shall be four years from the time of appointment, unless removed from office during their term pursuant to subdivision (b), except that the commissioners first appointed shall classify themselves by lot, so that the terms of such initial members shall expire, as follows:

(1) One member January 15, 1975.
(2) Two members January 15, 1976.
(3) Two members January 15, 1977.
(4) Two members January 15, 1978.

(d) At the first meeting of the board of port commissioners, the board shall organize by electing one of its members chairman. The members of the board of port commissioners shall annually elect a chairman. A chairman shall not succeed himself in office.

SEC. 2. The Legislature hereby finds and declares that facts and circumstances exist in the County of San Joaquin and the City of Stockton which are peculiar to the county and to the city and which warrant special consideration as provided by this act for the appointment of members of the Board of Port Commissioners of the Stockton Port District, including, but not limited to, the general location of the port district, the composition of the port facilities therein, and the important role that the port district plays in the economic life of both the city and the county.

SEC. 3. There are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code because this act is in accordance with the request of a local government entity or entities which desires legislative authority to act to carry out the program specified in this act.

CHAPTER 831

An act to add Section 39297.8 to the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1973. Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 39297.8 is added to the Health and Safety Code, to read:

39297.8. Notwithstanding Sections 39057 and 39296, open outdoor fires may be used to dispose of Russian thistle (*Salsola kali*) when authorized by a chief of a fire department or fire protection agency of a city, county, or fire protection district, or a county agricultural commissioner, or an air pollution control officer.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the hazards caused by Russian thistle be eliminated as soon as possible in the most economic manner, it is necessary that this act take effect immediately.

CHAPTER 832

An act to amend Sections 73350, 73351, 73351.1, 73352, 73355, 73356, 73357 and 73358 of, and to repeal Sections 73359 and 73360 of, the Government Code, relating to courts.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 73350 of the Government Code is amended to read:

73350. There are the following classes of positions into which each of the positions of the municipal courts and marshals' offices shall be assigned as prescribed in the section pertaining to each court or marshal's office.

(a) Deputy clerk I, which shall include all municipal courts and marshals' offices employments assigned routine clerical tasks under continuous immediate supervision.

(b) Deputy clerk II, which shall include all municipal courts and marshals' offices employments assigned clerical tasks requiring exercise of discretion as to methods and priorities and which supervision is available on a periodic basis only.

(c) Deputy clerk III, which shall include all municipal courts and marshals' offices employments assigned clerical duties of a complex and varied nature requiring exercise of initiative and discretion in work organization, methods and priorities and in which supervision is available only on policy matters. Positions of this class may assign and review the work of several deputy clerks I or deputy clerks II.

(d) Deputy clerk IV, which shall include clerical duties of a complex and varied nature in which the incumbent works independently, such as an employment having as a primary assignment the discharge of a court's orders and the maintenance of court minutes.

(e) Chief deputy clerk, which shall include assisting in supervision and direction of court affairs, filling in for courtroom clerks and other employees during absences, and being responsible for court operations in the absence of the clerk-administrator.

(f) Clerk-administrator of the court, which shall include any municipal court position in a multijudge court charged with the overall responsibility for managing and supervising court clerical operations including courtroom duties.

(g) Deputy marshal, which shall include all marshals' offices employments assigned to discharge the peace officer responsibilities of the marshal including establishment and maintenance of law and acting as bailiff when the municipal court is in session.

(h) Deputy marshal sergeant, which shall include any position in a marshal's office responsible for assigning and reviewing the work of several deputy marshals I in serving court processes and other

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peace officer activities.

(i) Marshal, which shall include any nonelective position responsible for the management and supervision of the duties of the office of marshal in any multijudge judicial district.

SEC. 2. Section 73351 of the Government Code is amended to read:

73351. The following salary schedule shall apply to all persons employed by municipal courts in Contra Costa County:

Salary Schedule

Level	1	2	3	4	5
80	$470	494	518	544	572
82	473	497	522	548	575
84	476	500	525	551	579
86	479	503	528	554	582
88	482	506	531	558	586
90	485	509	535	561	589
92	488	512	538	565	593
94	491	515	541	568	597
96	494	518	544	572	600
98	497	522	548	575	604
100	500	525	551	579	608
102	503	528	554	582	611
104	506	531	558	586	615
106	509	535	561	589	619
108	512	538	565	593	623
110	515	541	568	597	626
112	518	544	572	600	630
114	522	548	575	604	634
116	525	551	579	608	638
118	528	554	582	611	642
120	531	558	586	615	646
122	535	561	589	619	650
124	538	565	593	623	654
126	541	568	597	626	658
128	544	572	600	630	662
130	548	575	604	634	666
132	551	579	608	638	670
134	554	582	611	642	674
136	558	586	615	646	678
138	561	589	619	650	682
140	565	593	623	654	686
142	568	597	626	658	691
144	572	600	630	662	695
146	575	604	634	666	699
148	579	608	638	670	703
150	582	611	642	674	708
152	586	615	646	678	712

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154	589	619	650	682	716
156	593	623	654	686	721
158	597	626	658	691	725
160	600	630	662	695	730
162	604	634	666	699	734
164	608	638	670	703	738
166	611	642	674	708	743
168	615	646	678	712	748
170	619	650	682	716	752
172	623	654	686	721	757
174	626	658	691	725	761
176	630	662	695	730	766
178	634	666	699	734	771
180	638	670	703	738	775
182	642	674	708	743	780
184	646	678	712	748	785
186	650	682	716	752	790
188	654	686	721	757	795
190	658	691	725	761	799
192	662	695	730	766	804
194	666	699	734	771	809
196	670	703	738	775	814
198	674	708	743	780	819
200	678	712	748	785	824
202	682	716	752	790	829
204	686	721	757	795	834
206	691	725	761	799	839
208	695	730	766	804	845
210	699	734	771	809	850
212	703	738	775	814	855
214	708	743	780	819	860
216	712	748	785	824	865
218	716	752	790	829	871
220	721	757	795	834	876
222	725	761	799	839	881
224	730	766	804	845	887
226	734	771	809	850	892
228	738	775	814	855	898
230	743	780	819	860	903
232	748	785	824	865	909
234	752	790	829	871	914
236	757	795	834	876	920
238	761	799	839	881	925
240	766	804	845	887	931
242	771	809	850	892	937
244	775	814	855	898	943
246	780	819	860	903	948
248	785	824	865	909	954
250	790	829	871	914	960

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252	795	834	876	920	966
254	799	839	881	925	972
256	804	845	887	931	978
258	809	850	892	937	984
260	814	855	898	943	990
262	819	860	903	948	996
264	824	865	909	954	1,002
266	829	871	914	960	1,008
268	834	876	920	966	1,014
270	839	881	925	972	1,020
272	845	887	931	978	1,027
274	850	892	937	984	1,033
276	855	898	943	990	1,039
278	860	903	948	996	1,045
280	865	909	954	1,002	1,052
282	871	914	960	1,008	1,058
284	876	920	966	1,014	1,065
286	881	925	972	1,020	1,071
288	887	931	978	1,027	1,078
290	892	937	984	1,033	1,084
292	898	943	990	1,039	1,091
294	903	948	996	1,045	1,098
296	909	954	1,002	1,052	1,104
298	914	960	1,008	1,058	1,111
300	920	966	1,014	1,065	1,118
302	925	972	1,020	1,071	1,125
304	931	978	1,027	1,078	1,131
306	937	984	1,033	1,084	1,139
308	943	990	1,039	1,091	1,146
310	948	996	1,045	1,098	1,153
312	954	1,002	1,052	1,104	1,160
314	960	1,008	1,058	1,111	1,167
316	966	1,014	1,065	1,118	1,174
318	972	1,020	1,071	1,125	1,181
320	978	1,027	1,078	1,131	1,188
322	984	1,033	1,084	1,139	1,196
324	990	1,039	1,091	1,146	1,203
326	996	1,045	1,098	1,153	1,210
328	1,002	1,052	1,104	1,160	1,218
330	1,008	1,058	1,111	1,167	1,225
332	1,014	1,065	1,118	1,174	1,233
334	1,020	1,071	1,125	1,181	1,240
336	1,027	1,078	1,131	1,188	1,248
338	1,033	1,084	1,139	1,196	1,255
340	1,039	1,091	1,146	1,203	1,263
342	1,045	1,098	1,153	1,210	1,271
344	1,052	1,104	1,160	1,218	1,279
346	1,058	1,111	1,167	1,225	1,286
348	1,065	1,118	1,174	1,233	1,294

350	1,071	1,125	1,181	1,240	1,302
352	1,078	1,131	1,188	1,248	1,310
354	1,084	1,139	1,196	1,255	1,318
356	1,091	1,146	1,203	1,263	1,326
358	1,098	1,153	1,210	1,271	1,334
360	1,104	1,160	1,218	1,279	1,342
362	1,111	1,167	1,225	1,286	1,351
364	1,118	1,174	1,233	1,294	1,359
366	1,125	1,181	1,240	1,302	1,367
368	1,131	1,188	1,248	1,310	1,376
370	1,139	1,196	1,255	1,318	1,384
372	1,146	1,203	1,263	1,326	1,393
374	1,153	1,210	1,271	1,334	1,401
376	1,160	1,218	1,279	1,342	1,410
378	1,167	1,225	1,286	1,351	1,418
380	1,174	1,233	1,294	1,359	1,427
382	1,181	1,240	1,302	1,367	1,436
384	1,188	1,248	1,310	1,376	1,444
386	1,196	1,255	1,318	1,384	1,453
388	1,203	1,263	1,326	1,393	1,462
390	1,210	1,271	1,334	1,401	1,471
392	1,218	1,279	1,342	1,410	1,480
394	1,225	1,286	1,351	1,418	1,489
396	1,233	1,294	1,359	1,427	1,498
398	1,240	1,302	1,367	1,436	1,507
400	1,248	1,310	1,376	1,444	1,517
402	1,255	1,318	1,384	1,453	1,526
404	1,263	1,326	1,393	1,462	1,535
406	1,271	1,334	1,401	1,471	1,545
408	1,279	1,342	1,410	1,480	1,554
410	1,286	1,351	1,418	1,489	1,564
412	1,294	1,359	1,427	1,498	1,573
414	1,302	1,367	1,436	1,507	1,583
416	1,310	1,376	1,444	1,517	1,592
418	1,318	1,384	1,453	1,526	1,602
420	1,326	1,393	1,462	1,535	1,612
422	1,334	1,401	1,471	1,545	1,622
424	1,342	1,410	1,480	1,554	1,632
426	1,351	1,418	1,489	1,564	1,642
428	1,359	1,427	1,498	1,573	1,652
430	1,367	1,436	1,507	1,583	1,662
432	1,376	1,444	1,517	1,592	1,672
434	1,384	1,453	1,526	1,602	1,682
436	1,393	1,462	1,535	1,612	1,693
438	1,401	1,471	1,545	1,622	1,703
440	1,410	1,480	1,554	1,632	1,713
442	1,418	1,489	1,564	1,642	1,724
444	1,427	1,498	1,573	1,652	1,734
446	1,436	1,507	1,583	1,662	1,745

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448	1,444	1,517	1,592	1,672	1,756
450	1,453	1,526	1,602	1,682	1,766
452	1,462	1,535	1,612	1,693	1,777
454	1,471	1,545	1,622	1,703	1,788
456	1,480	1,554	1,632	1,713	1,799
458	1,489	1,564	1,642	1,724	1,810
460	1,498	1,573	1,652	1,734	1,821
462	1,507	1,583	1,662	1,745	1,832
464	1,517	1,592	1,672	1,756	1,843
466	1,526	1,602	1,682	1,766	1,855
468	1,535	1,612	1,693	1,777	1,866
470	1,545	1,622	1,703	1,788	1,878
472	1,554	1,632	1,713	1,799	1,889
474	1,564	1,642	1,724	1,810	1,901
476	1,573	1,652	1,734	1,821	1,912
478	1,583	1,662	1,745	1,832	1,924
480	1,592	1,672	1,756	1,843	1,936
482	1,602	1,682	1,766	1,855	1,947
484	1,612	1,693	1,777	1,866	1,959
486	1,622	1,703	1,788	1,878	1,971
488	1,632	1,713	1,799	1,889	1,983
490	1,642	1,724	1,810	1,901	1,996
492	1,652	1,734	1,821	1,912	2,008
494	1,662	1,745	1,832	1,924	2,020
496	1,672	1,756	1,843	1,936	2,032
498	1,682	1,766	1,855	1,947	2,045
500	1,693	1,777	1,866	1,959	2,057
502	1,703	1,788	1,878	1,971	2,070
504	1,713	1,799	1,889	1,983	2,083
506	1,724	1,810	1,901	1,996	2,095
508	1,734	1,821	1,912	2,008	2,108
510	1,745	1,832	1,924	2,020	2,121
512	1,756	1,843	1,936	2,032	2,134
514	1,766	1,855	1,947	2,045	2,147
516	1,777	1,866	1,959	2,057	2,160
518	1,788	1,878	1,971	2,070	2,173
520	1,799	1,889	1,983	2,083	2,187
522	1,810	1,901	1,996	2,095	2,200
524	1,821	1,912	2,008	2,108	2,214
526	1,832	1,924	2,020	2,121	2,227
528	1,843	1,936	2,032	2,134	2,241
530	1,855	1,947	2,045	2,147	2,254
532	1,866	1,959	2,057	2,160	2,268
534	1,878	1,971	2,070	2,173	2,282
536	1,889	1,983	2,083	2,187	2,296
538	1,901	1,996	2,095	2,200	2,310
540	1,912	2,008	2,108	2,214	2,324
542	1,924	2,020	2,121	2,227	2,338
544	1,936	2,032	2,134	2,241	2,353

546	1,947	2,045	2,147	2,254	2,367
548	1,959	2,057	2,160	2,268	2,382
550	1,971	2,070	2,173	2,282	2,396

The above salary schedule is the same schedule utilized for employees of Contra Costa County.

Should the board of supervisors adopt a revised salary schedule for county employees the new schedule shall apply equally to municipal courts and marshals' offices and conversion to the new schedule shall be effected for employees of the municipal courts or marshals' offices in the same manner and on the same date as for county employees, but all such adjustments shall be effective only until January 1, 1976.

SEC. 3. Section 73351.1 of the Government Code is amended to read:

73351.1. Classes of positions provided in Section 73351 are allocated to the salary schedule as follows:

(a) Deputy clerk I ..... Level 92
(b) Deputy clerk II ..... Level 136
(c) Deputy clerk III ..... Level 200
(d) Deputy clerk IV ..... Level 268
(e) Chief deputy clerk ..... Level 332
(f) Deputy marshal ..... Level 302
(g) Deputy marshal sergeant ..... Level 350
(h) Clerk-administrator of the court ..... Level 404
(i) Marshal ..... Level 446

SEC. 4. Section 73352 of the Government Code is amended to read:

73352. Certain classifications in the municipal courts and marshals' offices are deemed to be equivalent in job and salary level to certain classifications in the service of Contra Costa County and whenever the salary of a classification in the service of Contra Costa County is adjusted by the board of supervisors, the salary of the comparable classification in the municipal courts or marshals' offices shall be adjusted a commensurate number of levels on the salary schedule. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to the county classifications, but such adjustments shall be effective only until January 1, 1976.

(a) The class of deputy clerk I is equivalent in job and salary level to the class of typist-clerk I in the service of Contra Costa County. The class of deputy clerk II is equivalent to typist-clerk II.

(b) Whenever the salary of the class of deputy clerk II is adjusted as described above, the class of deputy clerk III shall be adjusted an equivalent number of levels on the salary schedule.

(c) The class of deputy marshal is equivalent in job and salary level to the class of deputy sheriff in the service of Contra Costa County. The class of deputy marshal sergeant is equivalent in job and

salary level to the class of deputy sheriff sergeant in the service of Contra Costa County. The class of marshal shall be allocated to a salary level which is 25 percent above that of deputy marshal sergeant. If on the effective date of this amendment the actual salary rate for marshal exceeds the salary rate applicable as a result of the percentage differentials cited above, the existing salary rate shall continue in effect until exceeded by the applicable percentage differentials.

(d) The position of municipal court reporter is equivalent in job responsibility to positions described and functioning as superior court reporters in Contra Costa County. Whenever the superior court reporters are authorized a basic salary adjustment, the salary of municipal court reporters shall be adjusted. Such adjustment shall be effective on the same date as the superior court reporter salaries are adjusted.

(e) The class of deputy clerk IV shall be allocated to a basic salary schedule which is 5 percent below the county class of superior court clerk. Whenever the salary of the class of superior court clerk is adjusted by the board of supervisors the classes of deputy clerk IV shall be adjusted an equivalent number of levels on the salary schedule.

(f) The class of chief deputy clerk shall be allocated to a salary level which is 20 percent above that of deputy clerk IV.

(g) The class of clerk-administrator of the court shall be allocated to a salary level which is 22½ percent above that of chief deputy clerk.

SEC. 5. Section 73355 of the Government Code is amended to read:

73355. In a municipal court district having three judges, the following positions are authorized:

(a) One (1) clerk-administrator of the court.

(b) One (1) chief deputy clerk.

(c) Nine (9) deputy clerks IV.

(d) Seven (7) deputy clerks III.

(e) Twenty-two (22) deputy clerks II or deputy clerks I, not to exceed a combined total of 22 positions at any one time.

SEC. 6. Section 73356 of the Government Code is amended to read:

73356. In a municipal court district having three judges, the following positions are authorized:

(a) One (1) marshal.

(b) One (1) deputy marshal sergeant.

(c) Twelve (12) deputy marshals.

(d) Two (2) deputy clerks III.

(e) Six (6) deputy clerks II or deputy clerks I, not to exceed a combined total of six positions at any one time.

(f) Ten (10) deputies, who shall be custodians at the fee allowed by law for keeping property. They shall be paid only for their actual services as keepers of property taken under legal process and shall

be paid out of the funds deposited by the parties to the action in which such services are rendered. Deputies serving under the provisions of this subdivision are not salaried employees of the judicial district for purposes of obtaining civil service status or any other benefits of this article.

SEC. 6.5. Section 73357 of the Government Code is amended to read:

73357. In a municipal court district having two judges, the following positions are authorized:

(a) One (1) clerk-administrator of the court.

(b) One (1) chief deputy clerk.

(c) Five (5) deputy clerks IV.

(d) Seven (7) deputy clerks III.

(e) Eighteen (18) deputy clerks II or deputy clerks I, not to exceed a combined total of 18 positions at any one time.

SEC. 7. Section 73358 of the Government Code is amended to read:

73358. In a municipal court district having two judges, the following positions are authorized:

(a) One (1) marshal.

(b) One (1) deputy marshal sergeant.

(c) Six (6) deputy marshals.

(d) One (1) deputy clerk III.

(e) Four (4) deputy clerks II or deputy clerks I, not to exceed a combined total of four positions at any one time.

(f) Ten (10) deputies, who serve as custodians at the fee allowed by law for keeping property. They shall be paid only for their actual services as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered. Deputies serving under the provisions of this subdivision are not salaried employees of the judicial district for purposes of obtaining civil service status or any other benefits of this article.

SEC. 8. Section 73359 of the Government Code is repealed.

SEC 9. Section 73360 of the Government Code is repealed.

SEC. 10. There are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code because this act is in accordance with the request of a local government entity or entities which desires legislative authority to act to carry out the program specified in this act.

CHAPTER 833

An act to amend Sections 4300, 4301, 4304, 4307, 4308, 4311, 4314, 4318, and 4319 of, and to repeal Section 7505 of, the Welfare and Institutions Code, relating to the state hospitals.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 4300 of the Welfare and Institutions Code is amended to read:

4300. As used in this article, "officers" of a state hospital means:

(a) Clinical director.

(b) Hospital administrator.

SEC. 2. Section 4301 of the Welfare and Institutions Code is amended to read:

4301. The Director of Health shall appoint and define the duties, subject to the laws governing civil service, of the clinical director and the hospital administrator for each state hospital.

The director shall appoint a program director for each program at a state hospital. In each hospital for the mentally retarded, where the clinical director is not a licensed physician, the director shall appoint a medical program director.

SEC. 3. Section 4304 of the Welfare and Institutions Code is amended to read:

4304. Subject to the rules and regulations established by the department, the clinical director of each state hospital shall be responsible for the planning, development, direction, management, supervision, and evaluation of all patient services, and of the supervision of research and clinical training. In each hospital for the mentally retarded, where the clinical director is not a licensed physician, the medical program director shall, under the general supervision of the clinical director, be responsible for the planning, development, and supervision of all medical services for patients in the hospital.

SEC. 4. Section 4307 of the Welfare and Institutions Code is amended as follows:

4307. As often as a vacancy occurs in a hospital under the jurisdiction of the Director of Health, he shall appoint, as provided in Section 4301, a clinical director, a hospital administrator, a medical program director, and program directors.

A hospital administrator shall be a college graduate preferably with an advanced degree in hospital, business or public administration and shall have had experience in this area. He shall receive a salary which is competitive with other private and public mental hospital administrators.

A clinical director for a state hospital for the mentally disordered shall be a physician who has passed, or shall pass, an examination for a license to practice medicine in California and shall be a qualified specialist in a branch of medicine that includes diseases affecting the brain and nervous system. A clinical director for a state hospital for the mentally retarded shall be a person who is a physician, psychologist, registered nurse, clinical social worker, physical therapist, or psychiatric technician, and licensed as such pursuant to

the Business and Professions Code. The clinical director for any state hospital shall be well qualified by training or experience to have proven skills in mental hospital program administration.

The standards for the professional qualifications of a program director shall be established by the Director of Health for each patient program except that if the duties of the program director include the providing, supervising, or consulting with regard to the medical care of patients, the program director shall be a physician who has passed, or shall pass, an examination for a license to practice medicine in California and shall be a qualified specialist in a branch of medicine that includes diseases affecting the brain and nervous system.

A medical program director for a state hospital for the mentally retarded shall be a physician who has passed, or shall pass, an examination for a license to practice medicine in California and who shall be a qualified specialist in a branch of medicine which includes diseases affecting the brain and nervous system, and the care, treatment, and habilitation of the mentally retarded or disordered.

SEC. 5. Section 4308 of the Welfare and Institutions Code is amended to read:

4308. The hospital administrator shall be responsible for the efficient management of the hospital. In his absence or illness he shall designate another officer to perform his duties and assume his responsibilities.

The clinical director is responsible for the care and treatment of the hospital's patients, except as provided in Section 4304. In his absence or illness he shall designate a program director to perform his duties and assume his responsibilities.

SEC. 6. Section 4311 of the Welfare and Institutions Code is amended to read:

4311. The clinical director may establish rules and regulations, not inconsistent with law or department regulations, concerning the care and treatment of patients, and research and clinical training.

The hospital administrator may establish rules and regulations not inconsistent with law, department regulations, or rules and regulations established by the clinical director, for the government of the hospital buildings and grounds. Any person who knowingly or willfully violates such rules and regulations may, upon the order of the hospital administrator, be ejected from the buildings and premises of the hospital.

SEC. 7. Section 4314 of the Welfare and Institutions Code is amended to read:

4314. Wherever the term "superintendent", "medical superintendent", or "superintendent or medical director" appears, the term shall be deemed to mean clinical director, except in Sections 4110, 4126, 4127, 4129, 6731, 7281, and 7289, where the term shall be deemed to mean hospital administrator.

Wherever the term "medical director" appears, the term shall be deemed to mean clinical director.

SEC. 8. Section 4318 of the Welfare and Institutions Code is amended to read:

4318. Subject to rules and regulations adopted by the department, the clinical director may establish a sheltered workshop at a state hospital to provide patients with remunerative work performed in a setting which simulates that of industry and is performed in such a manner as to meet standards of industrial quality. The workshop shall be so operated as to provide the treatment staff with a realistic atmosphere for assessing patients' capabilities in work settings, and to provide opportunities to strengthen and expand patient interests and aptitudes.

SEC. 9. Section 4319 of the Welfare and Institutions Code, as added by Chapter 722 of the Statutes of 1969, is amended to read:

4319. At each state hospital at which there is established a sheltered workshop, there shall be a sheltered workshop fund administered by the clinical director. The fund shall be used for the purchase of materials, for the purchase or rental of equipment needed in the manufacturing, fabricating, or assembly of products, for the payment of remuneration to patients engaged in work at the workshop, and for the payment of such other costs of the operation of the workshop as may be directed by the medical director. The clinical director may cause the raw materials, goods in process, finished products, and equipment necessary for the production thereof to be insured against any and all risks of loss, subject to the approval of the Department of General Services. The costs of such insurance shall be paid from the sheltered workshop fund.

All money received from the manufacture, fabrication, assembly, or distribution of products at any state hospital sheltered workshop shall be deposited and credited to the hospital's sheltered workshop fund.

SEC. 10. Section 7505 of the Welfare and Institutions Code is repealed.

CHAPTER 834

An act to add Section 14629.5 to the Elections Code, relating to elections.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 14629.5 is added to the Elections Code, to read:

14629.5. The county clerk shall send a second absent voter ballot to the voter upon receipt of a statement under penalty of perjury from the voter that he has lost or destroyed his absent voter ballot.

The envelope in which the second ballot is enclosed shall have plainly stamped or printed on it a warning that voting twice constitutes a felony. If the voter attempts to vote more than one absent voter ballot, both ballots shall be void.

The county clerk shall maintain a record of each absent voter ballot sent to and received from a voter, and shall verify, prior to counting the vote of any second or replacement absent voter ballot, that the voter, according to the record maintained by the clerk, has not voted or attempted to vote more than one absent voter ballot.

SEC. 2. Notwithstanding Section 2164.3 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 835

An act to add Section 66656.1 to the Government Code, relating to San Francisco Bay Conservation and Development Commission.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 66656.1 is added to the Government Code, to read:

66656.1. (a) Any person claiming an exemption from the permit requirements of Section 66632 for placement of fill within the area of the commission's jurisdiction under subdivisions (a), (c), and (d) of Section 66610 after the effective date of this section, through reliance upon Section 66632.1, 66655 or 66656 shall, within 90 days after the effective date of this section, notify the commission by filing a claim of exemption with the commission. Failure of any person to file a claim of exemption within such time shall subject such activity of such person within such area of the commission's jurisdiction to the permit requirements of this act.

(b) The commission shall, by regulation, establish procedures, including public hearings, for determining claims of exemption and may require documentation, including declarations under penalty of perjury or affidavits, to support any claim of exemption.

(c) The commission shall take reasonable steps to notify persons of this section, but the failure of any person to receive such notice shall not extend the period within which a claim of exemption must be filed under this section.

(d) This section shall not apply either to any person who has received a written determination by or on behalf of the commission

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prior to the effective date of this section that a specific project is exempt from the provisions of this act; or to any person who is a party to a written agreement with the commission relating to a claim of exemption.

CHAPTER 836

An act to amend Section 39175 of, and to add Section 39106.5 to, the Health and Safety Code, and to add Section 27156.1 to the Vehicle Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 39106.5 is added to the Health and Safety Code, to read:

39106.5. (a) The board shall establish standards or criteria for auxiliary gasoline fuel tank evaporative loss control devices or systems on vehicles which are required, pursuant to Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of this code or the National Emissions Standards Act (42 U.S.C., Secs. 1857f-1 to 1857f-5, inclusive), to be equipped with a fuel system evaporative loss control device, to prevent as much evaporation of gasoline into the air from auxiliary fuel tanks as is technologically feasible.

(b) For the purpose of this section, Section 39175 of this code, and Section 27156.1 of the Vehicle Code, an "auxiliary gasoline fuel tank" is a fuel tank which is designed and intended by its manufacturer for installation on, or which is installed on, a vehicle operating on gasoline and which is connected to the original fuel system, as defined in Section 39089 of this code, but is not a gasoline fuel tank which is added to an approved or certified device on a used vehicle if such approval or certification included the capability of handling evaporation from such a tank.

SEC. 2. Section 39175 of the Health and Safety Code is amended to read:

39175. The board shall have the powers and authority necessary to carry out the duties imposed on it by this article including, but not limited to, the following:

(a) To adopt rules and regulations in accordance with the provisions of the Administrative Procedure Act (commencing with Section 11370) of the Government Code, necessary for proper execution of the powers and duties granted to, and imposed upon the board by this article.

(b) To employ such technical and other personnel as may be necessary for the performance of its powers and duties.

(c) To determine and publish by January 1, 1969, tests and procedures for the accreditation of used car exhaust emission control and fuel system evaporative loss control devices.

(d) To accredit motor vehicle pollution control devices following tests by the board or by a board-designated laboratory in which the board finds that the device operates within the standards set in Article 2 (commencing with Section 39100) of this chapter or that the device effectively controls harmful pollutants not specifically mentioned in Article 2 (commencing with Section 39100) of this chapter, or that the device effectively controls emissions from a part of the vehicle not specifically mentioned in Article 2 (commencing with Section 39100) of this chapter. Any device accredited shall be technologically feasible.

(e) To determine and publish the criteria for accreditation.

(f) To accredit auxiliary gasoline fuel tank evaporative loss control devices or systems which meet the standards or criteria established pursuant to Section 39106.5. As used in this subdivision, the term "auxiliary gasoline fuel tank," has the same meaning as defined in subdivision (b) of Section 39106.5.

SEC. 3. Section 27156.1 is added to the Vehicle Code, to read:

27156.1. The installation, prior to January 1, 1974, of an auxiliary gasoline fuel tank for use on a 1973 or earlier model year motor vehicle, which vehicle is required, pursuant to Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code or the National Emissions Standards Act (42 U.S.C., Secs. 1857f-1 to 1857f-5, inclusive), to be equipped with a fuel system evaporative loss control device, shall not be deemed a violation of Section 27156 of this code. As used in this section, the term "auxiliary gasoline fuel tank," has the same meaning as defined in subdivision (b) of Section 39106.5 of the Health and Safety Code.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act affects 1974 model year vehicles and the use of certain equipment on such vehicles. In order that the act may become effective when the 1974 year models become available in California, it is necessary that it go into immediate effect.

CHAPTER 837

An act to amend Section 12004 of, and to repeal Section 12016 of, the Fish and Game Code, relating to endangered species.

[Approved by Governor September 25, 1973. Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

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SECTION 1. Section 12004 of the Fish and Game Code is amended to read:

12004. A violation of any of the following provisions is punishable by imprisonment in the county jail for a term not exceeding one year or a fine not exceeding one thousand dollars ($1,000), or both:

(a) Any provision of this code relating to sea otter.

(b) Any provision of Sections 4600 to 4606, inclusive.

(c) Any provision of Section 1059.

(d) Any provision of this code relating to California condors (Gymnogyps californianus).

(e) Any provision of subdivision (a) or (b) of Section 5650.

(f) Any provision of Sections 3511, 4700, 5050, and 5515.

(g) Any provision of Section 10500.

(h) Any violation of Section 2052 or 2053.

SEC. 2. Section 12016 of the Fish and Game Code is repealed.

CHAPTER 838

An act to amend Section 18707 of, and to add Section 18707.5 to, the Government Code, relating to the State Personnel Board, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 18707 of the Government Code is amended to read:

18707. The board may enter into agreements to make available its services and facilities upon request, to any county, city, district or other subdivision of the state recognized by law and to state agencies excepted from the state civil service, and they may enter into agreements for the exchange of personnel services or the utilization of the services and facilities of the board. Such agreements shall be approved by the Director of General Services.

SEC. 2. Section 18707.5 is added to the Government Code, to read:

18707.5. This section establishes the State Personnel Board Cooperative Personnel Services Revolving Fund for use by the board subject to the following provisions:

(a) Any money paid to the state pursuant to such agreements as provided for in Section 18707 shall be deposited at least once each month accompanied by a detailed statement thereof into the fund.

(b) The balance in the fund at the end of any fiscal year shall not exceed 15 percent of the preceding fiscal year's reimbursements. If the Department of Finance determines that there are moneys in the

fund in excess of the 15-percent limit, it shall notify the State Controller and the State Controller shall transfer such excess amounts of money to the General Fund. Advances from the General Fund shall not be considered to be part of the fund when computing the percent of surplus.

(c) Moneys for expenditures from the fund shall be made available by appropriation in the Budget Act. In order for the fund to operate from the effective date of this legislation until a Budget Act appropriation can be made, the board may make expenditures from the fund up to the amount included in the Budget Act for cooperative personnel services and the money in the fund is appropriated for the purpose. Such amount shall be determined by the Department of Finance.

SEC. 3. The sum of one hundred twenty-five thousand dollars ($125,000) is hereby transferred from the General Fund to the State Personnel Board Cooperative Personnel Services Revolving Fund. The amount so transferred shall be repaid to the General Fund under conditions mutually agreeable to the State Personnel Board and the Department of Finance.

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:

Requests for improved services in the areas of job restructuring, the development of valid selection devices and examination material, and the removal of artificial barriers to employment are immediate. To enable State Personnel Board management to meet these legitimate needs of its clients in a more timely fashion, it is necessary that this act take effect immediately.

CHAPTER 839

An act to amend Section 62472 of the Food and Agricultural Code, relating to milk.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 62472 of the Food and Agricultural Code is amended to read:

62472. In every marketing area in which a stabilization and marketing plan for fluid milk is now or hereafter in effect pursuant to the provisions of this chapter, the director shall designate and prescribe, or provide methods for designating and prescribing, minimum wholesale and minimum retail prices for fluid milk, including pasteurized concentrated milk, and low-fat milk, pursuant

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to the provisions of this article.

In every marketing area in which the director has, under a stabilization and marketing plan for fluid milk, prescribed minimum prices which are to be paid by the distributors for fluid cream or fluid skim milk, or both, the director may designate and prescribe, or provide methods for designating and prescribing, minimum wholesale and minimum retail prices for fluid cream or fluid skim milk, or both, pursuant to the provisions of this article.

Unless the context otherwise requires or indicates, the term "fluid milk," as used in this chapter, includes both of the following:

(a) Fluid skim milk in the application of this chapter to any marketing area in which the director has exercised his discretion to designate and prescribe, or provide methods for designating and prescribing, minimum wholesale and minimum retail prices for fluid skim milk.

(b) Low-fat milk.

As used in this chapter, unless the context otherwise requires or indicates, the term "fluid milk" also includes flavored milk; the term "low-fat milk" includes flavored low-fat milk; and the term "fluid skim milk" includes flavored nonfat milk.

No provision of this chapter respecting minimum prices to be paid by distributors to producers for fluid milk, fluid cream, fluid skim milk, or the milk fat or fluid skim milk components of fluid milk, nor any provisions of any stabilization and marketing plan formulated and adopted pursuant to this chapter, respecting such minimum prices to be paid by distributors to producers shall be invalidated, modified, impaired, or in any way affected by any of the following, and such minimum prices to be paid by distributors to producers, and each and every provision relating thereto in this chapter and in any stabilization and marketing plan, shall be deemed to be severable and to be valid and of full force and effect, notwithstanding the occurrence of any or all of the following:

(1) The refusal or failure of the director to designate and prescribe, or to provide methods for designating and prescribing, minimum retail prices, minimum wholesale prices, or subdistributor prices, or any of them, pursuant to this article.

(2) The suspension or termination of minimum wholesale and minimum retail prices, subdistributor prices, or any of them.

(3) Amendment or repeal of this article, or any provision, section, subdivision, sentence, clause, or phrase of this article.

CHAPTER 840

An act to amend Sections 20520, 21265, and 21267 of, to add Section 22144 to, and to repeal Section 22841 of, the Water Code, relating to irrigation districts.

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[Approved by Governor September 25, 1973. Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 20520 of the Water Code is amended to read:

20520. "Office county" means the county in which the principal office of a district is kept.

SEC. 2. Section 21265 of the Water Code is amended to read:

21265. The board of supervisors of the office county shall fill by appointment vacancies in the offices of directors, provided that any such appointed directors shall be required to run for election in the next succeeding general district election.

SEC. 3. Section 21267 of the Water Code is amended to read:

21267. An appointment to fill a vacancy pursuant to this article shall, except as otherwise provided in Section 21265, be for the unexpired term of the office in which the vacancy exists.

SEC. 4. Section 22144 is added to the Water Code, to read:

22144. If a district has terminated a plan which did provide retirement benefits and has entered into a contract to participate in the Public Employees' Retirement System, it may adopt a plan to increase retirement benefits for former employees who had retired prior to provision being made in the contract with the Public Employees' Retirement System for past service credit. Such plan shall be designed to provide increased retirement benefits based on cost-of-living changes as determined by the board. Payments shall be from the general fund of the district and shall be limited to the benefits set forth in the terminated plan, plus the cost-of-living increases determined by the board.

SEC. 5. Section 22841 of the Water Code is repealed.

SEC. 6. Section 21265 of the Water Code is amended to read:

21265. The board of supervisors of the office county shall fill by appointment vacancies in the offices of directors, provided that any such appointed directors shall be required to run for election in the next succeeding general district election.

If within 60 days after a vacancy on the board of directors occurs the board of supervisors has failed to fill such vacancy, a special election may be called by the board of directors and held in the division affected, for the purpose of filling such vacancy. In the event there are more than two candidates at such special election, only a plurality will be required for election. The candidate elected at such special election shall fill the unexpired term of the vacating director.

SEC. 7. It is the intent of the Legislature, if this bill and Assembly Bill No. 1420 are both chaptered and amend Section 21265 of the Water Code, and this bill is chaptered after Assembly Bill No. 1420, that the amendments to Section 21265 proposed by both bills be given effect and incorporated in Section 21265 in the form set forth in Section 6 of this act. Therefore, Section 6 of this act shall become operative only if this bill and Assembly Bill No. 1420 are both chaptered, both amend Section 21265, and Assembly Bill No. 1420 is

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chaptered before this bill, in which case Section 2 of this act shall not become operative.

SEC. 8. There are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 841

An act to amend Section 994 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 994 of the Revenue and Taxation Code is amended to read:

994. Notwithstanding the provisions of Sections 410 to 414, inclusive, and 10758:

(a) Steel-wheeled and track-laying equipment shall not be subject to the license fees imposed pursuant to Part 5 (commencing with Section 10701) of Division 2 of this code, but shall be assessed in the county where it has situs on the lien date.

(b) Rubber-tired equipment which must be moved or operated under permit shall be assessed in the county where it has situs on the lien date, but the assessee of such property shall be allowed to deduct from the amount of property tax the amount of any fee paid on such vehicle under Part 5 (commencing with Section 10701) of Division 2 of this code, if such fee is paid prior to the lien date for the calendar year in which the lien date occurs.

(c) Rubber-tired equipment that does not require a permit and which is licensed under Part 5 (commencing with Section 10701) of Division 2 of this code, shall not be otherwise assessed for purposes of property taxation.

SEC. 2. This act is consistent with the provisions of the third paragraph of Section 2229 of the Revenue and Taxation Code and does not result in the exemption of property which was subject to property taxation on January 1, 1973.

CHAPTER 842

An act to amend Section 27155 of the Education Code, to amend Section 54901 of the Government Code, and to amend Sections 218, 463, 602, and 4831 of, and to repeal Section 871 of, and Section 255.3 (as added by Chapter 1 (First Extraordinary Session) of the Statutes of 1971) of, the Revenue and Taxation Code, relating to

property taxes.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 27155 of the Education Code is amended to read:

27155. The board of trustees, common council, or other legislative body of any city or the board of trustees of any library district may on or before January 1st of any year, notify the board of supervisors that the city or library district no longer desires to be a part of the county free library system. The notice shall be accompanied by a statement complying with the requirements of Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code. The clerk of the board of supervisors shall file the statement with the county assessor and the State Board of Equalization. Thereafter the city or library district shall cease to participate in the benefits of the county free library, and the property situated in the city or library district shall not be liable to taxes for county free library purposes.

SEC. 2. Section 54901 of the Government Code is amended to read:

54901. The statement shall include a certified copy of the ordinance or resolution ordering the utilization of the regular city or county assessment roll, the creation of or change in boundary of the city, district or zone thereof, a legal description of said boundaries and a map or plat indicating the boundaries. If the proceedings require the filing of any document with the Secretary of State, the statement shall set forth the date on which such filing was accomplished. The statement shall also specify whether or not the affected property will be taxed for any existing bonded indebtedness or contractual obligations.

SEC. 3. Section 218 of the Revenue and Taxation Code is amended 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 paragraphs (1) and (2) of subdivision (a) of 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. 4. Section 255.3 of the Revenue and Taxation Code, as added by Chapter 1 (First Extraordinary Session) of the Statutes of 1971), is repealed.

SEC. 5. Section 463 of the Revenue and Taxation Code is amended to read:

463. If any person who is required by law or is requested by the assessor to make an annual property statement fails to file it with the assessor by 5 p.m. on the last Friday in May, or if, after written request by the assessor, any person fails to file an annual property statement within the time limit specified by Section 441 or make and subscribe the affidavit respecting his name and place of residence, a penalty of 10 percent of the assessed value of the unreported taxable tangible property of such person placed on the current roll shall be added to the assessment made on the current roll.

Notice of any penalty added to the secured roll pursuant to this

section shall be mailed by the assessor to the assessee at his address as contained in the official records of the county assessor.

If the assessee establishes to the satisfaction of the county board of equalization or the assessment appeals board that the failure to file the property statement within the time required by Section 441 was due to reasonable cause and not due to willful neglect, it may order the penalty abated, provided the assessee has filed with the county board written application for abatement of the penalty within the time prescribed by law for the filing of applications for assessment reductions.

If the penalty is abated it shall be canceled or refunded in the same manner as an amount of tax erroneously charged or collected.

SEC. 6. Section 602 of the Revenue and Taxation Code is amended to read:

602. This local roll shall show:

(a) The name and address, if known, of the assessee.

(b) Land, by legal description.

(c) A description of possessory interests sufficient to identify them.

(d) Personal property. A failure to enumerate personal property in detail does not invalidate the assessment.

(e) The assessed value of real estate, except improvements.

(f) The assessed value of improvements on the real estate.

(g) The assessed value of improvements assessed to any person other than the owner of the land.

(h) The assessed value of possessory interests.

(i) The assessed value of personal property, other than intangibles.

(j) The revenue district in which each piece of property assessed is situated.

(k) The total taxable value of all property assessed, exclusive of intangibles.

(*l*) Any other things required by the board.

SEC. 7. Section 871 of the Revenue and Taxation Code is repealed.

SEC. 8. Section 4831 of the Revenue and Taxation Code is amended to read:

4831. When it can be ascertained from the roll or any papers in the assessor's office what was intended, or what should have been assessed, defects in description or form or clerical errors of the assessor on the roll or other errors of the assessor not involving the exercise of judgment as to value which result in the entry on the roll of assessed values other than those intended by the assessor may be corrected under this article at any time after the roll is delivered to the auditor and prior to the expiration of four years after the making of the assessment which is being corrected.

In the event the correction has the effect of increasing the amount of taxes due on real property for the year or years in which such correction is made, such increased amount of taxes shall not create,

impose or constitute a lien or charge on such real property if (a) such real property has been transferred or conveyed to a bona fide purchaser for value prior to the date of such correction and the showing thereof on the secured roll with the date of entry specified thereon, or (b) such real property is subject to a lien of a bona fide encumbrance for value created and attaching prior to the date of such correction and the showing thereof on the secured roll with the date of entry specified thereon. In such case, the assessor or tax collector may record with the county recorder of any county a certificate which shall set forth in the name of the person who was the assessee in the year in which such correction was made and the amount or amounts of any such correction. From the date of the recording of such certificate, a lien shall be created and attach against any real property owned by such person in the county or counties in which any such certificate may have been recorded for the amount of such taxes, which lien shall have the force, effect and priority of a judgment lien.

The tax collector, with the approval of the board of supervisors, may at any time, release all or any portion of real property subject to any lien created or attaching by the recording of such a certificate from such lien or subordinate such lien to other liens and encumbrances if he determines that the taxes are sufficiently secured by a lien on other property belonging to the person named in such a certificate or that the release or subordination will not endanger or jeopardize the collection of such taxes.

A written certification by the tax collector to the effect that real property subject to any lien imposed by the recording of the certificate as hereinbefore provided has been released from such lien or that such lien has been subordinated to other liens shall be conclusive evidence as to any bona fide purchaser, encumbrancer or lessee that such lien has been released or has been subordinated as set forth in such written certification. Such written certification may be recorded with the county recorder of any county.

Taxes which do not create, impose or constitute a lien or charge on the property assessed may be transferred from the secured roll to the unsecured roll of the corresponding year by the county auditor on order of the board of supervisors with the written consent of the district attorney and shall be collected in the same manner as other delinquent taxes on the unsecured roll and shall be subject to delinquent penalties in the same manner as taxes transferred to the unsecured roll under Section 4986. The statute of limitations for the collection of such taxes shall commence to run from the date of transfer.

CHAPTER 843

An act to amend Section 32664 of the Streets and Highways Code, relating to parking authorities.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 32664 of the Streets and Highways Code is amended to read:

32664. At least once annually, the authority shall submit a statement of all its financial affairs, audited by independent certified public accountants, to the legislative body of the city.

CHAPTER 844

An act to amend Section 21675 of the Public Utilities Code, relating to airport land use commissions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 21675 of the Public Utilities Code is amended to read:

21675. (a) The commission shall formulate a comprehensive land use plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general. The commission plan shall include a long-range master plan that reflects the anticipated growth of the airport during at least the next 20 years. This plan shall not be inconsistent with the State Master Airport Plan. In formulating a land use plan, the commission may develop height restrictions on buildings, may specify use of land, and may determine building standards, including soundproofing adjacent to airports, within the planning area.

(b) The commission may include within its plan formulated pursuant to subdivision (a) the area within the jurisdiction of the commission surrounding any federal military airport for all the purposes specified in subdivision (a). This subdivision shall not give the commission any jurisdiction or authority over the territory or operations of any such military airport.

(c) The planning boundaries shall be established by the commission after hearing and consultation with the involved

agencies

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Because the areas surrounding federal military airports are presently not subject to the planning jurisdiction of airport land use commissions, there are many instances of unregulated construction in such areas presenting serious safety hazards both to air navigation and to the occupants of the structures. In order to commence regulation of the construction of such incompatible facilities at the soonest possible time in the interests of public safety, it is necessary that this act go into immediate effect.

CHAPTER 845

An act to amend Section 150 of the Labor Code, and to add Section 320.5 to the Unemployment Insurance Code, relating to employment statistics.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 150 of the Labor Code is amended to read:

150. The Division of Labor Statistics and Research, hereafter in this chapter referred to as the division, shall collect, compile and present facts and statistics relating to the condition of labor in the state, including information as to cost of living, labor supply and demand, industrial relations, industrial disputes, industrial accidents and safety, labor productivity, sanitary and other conditions, prison labor, and such other matters in relation to labor as the Director of Industrial Relations deems desirable. Except for statistics relating to internal administration, all statistical functions of the department shall be performed by the division.

SEC. 2. Section 320.5 is added to the Unemployment Insurance Code, to read:

320.5. The Director of the Department of Human Resources Development may by authorized regulations prescribe the information required to be reported to the department by employing units under this division and employers subject to withholding tax under Part 10 (commencing with Section 17001) of Division 2 of the Revenue and Taxation Code, in order to make reports required by the Secretary of Labor, to provide information necessary to administer this code, to estimate unemployment rates or to make other estimates required for the purpose of dispensing or withholding money payments under the Welfare Reform Act of 1971,

the Employment Security Amendments of 1970 (Public Law 91-373), the Emergency Unemployment Compensation Act of 1971 (Public Law 92-224), or the Emergency Employment Act of 1971 (Public Law 92-54), and to make such other reports or estimates as may be required by any other state or federal law. The director's authorized regulations may include requirements for the reporting of employment, unemployment, hours, wages, earnings, the location and nature of the industrial, business, or other activity of each establishment for the conduct of business, performance of services, or industrial operations, and such other requirements as are necessary to comply with this section.

SEC. 3. Section 320.5 is added to the Unemployment Insurance Code, to read:

320.5. The Director of Employment Development may by authorized regulations prescribe the information required to be reported to the department by employing units under this division and employers subject to withholding tax under Part 10 (commencing with Section 17001) of Division 2 of the Revenue and Taxation Code, in order to make reports required by the Secretary of Labor, to provide information necessary to administer this code, to estimate unemployment rates or to make other estimates required for the purpose of dispensing or withholding money payments under the Welfare Reform Act of 1971, the Employment Security Amendments of 1970 (Public Law 91-373), the Emergency Unemployment Compensation Act of 1971 (Public Law 92-224), or the Emergency Employment Act of 1971 (Public Law 92-54), and to make such other reports or estimates as may be required by any other state or federal law. The authorized regulations of the Director of Employment Development may include requirements for the reporting of employment, unemployment, hours, wages, earnings, the location and nature of the industrial, business, or other activity of each establishment for the conduct of business, performance of services, or industrial operations, and such other requirements as are necessary to comply with this section.

SEC. 4. It is the intent of the Legislature that if this bill and either Assembly Bill No. 1103 or Senate Bill No. 601 are chaptered and Assembly Bill No. 1103 or Senate Bill No. 601 is chaptered before this bill, changes which are proposed by both bills which are chaptered be given effect with respect to Section 320.5 added to the Unemployment Insurance Code and be incorporated in the form set forth in Section 3 of this bill. Therefore, if either Assembly Bill No. 1103 or Senate Bill No. 601 is chaptered before this bill, Section 3 of this bill shall be operative and Section 2 of this bill shall not become operative. If Assembly Bill No. 1103 and Senate Bill No. 601 are not chaptered, Section 3 of this bill shall not become operative and Section 2 of this bill shall be operative.

CHAPTER 846

An act to amend Section 18060 of, and to add Sections 18060.2 and 18060.3 to, the Health and Safety Code, relating to mobilehomes, and making an appropriation therefor.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 18060 of the Health and Safety Code is amended to read:

18060. The commission by rule and regulations may establish a schedule of fees to pay the costs of work related to administration and enforcement of this part. The fees collected shall be deposited in the Mobilehome Revolving Fund.

SEC. 2. Section 18060.2 is added to the Health and Safety Code, to read:

18060.2. There is hereby established in the State Treasury the Mobilehome Revolving Fund. Money transferred to, or deposited in, the fund is continuously appropriated to the department for expenditure in carrying out the provisions of this part.

SEC. 3. Section 18060.3 is added to the Health and Safety Code, to read:

18060.3. Total money contained in the Mobilehome Revolving Fund on June 30 of each fiscal year shall not exceed the amount of money needed for operating expenses for one year for the enforcement of this part. If the total money contained in the fund exceeds this amount, the commission shall make appropriate reductions in the schedule of fees authorized by Section 18060.

CHAPTER 847

An act to amend Section 1382 of the Penal Code, relating to new trial in criminal cases.

[Approved by Governor September 25, 1973. Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 1382 of the Penal Code is amended to read:

1382. The court, unless good cause to the contrary is shown, must order the action to be dismissed in the following cases:

1. When a person has been held to answer for a public offense and an information is not filed against him within 15 days thereafter.

2. When a defendant is not brought to trial in a superior court within 60 days after the finding of the indictment or filing of the

information or, in case the cause is to be tried again following a mistrial, an order granting a new trial from which an appeal is not taken, or an appeal from the superior court, within 60 days after such mistrial has been declared, after entry of the order granting the new trial, or after the filing of the remittitur in the trial court, or after the issuance of a writ or order which in effect grants a new trial, within 60 days after notice of the writ or order is filed in the trial court and served upon the prosecuting attorney, or within 90 days after notice of the writ or order is filed in the trial court and served upon the prosecuting attorney in any case where the district attorney chooses to resubmit the case for a preliminary examination after an appeal or the issuance of a writ reversing a judgment of conviction upon a plea of guilty prior to a preliminary hearing in a municipal or justice court; except that an action shall not be dismissed under this subdivision if it is set for trial on a date beyond the 60-day period at the request of the defendant or with his consent, express or implied, or because of his neglect or failure to appear and if the defendant is brought to trial on the date so set for trial or within 10 days thereafter.

3. Regardless of when the complaint is filed, when a defendant in a misdemeanor case in an inferior court is not brought to trial within 30 days after he is arraigned if he is in custody at the time of arraignment, or in all other cases, within 45 days after his arraignment, or in case the cause is to be tried again following a mistrial, an order granting a new trial from which an appeal is not taken, or an appeal from the inferior court, within 30 days after such mistrial has been declared, after entry of the order granting the new trial, or after the remittitur is filed in the trial court or, if the new trial is to be held in the superior court, within 30 days after the judgment on appeal becomes final; except that an action shall not be dismissed under this subdivision (1) if it is set for trial on a date beyond the prescribed period at the request of the defendant or with his consent, express or implied, and the defendant is brought to trial on the date so set for trial or within 10 days thereafter or (2) if it is not tried on the date set for trial because of the defendant's neglect or failure to appear, in which case he shall be deemed to have been arraigned within the meaning of this subdivision on the date of his subsequent arraignment on a bench warrant or his submission to the court.

If the defendant is not represented by counsel, he shall not be deemed under this section to have consented to the date for his trial unless the court has explained to him his rights under this section and the effect of his consent.

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CHAPTER 848

An act to add Section 1157.5 to the Evidence Code, relating to the healing arts.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 1157.5 is added to the Evidence Code, to read:

1157.5. Except in actions involving a claim of a provider of health care services for payment for such services, the prohibition relating to discovery or testimony provided by Section 1157 shall be applicable to the proceedings or records of an organized committee of any nonprofit medical care foundation which is a component or subsidiary of a medical society, and which is organized in a manner which makes available professional competence to review health care services with respect to medical necessity, quality of care, or economic justification of charges or level of care.

CHAPTER 849

An act to amend Section 673 of the Insurance Code, relating to cancellation of insurance policies.

[Approved by Governor September 25, 1973. Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 673 of the Insurance Code is amended to read:

673. (a) As used in this section, "exercise the right to cancel" means the act of formally electing to use the right of the insured to cancel any insurance policy in accordance with and subject to the provisions of that policy when the right to use that right of the insured has been transferred or assigned by the insured in writing executed by, or on behalf of, the insured to a lender who has advanced to the insurer the premium for such policy. Such transfer or assignment may be by power of attorney or other document. Such transfer or assignment may, but need not, be accompanied by an assignment of any unearned premium due the insured on cancellation.

(b) No lender shall exercise the right to cancel a financed insurance policy because of the default of the insured under a premium payment loan agreement except in accordance with this section

(c) Written notice of the exercise of such right to cancel shall be mailed by the lender to the insurer and to the insured at the address shown on the premium payment loan agreement or his last known address, specifying a date five days or more after the date of mailing of such notice as the effective date of cancellation. Any insurer may, in writing delivered to the lender, waive, generally or specifically, the right to receive such notice or notices. A copy of such notice may be mailed to the producer of record if known to the lender, but failure to do so shall not affect any rights granted by this section. This subdivision shall not apply to an industrial loan company.

(d) An industrial loan company shall, in giving the insured 10 days' notice of its intent to cancel pursuant to Section 18923 of the Financial Code, furnish a copy of such notice to the insurance agent or insurance broker indicated on the premium finance agreement. After expiration of such 10-day period, the industrial loan company may thereafter, in the name of the insured, cancel such insurance contract or contracts by mailing to the insurer a written notice of cancellation, and the insurance contract shall be canceled as if such notice of cancellation had been submitted by the insured himself, but without requiring the return of the insurance contract or contracts. The industrial loan company shall also mail a notice of cancellation, setting forth the effective date of cancellation of the finance insurance contract, to the insured at his last known address and to the insurance agent or insurance broker indicated on the premium finance agreement. For the purposes of this subdivision, the words "premium finance agreement" shall have the same meaning as that specified in Section 18903 of the Financial Code.

(e) A written exercise of such right containing a confirmation of the effective date of cancellation shall be mailed by the lender to the insurer within five days following such effective date of cancellation specified in the notice described in subdivision (c) unless the insured has cured any and all defaults. Cancellation shall be effective on such financed insurance policy without requiring the return of the insurance policy or insurance policies, except as provided in subdivisions (f) and (g), on the confirmation date specified in the written exercise of such right. This subdivision shall not apply to an industrial loan company.

(f) All statutory, regulatory, and contractual restrictions providing that the financed insurance policy may not be canceled unless notice is given to a governmental agency, mortgagee, or other third party shall apply where cancellation is effected under this section. The insurer shall give the prescribed notice on behalf of itself or the insured to any governmental agency, mortgagee, or other third party on or before the fifth business day after the day it receives the written exercise of cancellation right containing confirmation of the cancellation date from such lender, as provided in subdivision (e), or a written notice of cancellation from an industrial loan company, pursuant to subdivision (d), and shall, for the purpose of such notice, determine the effective date of cancellation as to those

persons mentioned in this subdivision only, taking into consideration the number of days' notice required to complete the cancellation.

(g) Whenever such a financed insurance policy is canceled by any party for any reason:

(1) The insurer shall, in accordance with the written agreements of which it has notice, return to the lender such unearned premiums as are due to the lender. The amount of such return premiums shall be based upon the confirmed date of cancellation specified in subdivision (e), or upon the written notice of cancellation specified in subdivision (d) in the case of an industrial loan company, lessened by the amount, if any, to compensate equitably the insurer for carrying the risk of loss as to any governmental agency, mortgagee, or other parties specified in subdivision (f) from such date to the effective date of cancellation as to such parties.

(2) When a financed insurance policy is canceled, or the insured discontinues payments to a lender, the insurer shall calculate the return premium on a pro rata basis. This paragraph shall not apply to any policy issued under an assigned risk plan or to any policy with respect to which the insurer has made a loan to the insured for the purposes of payment of premiums for such policy.

(h) The commissioner may amend the rules and regulations of any assigned risk plan, fair plan, or similar plan to provide for the equitable assignment of insurance risks among insurers now in existence or hereafter established, in such manner as may be necessary to carry out the purposes of this section.

(i) A lender which sends a written exercise of cancellation right or a written notice of cancellation to an insurer, as provided in subdivision (c), or subdivision (d) in the case of an industrial loan company, thereby represents that he has a valid right so to do and to receive the unearned premium. If the lender thereby accomplishes the cancellation and receives an unearned premium, such representation shall be conclusive as between the insurer and the lender. An insurer relying upon the written exercise of such right containing a confirmation of cancellation date and giving, when applicable, notice as required by subdivision (e), shall be relieved from complying with any other duty or form of cancellation required by this code.

(j) This section shall not apply where the insurer exercises its own right to cancel the policy for nonpayment of premium, direct or indirect, or otherwise. Such a cancellation shall be subject to all applicable provisions of the policy, this code, except this section, and any rights of the lender of which the insurer has written notice.

(k) This section shall apply only to contracts entered into between an insured and a lender on or after the effective date of this section.

CHAPTER 850

An act to add Section 340.1 to the Streets and Highways Code, relating to state highways, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 340.1 is added to the Streets and Highways Code, to read:

340.1. Notwithstanding Section 263.4, the state scenic highway system shall include that portion of Route 40 from Barstow to Needles.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the portion of Route 40 from Barstow to Needles be included within the state scenic highway system as soon as possible, it is necessary that this act take effect immediately.

CHAPTER 851

An act to add Section 1622.6 to the Revenue and Taxation Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 1622.6 is added to the Revenue and Taxation Code, to read:

1622.6. An application for equalization filed pursuant to Section 1607 by a member or alternate member of an assessment appeals board shall be heard before an assessment appeals board panel consisting of three special alternate assessment appeals board members appointed by order of the presiding judge of the superior court in the county in which the application is filed.

A special alternate assessment appeals board member may hear only the application or applications for equalization set forth in the superior court order appointing such member.

Any person shall be eligible for appointment as a special alternate assessment appeals board member who is a resident of the county in which the application is filed and who is a person the presiding judge

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of the superior court has reason to believe is possessed of competent knowledge of property appraisal and taxation.

Sections 1624.1 and 1624.2 of this code shall be applicable to the appointment of a special assessment appeals board member.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor is there any appropriation made by this act because the duties, obligations, or responsibilities imposed on local agencies by this act are such that related costs are incurred as a part of their normal operating procedures.

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 provisions of this act may be applicable to equalization proceedings for the 1973–74 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 852

An act to amend Sections 5463 and 5474 of, and to add Section 5464 to, the Health and Safety Code, relating to sewers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 5463 of the Health and Safety Code is amended to read:

5463. Any health officer or governing board of any city, county, sanitary district, or other district having the power to operate and maintain a sewerage system, having served written notice upon the owner or reputed owner of land upon which there is a dwelling house, and such owner or reputed owner, after 30 days, having refused, neglected, or failed to connect such dwelling house, together with all toilets, sinks, and other plumbing therein, properly vented, and in a sanitary manner, with the adjoining street sewer, may construct the same at a reasonable cost, and the person doing said work at the request of such health officer or governing board has a lien upon said real estate for his work done and materials furnished, and such work done and materials furnished shall be held to have been done and furnished at the instance of such owner or reputed owner, or person claiming or having any interest therein. Such governing board may pay all or any part of the cost or price of such connection to the person or persons who furnished labor, materials, or equipment for the same, and, to the extent such governing board

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pays the cost or price of said connection, it shall succeed to and have all the rights, including the lien provided for above, of such person or persons against the real estate and against the owner or reputed owner thereof.

As an alternative power to the enforcement of the lien provided for in this section, the governing body of the public agency performing the work of connection to the public sewer may, by order entered upon its minutes, declare that the amount of the costs of such work and the administrative expenses incurred by the governing body incident to the proceedings, together with other charges uniformly applicable within the jurisdiction of the governing body for the connection of the premises to the public sewer, shall be transmitted to the assessor and tax collector of the public agency, whereupon it shall be the duty of those officers to add the amount of the assessment to the next regular bill for taxes levied against the lot or parcel of land.

The liens provided for by this section shall be enforced in the same manner as those provided for by Title 15 (commencing with Section 3082), Part 4, Division 3, of the Civil Code.

The governing board may also use the procedures in Section 5474 for levying the costs incurred for the construction of the improvements for the connection of the premises to the public sewer.

SEC. 2. Section 5464 is added to the Health and Safety Code, to read:

5464. Any owner or reputed owner, who has his property included within an assessment district for the construction of a main trunkline or collector sewer lines, may request the governing board to construct all necessary plumbing to connect his property to the adjoining street public sewer system. The person employed by the governing board to do the work shall have a lien upon the property, for work done and materials furnished, and the work done and materials furnished shall be deemed to have been done and furnished at the request of the owner, reputed owner, or person claiming or having any interest in the property. The governing board may pay all, or any part, of the cost or price of the connection to the person or persons who furnished labor, materials, or equipment and, to the extent that the governing board pays the cost or price of the connection, it shall succeed to and have all the rights, including the lien, of the person or persons against the property and the owner or reputed owner of the property.

As an alternative power to the enforcement of the lien provided for in this section, the governing body of the public agency performing the work of connection to the public sewer may, by the power of ordinance approved by two-thirds vote of the members of the legislative body, fix the cost of improvement for connection to the sanitation or sewerage facilities, fix the times at which such costs shall become due, provide for the payment of the costs prior to the construction and connection or in installments over a period, not to

exceed 15 years, provide a rate of interest, not to exceed 6 percent per annum, to be charged on the unpaid balance of the costs, and provide that the amount of the costs and the interest shall constitute a lien against the respective lots or parcels upon which the facilities are constructed.

The governing body may use the procedures specified in Section 5474 to implement the levying of the costs for the construction and connection of the premises to the public sewer.

SEC. 3. Section 5474 of the Health and Safety Code is amended to read:

5474. An entity shall have the power by ordinance approved by two-thirds vote of the members of the legislative body thereof to fix fees or charges for the privilege of connecting to its sanitation or sewerage facilities and improvements constructed by the entity pursuant to Sections 5463 and 5464, to fix the time or times at which such fees or charges shall become due, to provide for the payment of said fees or charges prior to connection or in installments over a period of not to exceed 15 years, to provide the rate of interest, not to exceed 6 percent per annum, to be charged on the unpaid balance of such fees or charges, and to provide that the amount of such fees or charges and the interest thereon shall constitute a lien against the respective lots or parcels of land to which said facilities are connected. Prior to making such fees or charges a lien against the land, the legislative body shall give notice to the owners of the lots or parcels of land affected, which notice shall set forth the following:

1. The schedule of fees or charges to be imposed by the entity.

2. A description of the property subject to such fees or charges, which description may be by reference to a plat or diagram on file in the office of the clerk of the legislative body, or to maps prepared in accordance with Section 327, Revenue and Taxation Code, and on file in the office of the county assessor.

3. The time or times at which such fees or charges shall become due.

4. The number of installments in which such fees or charges shall be payable.

5. The rate of interest, not to exceed 6 percent per annum, to be charged on the unpaid balance of such fees or charges.

6. That it is proposed that the fees or charges and interest thereon shall constitute a lien against the lots or parcels of land to which the facilities are furnished.

7. The time and place at which the legislative body will hold a hearing at which persons may appear and present any and all objections they may have to the imposition of the fees or charges as a lien against the land.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It is necessary that any city, county, sanitary district, or other

district that has the power to operate and maintain a sewerage system be allowed flexibility in financing the construction of the improvements connecting real property to sewer lines because some communities have been unable to connect such property to the sewer lines under the present law and have encountered problems with untreated garbage, pollution of water supplies, and unsanitary conditions which constitute a threat to the public health and safety. To alleviate the problem of the citizens of this state being subject to these situations it is necessary that this act take effect immediately.

CHAPTER 853

An act to amend Section 830.4 of the Penal Code, relating to law enforcement, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 830.4 of the Penal Code is amended to read.

830.4. (a) The following persons are peace officers while engaged in the performance of the duties of their respective employments:

(1) Security officers of the California State Police Division.

(2) The Sergeant at Arms of each house of the Legislature.

(3) Bailiffs of the Supreme Court and of the courts of appeal.

(4) Guards and messengers of the Treasurer's office.

(5) The Director of the Department of Navigation and Ocean Development and employees of such department designated by him pursuant to Section 71.2 of the Harbors and Navigation Code.

(6) Members of a state university or college police department appointed pursuant to Section 24651 of the Education Code.

(7) The hospital administrator of a state hospital under the jurisdiction of the Department of Mental Hygiene or, on or after July 1, 1973, the State Department of Health, and police officers designated by him pursuant to Section 4312 of the Welfare and Institutions Code.

(8) Any railroad or steamboat company policeman commissioned by the Governor pursuant to Section 8226 of the Public Utilities Code.

(9) Persons designated by a cemetery authority pursuant to Section 8325 of the Health and Safety Code.

(10) Harbor policemen regularly employed and paid as such by a county, city, or district, and the port warden and special officers of the Harbor Department of the City of Los Angeles. However, notwithstanding the provisions of Section 171c, 171d, or 12027, such

persons are not peace officers for purposes of such sections except when designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, as peace officers for such purposes.

(11) (A) Special officers of the Department of Airports of the City of Los Angeles commissioned by the city police commission.

(B) Any such officer so commissioned on or before July 6, 1973, shall have completed the course of instruction required by Section 832 by September 1, 1973. Any officer so commissioned after July 6, 1973 shall have completed the course of instruction within 60 days after such commissioning. Any person who, within the time prescribed by this paragraph for such person, does not satisfactorily complete the course of instruction required by Section 832, shall not have the powers of a peace officer thereafter.

(C) Notwithstanding subdivision (b), the authority of such airport security officers shall not extend beyond the territory of the airport boundaries, except when in pursuit of any offender or suspected offender.

(12) The chief of toll services, captains, lieutenants, and sergeants employed by the Department of Transportation on vehicular crossings pursuant to Chapter 13 (commencing with Section 23250) of Division 11 of the Vehicle Code.

(13) Persons employed as members of a security patrol of a school district pursuant to Section 15832 of the Education Code.

(14) Duly authorized federal employees, when they are engaged in enforcing applicable state or local laws on property owned or possessed by the United States government and with the written consent of the sheriff or the chief of police, respectively, in whose jurisdiction such property is situated.

(15) Security guards of the County of Los Angeles.

(16) (A) Persons regularly employed and designated by the board of directors of the Monterey Peninsula Airport District as airport policemen.

(B) Any such person employed on or before July 6, 1973, shall have completed the course of instruction required by Section 832 by September 1, 1973. Any person so employed after July 6, 1973, shall have completed the course of instruction within 60 days after such employment. Any person who, within the time prescribed by this paragraph for such person, does not satisfactorily complete the course of instruction required by Section 832, shall not have the powers of a peace officer thereafter.

(C) Notwithstanding subdivision (b), the authority of such airport security officers shall not extend beyond the territory of the airport boundaries, except when in pursuit of any offender or suspected offender.

(17) Persons regularly employed and designated by the Board of Directors of the Santa Maria Airport District, with the approval of the City Council of the City of Santa Maria, as airport policemen. Notwithstanding subdivision (b), the authority of such airport

policemen shall not extend beyond the territory of the district. Every person designated an airport policeman pursuant to this paragraph shall be approved by the Chief of Police of the City of Santa Maria and shall be certified pursuant to Article 2 (commencing with Section 13510) of Chapter 1, Title 4, Part 4 by the Commission on Peace Officer Standards and Training of the Department of Justice before assuming any duties or responsibilities.

(18) Any person regularly employed as an airport security officer by any airport operated by the City and County of San Francisco, Orange County, or the County of San Joaquin if he meets the following requirements:

(A) If employed by the City and County of San Francisco or Orange County on or before July 6, 1973, he shall have completed the course of instruction required by Section 832 by September 1, 1973; or if employed after July 6, 1973, he shall have completed such course of instruction within 60 days after such employment. If employed by the County of San Joaquin on or before the effective date of the amendments to this section made by A.B. 2632 of the 1973–74 Regular Session of the Legislature, he shall have completed the course of instruction required by Section 832 by December 1, 1973; or if employed after such effective date, he shall have completed such course of instruction within 60 days after such employment. Any person who, within the time prescribed by this paragraph for such person, does not satisfactorily complete the course of instruction required by Section 832, shall not have the powers of a peace officer thereafter.

(B) He shall be commissioned as a peace officer by the police commission or the board of supervisors of the city and county, or county, as the case may be, operating the airport.

(C) Notwithstanding subdivision (b), the authority of such airport security officers shall not extend beyond the territory of the airport boundaries, except when in pursuit of any offender or suspected offender.

(D) The provisions of this paragraph relating to airport security officers of any airport operated by the City and County of San Francisco or Orange County shall have no force and effect on and after July 6, 1974. The provisions of this paragraph relating to airport security officers of any airport operated by the County of San Joaquin shall have no force and effect on and after one year after the effective date of the amendments to this section made by A.B. 2632 at the 1973–74 Regular Session of the Legislature.

(E) In the case of any person regularly employed as an airport security officer by any such airport located in the County of San Mateo, he shall either be deputized by, or have the written consent of, the Sheriff of San Mateo County.

(b) The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed with respect to persons or property the protection of which is the immediate duty

of such officer.

SEC. 2. This is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

On February 6, 1973, federal regulations required the deployment of armed security guards with peace officer powers at airport boarding gates. Under existing law most airport security personnel do not have authorized peace officer status. In order to assist local governmental agencies in complying with these federal regulations it is necessary that peace officer status be authorized for airport security personnel, and that this act go into immediate effect.

CHAPTER 854

An act to amend Sections 29500, 29502, 29511, 29512, 29513, 29514, 29515, 29516, 29517, 29526, 29527, 29535, 29537, 29538, 29539, 29540, 29541, 29551, 29560, and 29561 of, to amend the headings of Chapter 2 (commencing with Section 29510) and Chapter 4 (commencing with Section 29535) of Division 4.5 of Title 4 of, to add Sections 25106, 29504, 29504.1, 29505, 29506, 29507, 29507.1, 29508, 29508.1, 29509, 29510.1, 29510.2, 29510.3, 29510.4, 29513.1, 29513.2, 29513.3, 29537.1, 29537.2, 29538.1, 29538.2, 29538.3, 29543, 29544, 29545, 29563, and 29564 to, and to add Chapter 8 (commencing with Section 29580) and Chapter 9 (commencing with Section 29590) to Division 4.5 of Title 4 of, the Corporations Code, relating to commodities transactions, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

I am reducing the appropriation contained in Section 47 of Assembly Bill No 799 from $111,283 to $86,033

The appropriation contained in this bill was computed on a full-year basis It has been reduced to reflect that portion of the 1973–74 fiscal year when the bill will be in effect

With the above reduction, I approve Assembly Bill No 799.

RONALD REAGAN, Governor

The people of the State of California do enact as follows:

SECTION 1. Section 25106 is added to the Corporations Code, to read:

25106. A commodity option contract as defined in Section 29504.1 is exempted from the provisions of this division.

SEC. 2. Section 29500 of the Corporations Code is amended to read:

29500. This division shall be known and may be cited as the

California Commodity Law.

The definitions set forth in this chapter govern the construction of this division.

SEC. 2.5. Section 29502 of the Corporations Code is amended to read:

29502. "Commodity" means anything movable, including but not limited to metals, precious stones and gems and monetary units, that is bought and sold upon the basis of the public market quotations of prices made on any board of trade or exchange upon which commodities or commodity contracts are dealt.

SEC. 3. Section 29504 is added to the Corporations Code, to read:

29504. "Commodity contract" means any agreement for the purchase or sale of a commodity, whether for present or future delivery, and includes, unless otherwise expressly stated herein, a commodity option contract.

SEC. 4. Section 29504.1 is added to the Corporations Code, to read:

29504.1. "Commodity option contract" means a put or call, or any combination thereof, with respect to any commodity or commodity contract.

SEC. 5. Section 29505 is added to the Corporations Code, to read:

29505 "Commodity exchange" means any person engaged in the operation of any market or exchange on which commodities or commodities contracts are dealt or traded in, and any person other than a floor broker or solicitor providing services or performing a function, including but not limited to clearing transactions in commodities for future delivery or effecting settlements of contracts for future delivery for and between members of the exchange, constituting a portion of such market or exchange.

SEC. 6. Section 29506 is added to the Corporations Code, to read:

29506. "Commodity option issuer" means any person who engages in the business of issuing options to acquire or to sell a commodity futures contract.

SEC. 7. Section 29507 is added to the Corporations Code, to read:

29507. "Commodity salesman" means any individual who represents a floor broker, commodity solicitor, commodity option issuer or broker-dealer in effecting or attempting to effect purchases or sales of commodities or commodities contracts. "Commodity salesman" does not include a floor broker, commodity solicitor or broker-dealer or a partner of such or any individual who has no place of business in this state who effects transactions in this state exclusively with floor brokers, commodity solicitors, broker-dealers and commodity option issuers.

SEC. 8. Section 29507.1 is added to the Corporations Code, to read:

29507.1. "Commodity solicitor" means any person engaged in soliciting or accepting orders for the purchase or sale of commodities or commodity contracts on any exchange or issued by any commodity option issuer.

SEC. 9. Section 29508 is added to the Corporations Code, to read:

29508. "Floor broker" means any person who, on any board of trade or exchange, buys or sells for any other person any commodity or commodity contract.

SEC. 9.5. Section 29508.1 is added to the Corporations Code, to read·

29508.1. "Member of a commodity exchange" means any person owning or holding membership in, or admitted to membership representation in, or given members' trading privileges on, a commodity exchange.

SEC. 10. Section 29509 is added to the Corporations Code, to read:

29509. "Person" means an individual, a corporation, a partnership, a joint venture, an association, a joint stock company, a trust, and any unincorporated association existing in fact or in law.

SEC. 11. The heading of Chapter 2 (commencing with Section 29510) of Division 4.5 of Title 4 of the Corporations Code is amended to read:

CHAPTER 2. LICENSING

SEC. 12. Section 29510.1 is added to the Corporations Code, to read:

29510.1. It is unlawful for any person to engage in business in this state as a commodity exchange unless such person has first applied for and secured from the commissioner a certificate, then in effect, authorizing him to do so, unless such person is exempted by the provisions of Section 29513.1 or 29514.

SEC. 13. Section 29510.2 is added to the Corporations Code, to read:

29510.2. It is unlawful for any person to engage in business in this state as a floor broker or commodity solicitor unless:

(a) If such person conducts or solicits transactions executed on a commodity exchange licensed pursuant to Section 29510.1, such person is registered as such with the exchange;

(b) If such person is not registered under the provisions of subdivision (a) of this section and conducts or solicits transactions executed on a commodity exchange not located in this state and which is not registered under the federal Commodity Exchange Act, or conducts or solicits transactions in the commodity contracts of any commodity option issuer, such person has first applied for and secured from the commissioner a certificate, then in effect, authorizing him so to do; or

(c) Such person is exempted by the provisions of Sections 29511 through 29514, inclusive.

SEC. 14. Section 29510.3 is added to the Corporations Code, to read:

29510.3. It is unlawful for any person to engage in business in this state as a commodity option issuer unless such person has first

applied for and secured from the commissioner a certificate, then in effect, authorizing him to do so, unless such person is exempted by the provisions of Section 29513.1 or 29514.

SEC. 15. Section 29510.4 is added to the Corporations Code, to read:

29510.4. It is unlawful for any person to act as a commodity salesman in this state unless such person is employed by a floor broker, commodity solicitor, commodity option issuer or broker-dealer and unless:

(a) If such individual represents a floor broker or commodity solicitor registered with a licensed commodity exchange pursuant to the provisions of subdivision (a) of Section 29510.2, such individual is registered as a commodity salesman with such licensed commodity exchange,

(b) If such individual represents a floor broker or a commodity solicitor subject to the provisions of subdivision (b) of Section 29510.2 or a commodity option issuer subject to the provisions of Section 29510.3, or a person exempted from the provisions of Section 29510.2 pursuant to the provisions of Section 29511, such individual has first applied for and secured from the commissioner a certificate, then in effect, authorizing him so to do; or

(c) Such individual is exempted by the provisions of Section 29514.

SEC. 16. Section 29511 of the Corporations Code is amended to read:

29511. An investment adviser licensed under Chapter 3 (commencing with Section 25230) of Part 3 of Division 1 of Title 4 of this code, and a broker-dealer licensed under Chapter 2 (commencing with Section 25210) of Part 3 of Division 1 of Title 4 of this code, shall be exempted from the provisions of Sections 29510 and 29510.3, and subdivision (b) of Section 29510.2, but shall be subject to all other provisions of this division.

SEC. 17. Section 29512 of the Corporations Code is amended to read·

29512. A person registered under the Investment Advisers Act of 1940 or registered as a broker-dealer under the Securities Exchange Act of 1934 who has not previously had any certificate denied or revoked under this law or under the Corporate Securities Law of 1968 or any predecessor statute, shall be exempted from the provisions of Section 29510 and subdivision (b) of Section 29510.2 if he has no place of business in this state and (a) his only clients in this state are investment or commodity advisers, commodity option issuers, floor brokers, commodity solicitors, broker-dealers, banks, savings and loan associations, trust companies, insurance companies, investment companies registered under the Investment Company Act of 1940, pension or profit-sharing trusts, or other institutional investors or governmental agencies or instrumentalities designated by rule of the commissioner, or (b) during any period of 12 consecutive months he does not direct business communications into this state in any manner to more than five clients other than those

specified in clause (a) above, whether or not he or any of the persons to whom the communications are directed is then present in this state.

SEC. 18. Section 29513 of the Corporations Code is amended to read:

29513. A person whose only clients are investment companies registered under the Investment Company Act of 1940 or insurance companies or both shall be exempted from the provisions of Section 29510 and subdivision (b) of Section 29510.2.

SEC. 19. Section 29513.1 is added to the Corporations Code, to read:

29513.1 (a) A person registered as a commodity exchange under the Commodity Exchange Act shall be exempted from the provisions of this division.

(b) A commodities exchange shall be exempted from the provisions of Section 29510.1 if (i) it has no place of business in this state and (ii) it does business as such in this state only with persons in the following classes:

(1) A commodity exchange, commodity option issuer, floor broker, commodity adviser or commodity solicitor licensed under or exempted from the provisions of this chapter.

(2) An investment adviser or broker-dealer licensed under the provisions of Part 3 (commencing with Section 25200) of Division 1 of Title 4 of this code, or exempted from licensing thereunder.

(3) An investment company registered under the Investment Company Act of 1940.

(4) A bank, trust company, pension or profit-sharing trust, or other institutional investors or governmental agencies or instrumentalities designated by rule of the commissioner.

SEC. 20. Section 29513.2 is added to the Corporations Code, to read:

29513.2. A person licensed or registered as a floor broker or commodity solicitor pursuant to the provisions of Section 29510.2 shall be exempted from the provisions of Sections 29510 and 29510.3.

SEC. 21. Section 29513.3 is added to the Corporations Code, to read:

29513.3. A person licensed as a commodity option issuer pursuant to the provisions of Section 29510.3 shall be exempted from the provisions of Section 29510.

SEC. 22. Section 29514 of the Corporations Code is amended to read:

29514. (a) The commissioner may by such rules as he deems necessary or appropriate in the public interest or for the protection of investors, either unconditionally or upon specified terms and conditions or for specified periods, exempt from the provisions of Sections 29510 to 29510.4, inclusive, any class of persons specified in such rules.

(b) The commissioner may by such rules as he deems necessary and appropriate, either unconditionally or upon specified terms and

conditions or for specified periods, exempt from the provisions of this division any class of persons or transactions, if he finds such action to be in the public interest and for the protection of investors and that the regulation of such persons or transactions is not essential to the purposes of this division.

SEC. 23. Section 29515 of the Corporations Code is amended to read:

29515. An application for certificate under this chapter shall be accompanied by the consent to service of process specified in Section 29516 and the fee for filing an application specified in Section 29551, and shall contain such information, in such form and detail, as the commissioner may by rule prescribe.

SEC. 24. Section 29516 of the Corporations Code is amended to read:

29516. Every applicant for a certificate as a commodity adviser, commodity exchange floor broker, commodity solicitor or commodity option issuer and every person registered with a commodity exchange as a floor broker or commodity solicitor, (other than a California corporation) shall file with the commissioner, in such form as he, by rule, prescribes, an irrevocable consent appointing the commissioner or his successor in office to be his attorney to receive service of any lawful process in any noncriminal suit, action or proceeding against him or his successor, executor, or administrator, which arises under this law or any rule or order hereunder after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who has filed such consent in connection with a previous application under this division need not file another. Service may be made by leaving a copy of the process in the office of the commissioner, but it is not effective unless (a) the plaintiff, who may be the commissioner in a suit, action or proceeding instituted by him, forthwith sends notice of the service and a copy of the process by registered or certified mail to the defendant or respondent at his last address on file with the commissioner, and (b) the plaintiff's affidavit of compliance with this section is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

SEC. 25. Section 29517 of the Corporations Code is amended to read:

29517. (a) No commodity adviser, commodity exchange, commodity option issuer, floor broker, commodity solicitor, or associated person shall conduct any business as such in this state unless he meets such reasonable specified and appropriate standards with respect to training, experience and other qualifications as the commissioner finds necessary and appropriate in the public interest or for the protection of investors. The commissioner may establish such standards by rule, which may

(1) Appropriately classify commodity advisers, commodity exchanges, commodity option issuers, floor brokers, commodity

solicitors, commodity salesmen and persons associated with them;

(2) Specify that all or any portion of such standards shall be applicable to any such class; and

(3) Require persons in any such class to pass examinations prescribed in accordance with such rules.

(b) The commissioner may prescribe by rule reasonable fees and charges to defray the costs of carrying out this section, including, but not limited to, fees for any examination administered by him or under his direction.

(c) For the purposes of this section, "associated person" means an officer, director or general partner, every managing employee, and every person occupying a similar position or performing similar duties to the aforementioned, of a licensee or registrant.

SEC. 26. Section 29526 of the Corporations Code is amended to read:

29526. It is unlawful for any commodity adviser, commodity exchange, commodity option issuer, floor broker or commodity solicitor, or any partner, officer, director, employee or agent of such persons, or any member of a commodity exchange, directly or indirectly, in this state.

(a) To employ any device, scheme, or artifice to defraud any client or prospective client. The commissioner may, for the purposes of this subdivision, by rule define such schemes, devices or contrivances as are manipulative, deceptive or otherwise fraudulent.

(b) To engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon any client or prospective client.

(c) Acting as principal for his own account, knowingly to sell any commodity or commodity contract to or purchase any commodity or commodity contract from a client for whom he is acting as commodity adviser, commodity option issuer, floor broker or commodity solicitor or, acting as broker, dealer or solicitor for a person other than such client, knowingly to effect any sale or purchase of any commodity or commodity contract for the account of such client in a manner otherwise than as permitted by the rules of the commodity exchange on which the transaction is performed or, in the case of a transaction not on a commodity exchange, in a manner otherwise than as permitted by rule of the commissioner

(d) To engage in any act, practice, or course of business which is fraudulent, deceptive, or manipulative or to make any fictitious quotation. The commissioner shall, for the purpose of this subdivision, by rule define and prescribe means reasonably designed to prevent such acts, practices, and courses of business as are fraudulent, deceptive or manipulative and such quotations as are fictitious.

(e) To represent that he is a commodity counsel or investment counsel or to use the name "commodity counsel" or "investment counsel" as descriptive of his business unless his principal business consists of acting as commodity or investment adviser and a

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substantial part of his business consists of rendering commodity or investment advisory services on the basis of the individual needs of his clients.

SEC. 27. Section 29527 of the Corporations Code is amended to read:

29527. It is unlawful for any person holding a certificate or registered as a commodity adviser, commodity exchange, commodity option issuer, floor broker, commodity solicitor or commodity salesman under this division to represent or imply in any manner whatsoever that any such person has been sponsored, recommended, or approved or that his abilities or qualifications have in any respect been passed upon by the commissioner. Nothing in this section prohibits a statement (other than in a paid advertisement) that a person holds a certificate or is registered under this division, if such statement is true in fact and if the effect of such licensing or registration is not misrepresented.

SEC. 28. The heading of Chapter 4 (commencing with Section 29535) of Division 4.5 of Title 4 of the Corporations Code is amended to read:

CHAPTER 4. REGULATION

SEC. 29. Section 29535 of the Corporations Code is amended to read:

29535. Every commodity adviser, commodity exchange, commodity option issuer, floor broker, commodity solicitor and member of a commodity exchange shall make and keep such accounts, correspondence, memoranda, papers, books, and other records and shall file or publish such financial and other reports as the commissioner by rule requires. All records so required shall be preserved for the time specified in the rule. All records referred to in this section are subject at any time and from time to time to such reasonable periodic, special, or other examinations by the commissioner, within or without this state, as the commissioner deems necessary or appropriate in the public interest or for the protection of investors. For the purpose of avoiding unnecessary duplications of examinations and reports, the commissioner, insofar as he deems it practicable in administering this section, may cooperate with any federal or state agency regulating or concerned with commodity trading, or any commodity exchange.

SEC. 30. Section 29537 of the Corporations Code is amended to read:

29537. The commissioner shall prescribe such reasonable rules with respect to commodity advisers who have custody of their clients' commodity contracts or funds or who have any power of attorney from their clients to execute transactions, and with respect to commodity exchanges, commodity option issuers, floor brokers and commodity solicitors as he finds to be necessary or appropriate in the public interest or for the protection of investors. Such rules

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may require the segregation of customer's funds or customer's assets, a minimum capital, a minimum ratio between net capital and aggregate indebtedness, the maintenance of reserves for obligations (contingent or otherwise) to customers, the maintenance of a fidelity bond, the hedging and covering of such obligations and a surety bond in an amount not exceeding ten thousand dollars ($10,000), conditioned upon compliance by such person with the provisions of this division and the rules and orders issued under this division, or any such requirements. Such bond, unless previously canceled, shall apply to the entire period that such person's license or registration is in effect. Any appropriate deposit of cash or securities shall be accepted in lieu of any such bond. Every bond shall provide that no suit may be maintained to enforce any liability thereon unless brought within two years after the contract of sale or other act upon which such suit is based, and shall also provide that the liability of the surety on such bond to all persons aggrieved shall, in no event, exceed in the aggregate the amount thereof. Every such bond shall also contain a provision authorizing the surety thereon to cancel it upon 30 days' written notice to the licensee and to the commissioner; provided, however, that such cancellation shall not affect any liability incurred or accrued prior to the effective date of such cancellation.

SEC. 31. Section 29537.1 is added to the Corporations Code, to read:

29537.1. (a) A commodity exchange licensed under this division shall adopt and maintain appropriate and reasonable provisions, in its articles of incorporation or partnership, bylaws or other appropriate means, governing the conduct of its operations, including without limitation the terms and provisions of commodity contracts, the trading of commodities and commodity contracts, the conduct and qualifications of persons authorized to deal in commodities or commodity contracts on the exchange or to solicit transactions (including without limitation standards for financial responsibility, recordkeeping, reports, training and experience), the standards and provisions for registration of floor brokers, commodity solicitors and commodity salesmen and fair and reasonable provision for disciplining persons authorized to transact business on the exchange, including floor brokers and commodity solicitors. A licensed commodity exchange shall, prior to any amendment, adoption or deletion of any such provisions, give prior written notice to the commissioner, who may by order prohibit, suspend or postpone the effectiveness of any such change. If, within 90 days after such an order has been made, a request for hearing is filed in writing by the commodity exchange, a hearing shall be held in accordance with the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all of the powers granted thereunder; unless such hearing is commenced within 15 business days after the request is made (or the commodity

exchange consents to a later date) such order is rescinded.

(b) The commissioner may in writing request a licensed commodity exchange to adopt, amend, rescind or suspend a provision as provided in subdivision (a) hereof; if such action is not taken by such commodity exchange within 30 days after receipt by it of such written request, the commissioner may, after due notice and hearing, by order direct such action to be taken by the exchange.

(c) The commissioner may require a commodity exchange licensed under this division to adopt and maintain such rules and regulations as are necessary to protect the public against the conflict of interest involved in a member of an exchange executing transactions for himself and for members of the public. The commissioner may require members who solicit business from the public to periodically report their own transactions to the commissioner.

SEC. 32. Section 29537.2 is added to the Corporations Code, to read:

29537 2. A commodity adviser, commodity exchange, commodity option issuer, floor broker, commodity solicitor or commodity salesman subject to the provisions of this division shall not effect any transaction in, or induce or attempt to induce the purchase or sale of, any commodity or commodity contract in this state in contravention of such rules as the commissioner may prescribe designed to promote just and equitable principles of trade, to provide safeguards against unreasonable profits or unreasonable rates of commission or other charges, and in general to protect investors and the public interest, and to remove impediments to and perfect the mechanism of a free and open market.

SEC. 33. Section 29538 of the Corporations Code is amended to read:

29538. The commissioner may, after appropriate notice and opportunity for hearing, by order censure, deny a certificate or registration to, or suspend for a period not exceeding 12 months or revoke the certificate or registration of, a commodity adviser, commodity exchange, commodity option issuer, floor broker, commodity solicitor or commodity salesman, if he finds that such censure, denial, suspension, or revocation is in the public interest and that such commodity adviser, commodity exchange, commodity option issuer, floor broker, commodity solicitor or commodity salesman, whether prior or subsequent to becoming such, or any partner, officer or director thereof or any person performing similar functions or any person directly or indirectly controlling such commodity adviser, commodity exchange, commodity option issuer, floor broker, commodity solicitor or commodity salesman, whether prior or subsequent to becoming such, or any employee of such commodity adviser, commodity exchange, commodity option issuer, floor broker, commodity solicitor or commodity salesman, while so employed:

(a) Has willfully made or caused to be made in any application for

a certificate or any report filed with the commissioner under this division, or in any proceeding before the commissioner, any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has willfully omitted to state in any such application or report any material fact which is required to be stated therein; or

(b) Has (1) been convicted of or has plead nolo contendere to any felony or misdemeanor, or (2) has been held liable in a civil action by final judgment of a court based upon conduct showing moral turpitude, and the commissioner finds that any such felony, misdemeanor or civil action (i) involved the purchase or sale of any commodity or security, (ii) arose out of the conduct of the business of a broker-dealer, commodity adviser, commodity exchange, floor broker, commodity solicitor, commodity option issuer, or investment adviser, (iii) involved embezzlement, fraudulent conversion, or misappropriation of property, funds or securities, or (iv) involved the violation of Section 1341, 1342 or 1343 of Title 18 of the United States Code, or (v) involved an act of fraud or dishonesty; or

(c) Is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as a commodity adviser, an investment adviser, an underwriter, a floor broker, commodity solicitor, commodity exchange, commodity option issuer, commodity salesman or broker-dealer or as an affiliated person or employee of an investment company, bank, or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security, commodity or commodity contract; or

(d) Is subject to any currently effective order of the Securities and Exchange Commission, the Commodity Exchange Authority or any other state revoking or suspending his registration as a commodity adviser, commodity exchange, commodity option issuer, floor broker, commodity solicitor, commodity salesman, investment adviser or as a broker or dealer or is subject to any currently effective order of any national securities association, board of trade designated as a "contract market" pursuant to the Commodity Exchange Act or national securities exchange (as defined in the Securities Exchange Act of 1934) suspending or expelling him from membership in such association or exchange; or

(e) Has willfully violated any provision of the Commodity Exchange Act, Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, or Title 4 (commencing with Section 25000) of this code, or of any rule or regulation under any of such statutes; or

(f) Has aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any statute or rule or regulation referred to in subdivision (e); or

(g) Has willfully violated any provision of this division or rule or regulation promulgated under this division.

SEC. 34. Section 29538.1 is added to the Corporations Code, to read:

29538.1. The commissioner may, after appropriate notice and opportunity for hearing, by order censure, or suspend for a period not exceeding 12 months or bar from any position of employment, management or control of any commodity adviser, commodity exchange, commodity option issuer, floor broker or commodity solicitor, any partner, officer, director, employee of, or person performing similar functions for, a commodity adviser, commodity exchange, commodity option issuer, floor broker or commodity solicitor, if he finds that such censure, suspension or bar is in the public interest and that such partner, officer, director, employee or person performing similar functions has committed any act or omission enumerated in subdivision (a), (e) or (f) of Section 29538 or has been convicted of any offense or held liable in any civil action specified in subdivision (b) of Section 29538 or is enjoined from any act, conduct or practice specified in subdivision (c) of Section 29538 or is subject to any order specified in subdivision (c) of Section 29538.

SEC. 35. Section 29538.2 is added to the Corporations Code, to read:

29538.2. No proceeding shall be brought under Section 29538 or 29538.1 based upon subdivision (b) of Section 29538 with respect to any conviction the punishment for which was completed more than 10 years prior to the commencement of such proceeding or with respect to any civil judgment which became final more than 10 years prior to the commencement of such proceeding, or based upon subdivision (e) or (f) of Section 29538 with respect to any violation which occurred more than 10 years prior to the commencement of such proceeding.

SEC. 36. Section 29538.3 is added to the Corporations Code, to read:

29538.3. (a) A disciplinary action taken by a licensed commodity exchange against a floor broker, commodity solicitor or commodity salesman is subject to review by the commissioner at any time within 12 months after notice of such action is filed with the commissioner. In the event the commissioner determines to reconsider the penalty imposed by the exchange, or in the event the respondent in such proceeding files an appeal with the commissioner within 90 days after he receives notice of such decision, the matter shall be heard after due notice, the hearing to commence not later than 30 days after the receipt by the commissioner of any request for hearing filed by respondent within the aforesaid period. If a hearing in such matter is held under the provisions of this section, the decision of the commissioner shall be substituted for that of the commodity exchange. The commissioner may at any time within 12 months after receipt of notice of a disciplinary action taken by a licensed commodity exchange stay the effectiveness of any penalty imposed by such exchange.

(b) Nothing contained in this section or in Sections 29538 or

29538.1 shall authorize multiple or successive administrative penalties for the same offense; provided, however, that a modification of penalty under the provisions of subdivision (a) of this section shall not be deemed to result in the infliction of multiple or successive administrative penalties for the same offense.

SEC. 36.5. Section 29539 of the Corporations Code is amended to read:

29539. No order may be entered under Section 29538 or 29538.1 except after notice to the person affected thereby of the intention of the commissioner to enter such order and of the reasons therefor and that upon receipt of a request the matter will be set down for hearing to commence within 15 business days after such receipt unless the person affected consents to a later date. If no hearing is requested within 30 days after the mailing of such notice and none is ordered by the commissioner, the order may be entered without hearing to remain in effect until it is modified or vacated by the commissioner. In the case of an original application for a certificate, such a hearing must be set down to commence within 15 business days after receipt of a written request by the applicant made 30 days or more after the filing of the application, even though no such notice by the commissioner has been given, unless the applicant consents to a later date. If a hearing is requested or ordered, it shall be held in accordance with the provisions of the Administrative Procedure Act (Chapter 5, commencing with Section 11500, Part 1, Division 3, Title 2 of the Government Code), and the commissioner shall have all of the powers granted under that act.

SEC. 37. Section 29540 of the Corporations Code is amended to read:

29540. Any person whose certificate as a commodity adviser, commodity exchange, commodity option issuer, floor broker, commodity solicitor or commodity salesman has been suspended or revoked shall immediately surrender such certificate to the commissioner.

SEC. 38. Section 29541 of the Corporations Code is amended to read:

29541. (a) Surrender of a certificate as a commodity adviser, commodity exchange, commodity option issuer, floor broker, commodity solicitor or commodity salesman becomes effective 30 days after receipt of an application to surrender such certificate or within such shorter period of time as the commissioner may determine, unless a revocation or suspension proceeding is pending when the application is filed or a proceeding to revoke or suspend or to impose conditions upon the surrender is instituted within 30 days after the application is filed. If such a proceeding is pending or instituted, surrender becomes effective at such times and upon such conditions as the commissioner by order determines.

(b) If the commissioner finds that any commodity adviser, commodity exchange, commodity option issuer, floor broker, commodity solicitor or commodity salesman is no longer in existence,

or has ceased to do business as a commodity adviser, commodity exchange, commodity option issuer, floor broker, commodity solicitor or commodity salesman, or is subject to an adjudication of mental incompetence or to the control of a committee or conservator or guardian, or cannot be located after reasonable search, the commissioner may by order summarily revoke the certificate or registration of such commodity adviser, commodity exchange, commodity option issuer, floor broker, commodity solicitor or commodity salesman.

(c) The commissioner may summarily suspend or revoke the certificate of a commodity adviser, commodity exchange, commodity option issuer, floor broker, commodity solicitor or commodity salesman if he (1) fails to pay any fee required by Section 29531 or imposed pursuant to Section 29552 within 10 days after notice by the commissioner that such fee is due and unpaid, or (2) fails to file any report required under Section 29535 within 10 days after notice by the commissioner that such report is due, or (3) fails to maintain any bond required by Section 29537.

(d) The commissioner may by rule establish procedures for the withdrawal of registration with a commodity exchange by a floor broker or commodity solicitor, specifying the manner of supervision of such withdrawal by the commodity exchange and the commissioner, on a basis consistent with the provisions of subdivision (a) of this section.

SEC. 39. Section 29543 is added to the Corporations Code, to read:

29543. No person licensed or registered under this division shall publish any advertisement in this state concerning commodities, commodities contracts or their services with respect thereto unless a true copy of the advertisement has first been filed in the office of the commissioner at least three business days prior to such publication or such shorter period as the commissioner may by rule or order allow. The commissioner may by rule classify advertisements and exempt certain classes, wholly or in part, from the application of this section.

SEC. 40. Section 29544 is added to the Corporations Code, to read:

29544. No person shall publish any advertisement in this state concerning any commodity which is not a regulated commodity under the provisions of the Commodity Exchange Act or any commodity contract with respect to such a commodity or concerning the business of any person licensed or registered under this division after the commissioner finds that the advertisement contains any statement that is false or misleading or omits to make any statement necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading and so notifies the person in writing. Such notification may be given summarily without notice or hearing. At any time after the issuance of a notification under this section, the person desiring to use the

advertisement may in writing request that the order be rescinded. Upon the receipt of such a written request, the matter shall be set down for hearing to commence within 15 days after such receipt unless the person making the request consents to a later date. After such hearing, which shall be conducted in accordance with the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, the commissioner shall determine whether to affirm and continue or to rescind such order, and the commissioner shall have all of the powers granted under such act. Except with respect to an advertisement published by or on behalf of a person licensed or registered under this division, an advertisement is not published in this state when it appears in any bona fide newspaper or other publication of general, regular and paid circulation which has had more than two-thirds of its circulation outside this state during the past 12 months or is a part of a radio or television program originating outside this state.

SEC. 41. Section 29545 is added to the Corporations Code, to read:

29545. (a) No person shall offer or sell a commodity option contract or any guarantee thereof in this state other than pursuant to and in conformity with the terms and conditions of a permit, then in effect, granted by the commissioner to the issuer of such commodity option contract pursuant to an application filed under the terms of this section, unless the issuer of such commodity option contract, or the transaction, has been exempted from the provisions of this section, either conditionally or otherwise, by rule of the commissioner hereunder.

(b) An application for permit pursuant to this section shall be filed by the issuer of the commodity option contracts proposed to be sold and shall contain such information, in such form and detail, and shall be verified in such manner, as the commissioner may by rule or order reasonably prescribe.

(c) The commissioner may deny an application for, or suspend or revoke, a permit pursuant to this section, if he finds:

(1) That the premiums upon all options to be outstanding at any one time will exceed a portion or multiple of the net worth of the issuer as the commissioner may determine by rule or order to be appropriate for the reasonable safety of investors.

(2) That the options to be outstanding at any one time will not be so diversified with respect to the underlying commodities or commodities contracts, or so limited in number, that the ability of the issuer, or of the guarantor or underwriter of the commodity option contracts, to meet the obligations on the outstanding contracts may be impaired by the developments in the market for a single commodity or that the number of options outstanding against a particular market may threaten the normal operation thereof.

(3) That the options are not either (i) guaranteed or underwritten by an exchange on which the underlying commodities

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futures contracts are traded (or an affiliate of such exchange) or (ii) that appropriate arrangements have not been made through reserves and segregated funds or commodity contracts so as to reasonably assure full performance of the issuer's obligations.

(4) That the issuer, or the guarantor or underwriter, will not follow practices with respect to the hedging or covering or liquidation of its obligations such as will provide for the reasonable safety of investors and provide against violations of the Bucket Shop Law, Division 4 (commencing with Section 29104) of Title 4 of this code.

(5) That the issuer or guarantor is not operating in compliance with the provisions of this division or is engaged in practices which are unsafe and which threaten its ability to meet its obligations.

(6) That the terms of the commodity option contract or of the guaranty thereof are not fair, just and equitable, or that the manner and method by which such contracts are to be offered and sold does not provide for fair, reasonable and timely disclosures to, or are such as will work a fraud upon, prospective purchasers.

(d) The commissioner may impose as a condition to the issuance of, or amendment to, a permit, such conditions as he deems reasonable and necessary for the protection of investors and to fulfill the purposes of this division. Such conditions may be imposed by rule or by order, if he finds that such action is necessary and appropriate for the protection of investors.

(e) A commodity option issuer shall promptly notify the commissioner in writing, by an application to amend its permit, of any material change, or proposed change, in the information contained in its application, as originally filed or as amended, other than with respect to any financial statements contained therein. The application shall be in such form as the commissioner may prescribe.

(f) Every permit issued pursuant to this section is effective for 12 months from its effective date, unless the commissioner by rule or order specifies a different period, except during the time an order under subdivision (f) or (g) of this section is in effect.

(g) Except as hereinafter provided, no order denying an application for permit or order suspending or revoking a permit shall be entered under subdivision (c) hereof without appropriate prior notice to the applicant and hearing in accordance with the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, in connection with which the commissioner shall have all of the powers granted therein. If the commissioner fails to act upon an application within 20 business days after it is filed and applicant requests in writing a hearing thereon, such hearing shall be held upon notice within 15 business days after the receipt of such request, unless the applicant consents to a later date.

(h) The commissioner may by order summarily suspend a permit issued pursuant to this section if in his opinion the commodity option issuer is operating in violation of this division or in an unsafe or

dangerous manner. Upon the issuance of such an order, the commissioner shall promptly notify the commodity option issuer of the entry of such order and of the reasons therefor and that upon receipt of a written request the matter will be set down for hearing to commence within 15 business days after such receipt unless the commodity option issuer consents to a later date. If no hearing is requested and none is ordered by the commissioner, the order will remain in effect until it is modified or vacated by the commissioner If a hearing is requested or ordered, the commissioner, after notice and hearing in accordance with subdivision (g) of this section, may modify or vacate the order or extend it until final determination.

SEC. 42 Section 29551 of the Corporations Code is amended to read:

29551. (a) The fee for filing an application for a commodity adviser certificate under Section 29515 is one hundred dollars ($100), and payment of this amount shall keep the certificate, if granted, in effect during the calendar year during which it is granted, and if that year is an even-numbered year, during the following calendar year. Every commodity adviser who has secured from the commissioner a certificate shall, in order to keep such certificate in effect for an additional two-year period, pay a renewal fee of one hundred dollars ($100) on or before the 15th day of December preceding the additional period.

(b) The fee for filing an application for a commodity exchange certificate under Section 29520 is five hundred dollars ($500), and payment of this amount shall keep the certificate, if granted, in effect during the calendar year during which it is granted, and if that year is an even-numbered year, during the following calendar year Every commodity exchange who has secured from the commissioner a certificate shall, in order to keep such certificate in effect for an additional two-year period, pay a renewal fee of five hundred dollars ($500) on or before the 15th day of December preceding the additional period.

(c) The commissioner may by rule establish fees to be paid to the commissioner by floor brokers, commodity solicitors and commodity salesmen registered with a licensed commodity exchange, not exceeding one hundred dollars for each floor broker and commodity solicitor in any calendar year, and such fees shall be in addition to fees payable to the commissioner pursuant to Section 29552.

(d) The fee for filing an application for a floor broker or commodity solicitor certificate under subdivision (b) of Section 29510.2 is one hundred dollars ($100) for the first office or location and fifty dollars ($50) for each additional office or location in California, and payment of this amount shall keep the certificate, if granted, in effect during the calendar year during which it is granted, and if that year is an even-numbered year, during the following calendar year Every floor broker and commodity solicitor who has secured from the commissioner a certificate shall, in order to keep such certificate in effect for an additional two-year period,

pay a renewal fee of one hundred dollars ($100) for the first office or location and fifty dollars ($50) for each additional office or location in California on or before the 15th day of December preceding the additional period.

(e) The fee for filing an application for a commodity option issuer certificate under Section 29510.3 is two hundred dollars ($200) for the first office or location and seventy dollars ($70) for each additional office or location in California, and payment of this amount shall keep the certificate, if granted, in effect during the calendar year during which it is granted, and if that year is an even-numbered year, during the following calendar year. Every commodity option issuer who has secured from the commissioner a certificate shall, in order to keep such certificate in effect for an additional two-year period, pay a renewal fee of two hundred dollars ($200) for the first office or location and seventy dollars ($70) for each additional office or location in California on or before the 15th day of December preceding the additional period.

(f) The fee for filing an application for commodity salesman certificate under subdivision (b) of Section 29510.4 is fifty dollars ($50), and payment of this amount shall keep the certificate, if granted, in effect during the calendar year during which it is granted, and if that year is an even-numbered year, during the following calendar year. Every commodity salesman who has secured from the commissioner a certificate shall, in order to keep such certificate in effect for an additional two-year period, pay a renewal fee of fifty dollars ($50) on or before the 15th day of December preceding the additional period.

(g) The fee for filing an application for permit pursuant to subdivision (a) of Section 29545 is one thousand dollars ($1,000). The fee for filing an application for amendment to permit pursuant to subdivision (d) of Section 29545 is two hundred dollars ($200)

SEC. 43. Section 29560 of the Corporations Code is amended to read.

29560. (a) Whenever it appears to the commissioner that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this law or any rule or order hereunder, he may in his discretion bring an action in the name of the people of the State of California in the superior court to enjoin the acts or practices or to enforce compliance with this law or any rule or order hereunder. Upon a proper showing a permanent or preliminary injunction, restraining order, or writ of mandate shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The court may not require the commissioner to post a bond

(b) The commissioner may, with the approval of the Attorney General, include in any action authorized by subdivision (a) of this section, a claim for restitution or damages under Chapter 8 (commencing with Section 29580) of this division on behalf of the persons injured by the act or practice constituting the subject matter

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of the action, and the court shall have jurisdiction to award appropriate relief to such persons, if the court finds that the enforcement of the rights of such persons, whether by class action or otherwise, would be so burdensome or expensive as to be impractical

SEC 44 Section 29561 of the Corporations Code is amended to read:

29561 (a) The commissioner in his discretion (1) may make such public or private investigations within or outside of this state as he deems necessary to determine whether any person has violated or is about to violate any provision of this law or any rule or order hereunder or to aid in the enforcement of this law or in the prescribing of rules and forms hereunder, and (2) may publish information concerning any violation of this law or any rule or order hereunder.

(b) In making any investigation authorized by subdivision (a) of this section, the commissioner may, for a reasonable time not exceeding 30 days, take possession of the books, records, accounts and other papers pertaining to the business of any commodity adviser, commodity exchange, commodity option issuer, floor broker or commodity solicitor and place a keeper in exclusive charge of them in the place where they are usually kept During such possession no person shall remove or attempt to remove any of the books, records, accounts , or other papers except pursuant to a court order or with the consent of the commissioner; but the directors, officers, partners, and employees of the commodity adviser, commodity exchange, commodity option issuer, floor broker or commodity solicitor may examine them, and employees shall be permitted to make entries therein reflecting current transactions.

(c) For the purpose of any investigation or proceeding under this law, the commissioner or any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the commissioner deems relevant or material to the inquiry.

(d) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the superior court, upon application by the commissioner, may issue to the person an order requiring him to appear before the commissioner, or the officer designated by him, there to produce documentary evidence, if so ordered, or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt

(e) No person is excused from attending and testifying or from producing any document or record before the commissioner, or in obedience to the subpoena of the commissioner or any officer designated by him, or in any proceeding instituted by the commissioner, on the ground that the testimony or evidence

(documentary or otherwise) required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after validly claiming his privilege against self-incrimination, to testify or produce evidence (documentary or otherwise), except that the individual testifying is not exempt from prosecution and punishment for perjury or contempt committed in testifying.

SEC. 45 Section 29563 is added to the Corporations Code, to read:

29563. If, in the opinion of the commissioner, any person is conducting any activity in this state for which a certificate or permit is required under this division, the commissioner may order such person to desist and refrain from such activity unless and until the required certificate or permit is obtained. If, after such an order has been made, a request for hearing is filed in writing by the person to whom such order was directed, a hearing shall be held in accordance with the provisions of the Administrative Procedure Act, Chapter 2 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all of the powers granted thereunder; unless such hearing is commenced within 15 days after the request is made (or the person affected consents to a later date), such order is rescinded.

SEC. 45.1. Section 29564 is added to the Corporations Code, to read·

29564. The commissioner in his discretion may honor requests from interested parties for interpretive opinions.

SEC. 46. Chapter 8 (commencing with Section 29580) is added to Division 4 5 of Title 4 of the Corporations Code, to read:

CHAPTER 8. CIVIL LIABILITY

29580. Any person who violates Section 29545 or any rule, order or condition of the commissioner thereunder shall be liable to the person who purchases the commodity option contract from him, who may sue to recover the value of any consideration given or paid for such contract with interest thereon at the legal rate from the date of purchase, less the amount of any income paid to plaintiff upon the commodity option contract sued upon, upon tender of such contract if it has not been exercised or has not expired Any tender specified in this section may be made at any time before entry of judgment. In determining the amount of income paid to plaintiff, there shall not be included any amounts paid to plaintiff upon any prior commodity option contract acquired by plaintiff or any amounts paid to plaintiff by reason of any other transaction between the parties.

29581. Any person who violates Sections 29510, 29510.1, 29510.2, 29510.3 or 29510 4 shall be liable to any customer for the amount of any fees, commissions and other compensation paid to such person

for or on account of the services for which a license is required under this division, without compensation or set off by reason of any income or other profits or payments accruing to the plaintiff by reason of such transaction.

29582. Any person who willfully violates Sections 29525, 29526, or 29537.2, or any rule adopted by the commissioner thereunder, shall be liable to any person damaged through or by reason of such violation, who may sue for damages caused thereby.

29583. Every person who directly or indirectly controls a person liable under Section 29580, 29581 or 29582, every partner in a firm so liable, every principal executive officer or director of a corporation so liable, every person occupying a similar status or performing similar functions, and every employee of a person so liable who materially aids in the act or transaction constituting the violation, are also liable jointly and severally with and to the same extent as such person, excepting, however, such person who proves that he exercised reasonable care and did not know, (or if he had exercised reasonable care would not have known) of the existence of the facts by reason of which the liability is alleged to exist.

29584. (a) No action shall be maintained to enforce any liability under Section 29580 or 29581 (or under Section 29583 insofar as it pertains to those sections) unless brought before the expiration of two years after the act or transaction constituting the violation, or within one year after the discovery by the plaintiff of the facts constituting the violation.

(b) No action shall be maintained to enforce any liability under Section 29582 (or under Section 29583 insofar as it pertains to that section) unless brought before the expiration of four years after the act or transaction constituting the violation, or within one year after the discovery by the plaintiff of the facts constituting the violation.

(c) No person may commence an action under Section 29580 or 29581 (or Section 29583 insofar as it pertains to those sections) if, before suit is commenced, such person shall have received an offer, approved as to form by the commissioner, setting forth (i) the liability or liabilities under this chapter as to which notice is given, (ii) an offer to pay to such person in cash upon acceptance of such offer the full amount recoverable by reason of such liability or liabilities, (iii) the provisions of this section and (iv) such other information as the commissioner may require.

29585 Every cause of action under this chapter survives the death of any person who might have been a plaintiff or defendant.

29586. Except as explicitly provided in this chapter, no civil liability in favor of any private party shall arise against any person by implication from or as a result of the violation of any provision of this law or any rule or order hereunder. Nothing in this chapter shall limit any liability which may exist by virtue of any other statute or under common law if this law were not in effect.

SEC. 46.1. Chapter 9 (commencing with Section 29590) is added to Division 4.5 of Title 4 of the Corporations Code, to read:

CHAPTER 9. GENERAL PROVISIONS

29590. No provision of this law imposing any liability applies to any act done or omitted in good faith in conformity with any rule, form, permit, order, or written interpretive opinion of the commissioner, or any such opinion of the Attorney General, notwithstanding that the rule, form, permit, order, or written interpretive opinion may later be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

29591. All rules of the commissioner (other than those relating solely to the internal administration of the Department of Corporations) shall be made, amended or rescinded in accordance with the provisions of the Administrative Procedure Act, Chapter 4 (commencing with Section 11370) of Part 1 of Division 3 of Title 2 of the Government Code. Rules may be adopted prior to the effective date of this law to become effective upon its effective date.

SEC. 47 There is hereby appropriated to the Department of Corporations from the General Fund in the State Treasury the sum of one hundred eleven thousand two hundred eighty-three dollars ($111,283) for the administration of this act during the 1973–74 fiscal year.

SEC. 48. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The recent, rapid growth in California of public participation in commodities trading, both directly and through the device of commodities options contracts, has brought many businesses into operation here which do not maintain, commensurate with their fiduciary obligations to their customers, appropriate standards for their financial responsibility, the character and experience of their management or their manner and method of operation, because their operations are within an area outside the jurisdiction of the federal Commodity Exchange Act. In particular, the emergence of businesses whose principal, and perhaps only, business is the sale of commodity options contracts has created severe hazards to the public investors in such securities because many such companies lack sufficient financial resources, appropriate methods of operation and restraints and reasonable guarantees for the performance of their obligations. Serious questions also exist because of the unrestricted nature and growth of their operations and as to the effect of their operations on the commodities futures markets which underlie their activities. The protection to the public of the continuous supervision afforded under the licensing and regulatory provisions of this law is essential in order to provide reasonable assurances that such companies properly meet their obligations to their investors and customers.

SEC. 49. Sections 12, 13, 14, and 15 of this act shall not become operative until 30 days after the effective date of this act.

CHAPTER 855

An act to amend Sections 14133 and 14133.1 of the Welfare and Institutions Code, relating to Medi-Cal.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1 Section 14133 of the Welfare and Institutions Code is amended to read·

14133. The following is the supplemental schedule of benefits under this chapter·

(a) Outpatient physician services, except for elective services are covered, subject to utilization controls.

(b) Outpatient podiatric services as determined by the director, except for elective services are covered, subject to utilization controls

(c) Inpatient hospital care, including physician and podiatric services and except for elective services, is covered to the extent of three hundred (300) days during a period of twelve (12) consecutive months, subject to utilization controls.

(d) Prescription drugs, except for elective services, are covered, as prescribed, subject to utilization controls.

SEC. 2. Section 14133.1 of the Welfare and Institutions Code is amended to read:

14133 1. The director shall establish procedures under which prior authorization for services under the supplemental schedule of benefits may be requested and granted on the basis of an extended treatment plan where such services are medically necessary and there is a need for continuity of treatment of a chronic or extended condition Such prior authorization for supplemental services may be requested by a physician or podiatrist upon the patient's initial visit if the physician or podiatrist believes that an extended treatment plan is needed from the time of the initial visit.

CHAPTER 856

An act to amend Section 14105 of, and to repeal Section 14105 of, the Welfare and Institutions Code, relating to Medi-Cal.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows.

SECTION 1. Section 14105 of the Welfare and Institutions Code, as amended by Chapter 1366 of the 1972 Statutes, 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 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; provided, however, that cost reports and other data for cost reporting periods beginning on January 1, 1972, and thereafter shall be considered true and correct unless audited or reviewed within three years after 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. 2. Section 14105 of the Welfare and Institutions Code, as added by Chapter 934 of the Statutes of 1972, is repealed.

CHAPTER 857

An act to amend Section 19700.2 of, and to add Section 19700.4 to, the Education Code, relating to public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1973. Filed with Secretary of State September 25, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 19700.2 of the Education Code is amended to read:

19700.2 (a) It is the intent of the Legislature in enacting this article to finance the capital expenditures involved in the construction, equipping, and establishment of a regional occupational center to be maintained by the Stockton Unified School District, to serve an area in great need of occupational preparation. It is the further intent of the Legislature, by this article, to improve the employment opportunities of persons residing in areas of need for such training by providing educational programs of a nature that will serve the social and economic needs of that area. The program provided will also serve to upgrade the cultural and intellectual life, as well as the economic life, of the area to be served.

(b) The governing board of any school district maintaining a high school may, pursuant to Section 7451, cooperate with the Stockton Unified School District in the establishment and maintenance of the regional occupational center.

(c) In conjunction with the regional occupational center, regional occupational programs may be established in the Stockton Unified School District and in participating school districts.

(d) The cooperation in the establishment and maintenance of a regional occupational center pursuant to subdivision (b) and the establishment and maintenance of regional occupational programs pursuant to subdivision (c), may be undertaken pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code.

(e) Notwithstanding subdivisions (b), (c), and (d), the Stockton Unified School District has the sole duty to make the repayments to the state specified in subdivision (a) of Section 19700.3 and the sole duty to the state to operate and manage the regional occupational center and any regional occupational program authorized by this article.

(f) The amount computed for the Stockton Unified School District pursuant to subdivision (a) of Section 20904 shall be deemed to have been increased by the amount raised within the Stockton Unified School District for the support of a regional occupational center and program, except capital outlay expenditures, maintained during the 1972–73 fiscal year by the county superintendent of schools. The other computations required by Article 6 (commencing

with Section 20902) of Chapter 3 of Division 16 shall be adjusted to appropriately reflect such increase. The revenue limit applicable to the county superintendent of schools shall be reduced by an amount equal to the increase in the revenue limit of the Stockton Unified School District made pursuant to this subdivision.

SEC. 2. Section 19700.4 is added to the Education Code, to read:

19700.4. Notwithstanding anything to the contrary contained in Article 6 (commencing with Section 20902) of Chapter 3 of Division 16, the district tax authorized by subdivision (a) of Section 19700.3 may be levied and collected for the purposes specified in that subdivision and the proceeds of the tax shall not be included in any computation prescribed by that article.

SEC. 3. In the event that this act becomes effective after the governing board of the Stockton Unified School District has adopted its final budget, that governing board may, notwithstanding any provision of law to the contrary, revise such final budget to reflect the changes in law made by 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:

It is necessary that the regional occupational programs authorized by this act be initiated on or about the commencement of the 1973–1974 school year which is long before the effective date of statutes enacted in 1973 at the 1973–1974 Regular Session of the Legislature. It is, therefore, necessary that this act go into immediate effect.

CHAPTER 858

An act to amend Sections 253, 272, 360, 400, 404, 501, 504, 507, 531, 544, 772, 1301, 1371, 1501, 1751, 1754, 1780, 1901, 2053, 2071, 2094, and 3580 of the Financial Code, relating to fees.

[Approved by Governor September 25, 1973. Filed with Secretary of State September 25, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 253 of the Financial Code is amended to read:

253. Whenever it is necessary for the superintendent to approve any instrument and to affix his official seal thereto, the superintendent shall charge a fee of twenty-five dollars ($25) therefor. Whenever it is proper for the department to furnish a copy of any paper which has been filed therein and to certify to the paper, the superintendent may charge twenty-five cents ($0.25) per folio for each copy and a fee of twenty-five dollars ($25) for certifying the

copy and for affixing his official seal. The department may furnish photographic copies of the paper for a fee sufficient to cover the cost thereof

SEC 2 Section 272 of the Financial Code is amended to read.

272. The superintendent in addition to the annual assessment shall collect from each corporation conducting a trust business only, and from each corporation doing a departmental business as a title insurance company and as a trust company, to defray the cost of examination, a fee not to exceed one hundred fifty dollars ($150) per diem, for each examiner necessarily engaged in the examination of the trust company or trust department. The superintendent shall assess the fee upon completion of the examination of the trust company or trust department of the title insurance company.

SEC 3 Section 360 of the Financial Code is amended to read:

360. The request for authority to organize and establish a corporation to engage in the banking or trust business shall be set forth in an application in such form and containing such information as the superintendent may require and shall be accompanied by a fee of two thousand dollars ($2,000).

SEC. 4. Section 400 of the Financial Code is amended to read:

400. The articles of incorporation of the proposed bank or trust company shall be submitted to the superintendent for his approval before they are filed with the Secretary of State pursuant to the Corporations Code After the articles have been filed with the Secretary of State the proposed bank or trust company shall.

(a) File with the superintendent a copy of its articles of incorporation, certified by the Secretary of State, and, after the organization meeting of the directors, a copy of its bylaws certified by its secretary.

(b) File with the superintendent a statement in such form and with such supporting data as he may require showing that the entire capital and surplus have been fully paid in lawful money, unconditionally, and that the funds representing such capital and surplus, less sums spent as authorized by this code for organization expense and for land, buildings, and fixtures are on deposit in a state or national bank in this state, subject to withdrawal on demand.

(c) Pay to the superintendent a fee of two thousand dollars ($2,000).

SEC 4.5 Section 400 of the Financial Code is amended to read:

400 The articles of incorporation of the proposed bank or trust company shall be submitted to the superintendent for his approval before they are filed with the Secretary of State pursuant to the Corporations Code. After the articles have been filed with the Secretary of State the proposed bank or trust company shall.

(a) File with the superintendent a copy of its articles of incorporation, certified by the Secretary of State, and, after the organization meeting of the directors, a copy of its bylaws certified by its secretary.

(b) File with the superintendent a statement in such form and

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with such supporting data as he may require showing that the entire capital and surplus have been fully paid in lawful money, unconditionally, and that the funds representing such capital and surplus, less sums spent as authorized by this code for organization expense and for land, buildings, and fixtures are on deposit in a state or national bank in this state, subject to withdrawal on demand.

(c) Pay to the superintendent a fee of two thousand dollars ($2,000).

SEC. 5 Section 404 of the Financial Code is amended to read:

404. If the proposed bank or trust company fails to file evidence of incorporation and organization with the superintendent pursuant to Section 400 within six months after the approval of the application for authority to organize the bank or trust company, the right to organize the bank or trust company automatically terminates. The superintendent, however, for good cause on written application filed before the expiration of any such six months' period and payment of a fee of one hundred dollars ($100), may extend for additional periods not in excess of six months each the time within which the bank or trust company may be organized.

SEC. 6. Section 501 of the Financial Code is amended to read:

501. The request for authority to establish a branch office shall be set forth in an application in such form and containing such information as the superintendent may require and shall be accompanied by an application fee of five hundred dollars ($500) for each new branch office.

SEC. 7. Section 504 of the Financial Code is amended to read:

504. When the superintendent has approved an application for permission to establish a branch office, the superintendent shall issue a certificate in duplicate authorizing the opening and operation of the branch office and specifying the date on which and the conditions under which it may be opened and the place where it will be located. The superintendent shall cause one copy to be transmitted to the applicant and the other copy to be filed in the department.

SEC. 8. Section 507 of the Financial Code is amended to read:

507. When authorized by the superintendent a bank or trust company may change the location of a branch office from one location to another in the same vicinity. An application for such authorization shall be in such form and contain such information as the superintendent may require and be accompanied by a fee of one hundred dollars ($100).

SEC. 9. Section 531 of the Financial Code is amended to read:

531. An application to establish a foreign branch or branches shall specify the place or places where the same are proposed to be established and the banking operations proposed to be carried on and shall contain such other information as the superintendent may require The superintendent in his discretion may approve or disapprove the application and may at any time require the discontinuance of any foreign branch office. An application to

establish a foreign branch shall be accompanied by a fee of five hundred dollars ($500) for each foreign branch sought to be established

SEC. 10 Section 544 of the Financial Code is amended to read:

544 When the superintendent has approved an application, the superintendent shall issue a certificate in duplicate authorizing such bank to establish and maintain the place of business. Such certificate shall specify the conditions, if any, under which the place of business may be established and maintained and the place where it will be located. The superintendent shall place one copy of such certificate on file with the department. The superintendent shall transmit one copy of such certificate to the applicant bank, and such bank shall display such copy in a conspicuous place in the place of business.

SEC. 11. Section 772 of the Financial Code is amended to read:

772. With the prior written approval of the superintendent, and subject to such regulations and rules as he may prescribe, a bank may acquire and hold not less than 80 percent of the voting stock of one or more corporations that perform functions a bank may perform, other than the receipt of deposits An application for such approval of the superintendent shall be in such form and contain such information as the superintendent may require, and be accompanied by a fee of five hundred dollars ($500).

SEC 12 Section 1301 of the Financial Code is amended to read:

1301. Notwithstanding the provisions of Chapter 9 of Division 1 of this code any commercial bank or nondepartmental bank, with the prior authorization of the superintendent, may engage in the trust business, if its articles authorize it to engage in the trust business, without complying with the provisions of Chapter 9; provided, it has paid-up capital and surplus at least equal to that which would be required under Section 380 of a bank commencing to do business in the city in which the head office of such bank is located plus the additional capital required for each branch established by it, and in addition thereto paid-up capital at least equal to that which would be required under Section 382 of a trust company with its head office in the city in which the head office of such bank is located. Any bank so authorized shall, in the conduct of its trust business, comply with and be governed by all of the provisions of Chapter 12, Division 1 of this code except the provisions of Article 2 thereof. An application for such authorization shall be in such form and contain such information as the superintendent may require, and be accompanied by a fee of five hundred dollars ($500).

SEC 13. Section 1371 of the Financial Code is amended to read:

1371. The superintendent is authorized upon the written application of any person made upon such form and containing such information as he may prescribe, accompanied by a fee of fifty dollars ($50), and when in his opinion the purposes of this chapter will be served thereby, to issue his certificate certifying that in his opinion and upon the information furnished him, specifying the same, any particular security of a class in this chapter referred to constitutes a

security in which savings banks are permitted to invest pursuant to the provisions of this chapter. The superintendent may request any public official in whose office information relative to the assessed valuation of taxable property of any political subdivision, public corporation, or district is kept, or in whose office information relative to the direct debt or the overlapping debt of any political subdivision, public corporation or district, is kept, or in whose office any other information pertinent to a determination of whether or not any bonds issued by any political subdivision, public corporation, or district are qualified as investments for savings banks under this chapter is kept, to furnish him such information, and upon such request being made it shall be the duty of such public official to furnish to the superintendent such information.

SEC 13 5. Section 1371 of the Financial Code is amended to read:

1371. The superintendent is authorized upon the written application of any person made upon such form and containing such information as he may prescribe, accompanied by a fee of fifty dollars ($50), and when in his opinion the purposes of this chapter will be served thereby, to issue his certificate certifying that in his opinion and upon the information furnished him, specifying the same, any particular security of a class in this chapter referred to constitutes a legal investment for savings and commercial banks pursuant to the provisions of this chapter. The superintendent may request any public official in whose office information relative to the assessed valuation of taxable property of any political subdivision, public corporation, or district is kept, or in whose office information relative to the direct debt or the overlapping debt of any political subdivision, public corporation or district, is kept, or in whose office any other information pertinent to a determination of whether or not any bonds issued by any political subdivision, public corporation, or district are qualified as investments for savings and commercial banks under this chapter is kept, to furnish him such information, and upon such request being made it shall be the duty of such public official to furnish to the superintendent such information.

SEC. 14. Section 1501 of the Financial Code is amended to read.

1501. A corporation authorized to transact a title insurance business under the Insurance Code and authorized by its articles of incorporation to do a trust business as defined in Section 106 of this code may engage in the trust business and maintain a trust department as well as a title insurance department if it complies with the following requirements·

(a) It shall first obtain the consent of both the superintendent and the Commissioner of Insurance The application for such consent of the superintendent shall be in such form and contain such information as the superintendent may require and be accompanied by a fee of five hundred dollars ($500).

(b) In its application for such consent it shall include a statement making a segregation of its capital and surplus for each department. The minimum amount of capital and surplus apportioned to the trust

department shall be two hundred thousand dollars ($200,000). When such apportionment is approved by the superintendent and the Commissioner of Insurance the part of such capital and surplus apportioned to each department shall be segregated and shall be treated as the separate capital and surplus of each such department as if each such department was a separate business.

(c) It shall make the deposits of money or securities with the State Treasurer pursuant to Article 3 of this chapter.

(d) As to its trust department it shall be subject to and shall comply with all the requirements of this division applicable to trust companies and the rules and regulations of the superintendent.

SEC. 15 Section 1751 of the Financial Code is amended to read:

1751. A foreign banking corporation shall not after October 1, 1949, commence to do business in this state until it has met the following requirements:

(a) It is authorized by its charter to transact the character of business described in Section 1756 and has complied with the laws of the state or country under which it is incorporated.

(b) It has filed with the superintendent a certified copy of its charter or articles of incorporation and of its bylaws and an application in such form and containing such information as the superintendent may require, accompanied by a fee of one thousand five hundred dollars ($1,500).

(c) It has furnished to the superintendent such proof of the nature and character of its business and its financial condition, stock ownership, and management as he may require.

(d) It has designated the superintendent and his successor in office by a duly executed instrument in writing, its agent, upon whom process directed to the corporation may be served The superintendent shall forward by mail, postage prepaid, a copy of every process served upon him under the provisions of this subdivision, addressed to the manager or agent of such corporation at its principal place of business in this state. For each copy of process the superintendent shall collect the sum of twenty-five dollars ($25) which shall be paid by the plaintiff or moving party at the time of service, to be recovered by him as a part of his costs.

(e) It has complied with all applicable requirements of the Corporations Code of California relating to foreign corporations except matters specifically otherwise provided for in this code.

(f) Its manager or agent residing in this state has taken an oath that he will, as far as the duty devolves upon him, diligently and honestly administer the affairs of the corporation and will not knowingly violate or willfully permit to be violated any of the provisions of law applicable to the corporation and the oath, subscribed by the manager or agent taking it, has been transmitted to the superintendent and filed in his office.

(g) It has allocated and assigned to its California business a portion of its capital and surplus equal in amount to the amount of capital required by this division of a bank commencing to do business in the

city in which the foreign corporation proposes to do business. One-half of the required minimum allocated capital and surplus, or one hundred thousand dollars ($100,000), whichever is greater, shall be kept in cash or in securities of the kind which may be deposited by trust companies to secure court and private trusts under Section 1542 and shall be deposited with the State Treasurer for the faithful performance of all obligations entered into in California.

(h) It has received from the superintendent his certificate licensing it to do business.

SEC. 16. Section 1754 of the Financial Code is amended to read:

1754 The superintendent may give or withhold his approval of the application of a foreign banking corporation in his discretion. If he approves the application, he shall issue a license to such corporation when it has satisfied all the requirements of this chapter authorizing it to transact the business permitted by Section 1756 at the location specified in such license. No such license shall be transferable or assignable. Each such license shall be conspicuously displayed at all times in the place of business specified therein.

SEC 17 Section 1780 of the Financial Code is amended to read:

1780. An individual may establish and maintain an office or offices in this state as representative of one or more foreign banking corporations but only upon first obtaining a license from the superintendent. The application for such license shall be in such form and shall set forth such information as the superintendent may require, and be accompanied by a fee of two hundred fifty dollars ($250). The superintendent may grant or refuse the application in his discretion and may at any time in his discretion revoke any such license. Such representative shall pay an annual license fee of one hundred dollars ($100) for each such office. If more than one individual representative of the same foreign banking corporation uses the same office the annual license fee for such office shall be one hundred dollars ($100) plus twenty-five dollars ($25) for each individual representative over one using the same office

SEC. 18. Section 1901 of the Financial Code is amended to read:

1901 Whenever, in the judgment of the superintendent, the condition of any bank, trust company, or foreign banking corporation renders it necessary or expedient to make an extra examination or to devote any extraordinary attention to its affairs, he has authority to make any necessary extra examinations and to devote any necessary extra attention to the conduct of its affairs and to charge for such extra services an amount not exceeding one hundred fifty dollars ($150) a day for each examiner engaged in the examination of such bank

SEC. 19. Section 2053 of the Financial Code is amended to read:

2053. When the agreement has been executed by the appropriate officers of each of the banks pursuant to authority conferred by the board of directors of each bank respectively and when the same has been approved by the requisite number of shareholders, the original or a duplicate original thereof shall be filed with the superintendent.

There shall be attached to the agreement filed with the superintendent certificates executed by the secretary of each of the banks respectively, certifying that the agreement has been approved by the required number of shareholders of the bank of which he is secretary in the manner herein provided, or if the bank is a national banking association a certificate executed by its secretary certifying that its consent has been given in the manner required by the laws of the United States Such agreement shall not become effective until it has been approved in writing by the superintendent. An application for such approval shall be in such form and contain such information as the superintendent may require, and be accompanied by a fee of one thousand dollars ($1,000). When the agreement has been executed and approved by each of such banks in the manner herein required and has been approved by the superintendent, notice of such agreement shall be published once a week for four successive weeks in a newspaper published in the county in which the selling bank has its principal place of business, or if the business of a branch or a department of a branch is sold then in a newspaper published in the county in which such branch office is located, and in the county in which the purchasing bank has its principal place of business. Within 10 days after the last publication of such notice an affidavit showing publication in compliance herewith shall be filed in the office of the superintendent.

SEC. 19 5. Section 2053 of the Financial Code is amended to read:

2053 When the agreement has been executed by the appropriate officers of each of the banks pursuant to authority conferred by the board of directors of each bank respectively and when the same has been approved by the requisite number of shareholders, the original or a duplicate original thereof shall be filed with the superintendent There shall be attached to the agreement filed with the superintendent certificates executed by the secretary of each of the banks respectively, certifying that the agreement has been approved by the required number of shareholders of the bank of which he is secretary in the manner herein provided, or if the bank is a national banking association a certificate executed by its secretary certifying that its consent has been given in the manner required by the laws of the United States. Such agreement shall not become effective until it has been approved in writing by the superintendent. An application for such approval shall be in such form and contain such information as the superintendent may require, and be accompanied by a fee of one thousand dollars ($1,000). When the agreement has been executed and approved by each of such banks in the manner herein required and has been approved by the superintendent, notice of such agreement shall be published once a week for four successive weeks in a newspaper published in the county in which the selling bank has its principal place of business, or if a branch or a branch business is sold then in a newspaper published in the county in which such branch office is located, and in the county in which the purchasing bank has its principal place of business Within 10 days

after the last publication of such notice an affidavit showing publication in compliance herewith shall be filed in the office of the superintendent.

SEC. 20. Section 2071 of the Financial Code is amended to read as follows

2071. Any agreement for the merger or consolidation of two or more banks or trust companies and any certificate executed pursuant to Section 4124 of the Corporations Code pertaining to such merger or consolidation shall have the approval of the superintendent endorsed thereon before the same is filed with the Secretary of State. An application for such approval shall be in such form and contain such information as the superintendent may require, and be accompanied by a fee of one thousand dollars ($1,000).

SEC 21 Section 2094 of the Financial Code is amended to read.

2094 Whenever a state bank results from the merger or consolidation of one or more national banking associations with one or more state banks and the agreement for consolidation or merger has been filed with the Secretary of State with the approval of the superintendent endorsed thereon (an application for such approval of the superintendent shall be filed in such form and contain such information as the superintendent may require, and be accompanied by a fee of one thousand dollars ($1,000)), a copy thereof, certified by the Secretary of State, shall immediately be filed with the superintendent and upon, but not until, such filing the merger or consolidation shall be and become effective for all purposes In the case of a consolidation, the superintendent, thereupon, and as of the hour and day of such filing, shall issue his certificate authorizing the consolidated bank or trust company to engage in the commercial banking, savings banking, or trust business or some or all of such businesses, as the case may be, and, in the case of a merger, if the surviving corporation acquires additional powers by such merger, the superintendent shall issue to it his certificate authorizing it to engage in the commercial banking, savings banking, or trust business or some or all of such businesses, as the case may be.

SEC. 21.5. Section 2094 of the Financial Code is amended to read:

2094 Whenever a state bank results from the merger or consolidation of one or more national banking associations with one or more state banks and the agreement for consolidation or merger has been filed with the Secretary of State with the approval of the superintendent endorsed thereon (an application for such approval of the superintendent shall be filed in such form and contain such information as the superintendent may require, and be accompanied by a fee of one thousand dollars ($1,000)), a copy thereof, certified by the Secretary of State, shall immediately be filed with the superintendent and upon, but not until, such filing the merger or consolidation shall be and become effective for all purposes. In the case of a consolidation, the superintendent, thereupon, and as of the hour and day of such filing, shall issue his certificate authorizing the consolidated bank or trust company to engage in the commercial

banking or trust business or both of such businesses, as the case may be; and, in the case of a merger, if the surviving corporation acquires additional powers by such merger, the superintendent shall issue to it his certificate authorizing it to engage in the commercial banking or trust business or both of such businesses, as the case may be.

SEC. 22 Section 3580 of the Financial Code is amended to read as follows.

3580. Any bank may, with the consent of the superintendent, upon such conditions and under such regulations as he may prescribe, acquire and hold, directly or indirectly, the stock or other evidences of ownership in one or more banks organized under the laws of a foreign country or a dependency or insular possession of the United States and not engaged, directly or indirectly, in any activity in the United States except as, in the judgment of the superintendent, shall be incidental to the international or foreign business of such bank. An application for such consent shall be in such form and contain such information as the superintendent may require, and be accompanied by a fee of five hundred dollars ($500). The aggregate amount invested by any bank in such stock or other evidences of ownership shall not in any way be subject to, or included in, the limitations prescribed in Sections 535, 3513, 3560, and 3570, but such aggregate amount invested directly or indirectly (other than through a corporation organized under Article 1 (commencing with Section 3500) of this chapter or operating under Article 2 (commencing with Section 3560) or Article 3 (commencing with Section 3570) of this chapter) in the stock or other evidences of ownership of all foreign banks, taken together with investments by the subscribing bank in the shares of corporations organized under Article 1 (commencing with Section 3500) of this chapter or operating under Article 2 (commencing with Section 3560) or Article 3 (commencing with Section 3570) of this chapter and in foreign branches established under the provisions of Article 2 (commencing with Section 530) of Chapter 4 of this division, shall not at any one time exceed 25 percent of the subscribing bank's capital and surplus.

SEC. 23 It is the intent of the Legislature, if both this bill and Assembly Bill No. 267 are chaptered, become effective January 1, 1974, and amend Section 400 of the Financial Code, and this bill is chaptered after Assembly Bill No. 267, that the amendments to Section 400 proposed by both bills be given effect and incorporated in Section 400 in the form set forth in Section 4.5 of this act Therefore, Section 4.5 of this act shall become operative only if this bill and Assembly Bill No. 267 are both chaptered, both become effective January 1, 1974, and both amend Section 400, and Assembly Bill No. 267 is chaptered before this bill, in which case Section 4 of this act shall not become operative.

SEC. 24. It is the intent of the Legislature, if both this bill and Assembly Bill No. 267 are chaptered, become effective January 1, 1974, and Assembly Bill No. 267 repeals Section 1301 of the Financial

Code, that Section 12 of this act amending Section 1301 of the Financial Code shall not become operative.

SEC. 25. It is the intent of the Legislature, if both this bill and Assembly Bill No. 267 are chaptered, become effective January 1, 1974, and amend Section 1371 of the Financial Code, and this bill is chaptered after Assembly Bill No. 267, that the amendments to Section 1371 proposed by both bills be given effect and incorporated in Section 1371 in the form set forth in Section 13.5 of this act. Therefore, Section 13.5 of this act shall become operative only if this bill and Assembly Bill No. 267 are both chaptered, both become effective January 1, 1974, and both amend Section 1371, and Assembly Bill No. 267 is chaptered before this bill, in which case Section 13 of this act shall not become operative.

SEC 26. It is the intent of the Legislature, if both this bill and Assembly Bill No. 267 are chaptered, become effective January 1, 1974, and amend Section 2053 of the Financial Code, and this bill is chaptered after Assembly Bill No. 267, that the amendments to Section 2053 proposed by both bills be given effect and incorporated in Section 2053 in the form set forth in Section 19.5 of this act. Therefore, Section 19 5 of this act shall become operative only if this bill and Assembly Bill No. 267 are both chaptered, both become effective January 1, 1974, and both amend Section 2053, and Assembly Bill No. 267 is chaptered before this bill, in which case Section 19 of this act shall not become operative.

SEC. 27. It is the intent of the Legislature, if both this bill and Assembly Bill No. 267 are chaptered, become effective January 1, 1974, and amend Section 2094 of the Financial Code, and this bill is chaptered after Assembly Bill No 267, that the amendments to Section 2094 proposed by both bills be given effect and incorporated in Section 2094 in the form set forth in Section 21.5 of this act. Therefore, Section 21.5 of this act shall become operative only if this bill and Assembly Bill No. 267 are both chaptered, both become effective January 1, 1974, and both amend Section 2094, and Assembly Bill No. 267 is chaptered before this bill, in which case Section 21 of this act shall not become operative.

CHAPTER 859

An act relating to transportation, and in this connection to add Section 200 to the Streets and Highways Code, and to place a constitutional amendment on the ballot, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 200 is added to the Streets and Highways Code, to read:

200. (a) The total annual allocations by a city, a county, or by the state within a city or county or a transit district in operation on the effective date of the section, of the revenues available from the taxes specified in Section 1 of Article XXVI of the California Constitution, and from the taxes specified in Section 2 of Article XXVI which are made available for the purposes of Section 1 for public mass transit guideways, as authorized by Section 1 of Article XXVI, shall not exceed the following percentages of the total allocations of such revenue by the city, the county, or by the state within the city, county, or transit district:

Fiscal Year	Percentage
1974–75	5
1975–76	10
1976–77	15
1977–78	20
1978–79 and each fiscal year thereafter	25

(b) Upon a finding by the department that the application of the percentages specified in subdivision (a) are insufficient to obtain necessary federal financial participation in public mass transit guideway projects, the percentages may be increased by order of the director by the amount necessary to maximize federal financial participation. However, such increase shall not result in a total percentage in excess of the following:

Fiscal Year	Percentage
1974–75	15
1975–76	20
1976–77	25
1977–78 and each fiscal year thereafter	The percentage necessary to maximize federal financial participation

(c) This section shall become operative only if either Senate Constitutional Amendment No. 15 or Assembly Constitutional Amendment No. 16 of the 1973–74 Regular Session is adopted by the voters, and, if so, this section shall become operative at the same time as such measure takes effect.

SEC. 2. (a) There shall be submitted to the people at the direct primary election, to be held on the fourth day of June 1974, the constitutional amendment proposed by Senate Constitutional Amendment No. 15 of the 1973–74 Regular Session of the Legislature. Except as otherwise provided in this section, all of the provisions of law applicable to the submission of constitutional amendments

proposed by the Legislature and to arguments for and against such measures shall apply to the measure submitted pursuant to this section.

(b) Within five days after the effective date of this section or within five days after the adoption by the Legislature of Senate Constitutional Amendment No. 15, whichever occurs later, the author and first coauthor of the constitutional amendment and one member of the opposite house who voted with the majority on the amendment, shall be appointed by the presiding officers of the respective houses to draft the argument for the adoption of the measure. If the constitutional amendment was not adopted unanimously by the house in which it was introduced, one member of that house, who voted against it, shall be appointed by the presiding officer of that house to write an argument against the measure. If there was no negative vote on the measure in the house in which it was introduced, the presiding officer of that house shall appoint some qualified person to draft an argument against the measure. No argument shall exceed 500 words All such arguments shall be filed with the Secretary of State within two days after the date of appointment.

(c) Upon the effective date of this section or upon the date of the adoption by the Legislature of Senate Constitutional Amendment No. 15, whichever occurs later, the Secretary of State shall request the Attorney General to prepare a ballot title for the measure submitted pursuant to this section and shall also request the Legislative Counsel to prepare an analysis of the measure in accordance with Section 3566 of the Elections Code and the Legislative Analyst to prepare an analysis of the measure in accordance with Section 3566.3 of the Elections Code. Said title and said analysis shall be filed with the Secretary of State within two days after the effective date of this section or within two days after the adoption by the Legislature of Senate Constitutional Amendment No. 15, whichever occurs later. The measure submitted pursuant to this section shall be designated on the ballots at the election by its ballot title.

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 statutory provision governing the expenditure of motor vehicle tax revenues for public mass transit guideway projects be in effect at the time Senate Constitutional Amendment No 15 of the 1973–74 Regular Session of the Legislature would take effect, if adopted, and to place the measure on the ballot for the direct primary election to be held on June 4, 1974, it is necessary that this act go into immediate effect.

CHAPTER 860

An act to amend Section 13130 of the Education Code, relating to teacher preparation and licensing

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 13130 of the Education Code is amended to read.

13130. The minimum requirements for the teaching credential, except designated subjects, are:

(a) A baccalaureate degree or higher degree, except in professional education, from an approved institution.

(b) A fifth year of study to be completed within five years of the first employment of the certified employee.

(c) An approved program of professional preparation

(d) Passage of a subject matter examination or its waiver as specified in this chapter.

(e) Demonstration of a knowledge of the various methods of teaching reading, to a level deemed adequate by the commission, by successful completion of a program of study approved by the commission or passage of a commission-approved reading examination. This subdivision does not apply to any candidate for a single subject instruction credential who holds a degree in industrial arts, physical education, music, art, or home economics.

CHAPTER 861

An act to amend Sections 25210.77a, 25210.77d, 25210.77f, 25828, 25831, 25845, 38744 and 50247 of the Government Code, Sections 5473.5, 5473.8, 5474.5, 5474.6 and 14912 of the Health and Safety Code, and Sections 31701.5, 37212, 55501, 55501.5, 55507 and 72100 of the Water Code, relating to counties

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 25210.77a of the Government Code is amended to read:

25210.77a For any county service area located therein, a county may fix and collect charges for a particular extended service authorized pursuant to this article to pay, in whole or in part, for the cost thereof. The revenue obtained thereby may be in lieu of, or supplemental to revenue obtained by the levy of taxes. The charges

may vary by reason of the nature of the use or the month in which the service is rendered to correspond to the cost and the value of the service.

Any county which has fixed charges pursuant to this section may, by ordinance, provide a procedure for, and collect such charges, on the tax roll in the same manner and at the same time as its general ad valorem property taxes are collected as provided herein. Any such ordinance shall provide that:

(a) Once a year the board of supervisors shall cause to be prepared a written report which shall contain a description of each parcel of real property receiving the particular extended service and the amount of the charge for each parcel for such year computed in conformity with the procedure set forth in the ordinance authorizing collection of such charges on the tax roll. Such report shall be filed with the clerk of the board of supervisors.

(b) Upon the filing of such report, the clerk shall fix a time, date, and place for hearing thereon and for filing objections or protests thereto. The clerk shall publish notice of such hearing as provided in Section 6066, prior to the date set for hearing, in a newspaper of general circulation printed and published in the county.

(c) At the time, date and place stated in the notice, the board of supervisors shall hear and consider all objections or protests, if any, to the report and may continue the hearing from time to time Upon conclusion of the hearing, the board of supervisors may adopt, revise, change, reduce, or modify any charge and shall make its determination upon each charge as described in the report and thereafter, by resolution, shall confirm the report.

(d) The charges set forth in the report, as confirmed, shall appear as a separate item on the tax bill The charge may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes All laws applicable to the levy, collection and enforcement of county ad valorem property taxes shall be applicable to such charge, except that if the real property to which such charge relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the charge confirmed pursuant to this section shall not result in a lien against such real property but instead shall be transferred to the unsecured roll for collection.

SEC. 2. Section 25210.77d of the Government Code is amended to read:

25210.77d. If any water standby charge remains unpaid on the first day of the month before the month in which the board of supervisors of the county in which the county service area is located is required by law to levy the amount of taxes required for county purposes, a 6-percent penalty thereon shall accrue. The amount of

the unpaid standby charge plus the penalty shall be added to the annual tax levied upon the land for which the standby charge is unpaid, and shall constitute a lien on that land The amount of tax attributable to unpaid water standby charges, and the penalty thereon, shall be stated on the tax bill separately from all other taxes. All laws applicable to the levy, collection and enforcement of municipal ad valorem taxes shall be applicable to the charges appearing on the tax bill, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the unpaid water standby charges, and any penalty thereon, relating to such property shall be transferred to the unsecured roll for collection.

At least 15 days before the first day of the month in which the board of supervisors is required by law to levy the amount of taxes required for county purposes, the county officer, designated by the board of supervisors, shall furnish in writing to the board of supervisors and to the county auditor, respectively, a description of each and every parcel of land within the county service area upon which a standby charge remains unpaid, together with the amount of the unpaid charge, plus the penalty on each parcel of land

SEC. 2.5. Section 25210.77d of the Government Code is amended to read:

25210.77d If any water or sewer standby charge remains unpaid on the first day of the month before the month in which the board of supervisors of the county in which the county service area is located is required by law to levy the amount of taxes required for county purposes, a 6-percent penalty thereon shall accrue. The amount of the unpaid standby charge plus the penalty shall be added to the annual tax levied upon the land for which the standby charge is unpaid, and shall constitute a lien on that land. The amount of tax attributable to unpaid water or sewer standby charges, and the penalty thereon, shall be stated on the tax bill separately from all other taxes. All laws applicable to the levy, collection and enforcement of municipal ad valorem taxes shall be applicable to the charges appearing on the tax bill, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the unpaid water or sewer standby charges, and any penalty thereon, relating to such property shall be transferred to the unsecured roll for collection

At least 15 days before the first day of the month in which the

board of supervisors is required by law to levy the amount of taxes required for county purposes, the county officer, designated by the board of supervisors, shall furnish in writing to the board of supervisors and to the county auditor, respectively, a description of each and every parcel of land within the county service area upon which a standby charge remains unpaid, together with the amount of the unpaid charge, plus the penalty on each parcel of land

SEC. 3. Section 25210.77f of the Government Code is amended to read:

25210.77f. Any fees authorized pursuant to Section 25210.77e which remain unpaid for a period of 60 or more days after the date upon which they were billed may be collected thereafter by the county as provided herein.

(a) Once a year the board of supervisors shall cause to be prepared a report of delinquent fees. The board shall fix a time, date and place for hearing the report and any objections or protests thereto.

(b) The board shall cause notice of the hearing to be mailed to the landowners listed on the report not less than 10 days prior to the date of the hearing.

(c) At the hearing the board shall hear any objections or protests of landowners liable to be assessed for delinquent fees. The board may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.

(d) The delinquent fees set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent fees. A certified copy of the confirmed report shall be filed with the county auditor for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the county recorder of the county in which the property is situated, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of county ad valorem property taxes shall be applicable to such assessment, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the delinquency fees, as confirmed, relating to such property shall be transferred to the unsecured roll for collection.

SEC. 4. Section 25828 of the Government Code is amended to read:

25828. If services are provided by a county pursuant to Section 25827, and if such service is provided at the request of the property owner, the cost of such service which remains unpaid for a period of 60 or more days after the close of the period for which they were billed may be collected by the county as provided herein

(a) Once a year the board of supervisors shall cause to be prepared a report of delinquent charges. Upon receipt of the report the board shall fix a time, date, and place for hearing the report and any protests or objections thereto.

(b) The board shall cause notice of the hearing to be mailed to the owners of property listed on the report not less than 10 days prior to the date of the hearing.

(c) At the hearing the board shall hear any objections or protests of property owners liable to be assessed for delinquent charges. The board may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.

(d) The delinquent charges set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent charges. A certified copy of the confirmed report shall be filed with the county auditor for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation in the office of the county recorder of the county in which the property is situated of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection, and enforcement of county ad valorem taxes shall be applicable to such assessment, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the delinquent charges, as confirmed, relating to such property shall be transferred to the unsecured roll for collection.

SEC. 5. Section 25831 of the Government Code is amended to read:

25831. Any fees authorized pursuant to Section 25830 which remain unpaid for a period of 60 or more days after the date upon which they were billed may be collected thereafter by the county as provided herein.

(a) Once a year the board of supervisors shall cause to be prepared a report of delinquent fees. The board shall fix a time, date and place for hearing the report and any objections or protests thereto.

(b) The board shall cause notice of the hearing to be mailed to the landowners listed on the report not less than 10 days prior to the date of the hearing.

(c) At the hearing the board shall hear any objections or protests of landowners liable to be assessed for delinquent fees. The board may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.

(d) The delinquent fees set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent fees. A certified copy of the confirmed report shall be filed with the county auditor Bor the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the county recorder of the county in which the property is situated, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of county ad valorem property taxes shall be applicable to such assessment, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the delinquent fees, as confirmed, relating to such property shall be transferred to the unsecured roll for collection.

SEC. 6. Section 25845 of the Government Code is amended to read·

25845. The board of supervisors may by ordinance establish a procedure for the abatement of a nuisance and make the cost of abatement of a nuisance upon a parcel of land a special assessment against that parcel. The assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes shall be applicable to such special assessment, except that if any real property to which such cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then such cost of abatement shall not result in a lien against such real property but instead shall be transferred to the unsecured roll for collection.

SEC 7. Section 38744 of the Government Code is amended to

read:

38744 If any water standby charge authorized to be collected pursuant to Section 38743 remains unpaid on the first day of the month before the month in which the board of supervisors of the county in which the city is located is required by law to levy county general taxes, a 6-percent penalty shall accrue upon the amount unpaid. The amount of the unpaid standby charge, plus the penalty, shall constitute a lien upon the land for which the standby charge is unpaid and shall be collected in the same manner and at the same time as that applicable for the collection of unpaid or delinquent county general taxes. The amount of tax attributable to unpaid water standby charges, and the penalty thereon, shall be stated on the county tax bill separately from all other taxes. All laws applicable to the levy, collection and enforcement of municipal ad valorem taxes shall be applicable to the charges appearing on the tax bill, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the unpaid water standby charges, and any penalty thereon, relating to such property shall be transferred to the unsecured roll for collection

At least 15 days before the first day of the month in which the board of supervisors is required by law to levy county general taxes, the city council shall furnish in writing to the board of supervisors and to the county auditor, respectively, a description of each and every parcel of land within the city upon which a standby charge remains unpaid, together with the amount of the unpaid charge, plus the penalty on each parcel of land.

SEC. 8 Section 50247 of the Government Code is amended to read:

50247. The cost of abatement upon each parcel of land constitutes a special assessment against that parcel. After the assessment is made and confirmed, it is a lien on the parcel. Such lien attaches upon recordation in the office of the county recorder of the county in which the property is situated of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary municipal ad valorem taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of municipal ad valorem taxes shall be applicable to such assessment, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would

otherwise be imposed by this section shall not attach to such real property and the cost of abatement shall be transferred to the unsecured roll for collection.

SEC. 9 Section 5473.5 of the Health and Safety Code is amended to read:

5473.5. Except as provided in Section 5473.8, the amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of noon on the first Monday in March immediately preceding the date of levy

SEC 10. Section 5473.8 of the Health and Safety Code is amended to read:

5473.8. All laws applicable to the levy, collection and enforcement of general taxes of the entity, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund and redemption, are applicable to such charges, except that if any real property to which such charges relate has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by Section 5473.5 shall not attach to such real property and the charges relating to such property shall be transferred to the unsecured roll of collection.

SEC. 11. Section 5474 5 of the Health and Safety Code is amended to read:

5474 5 The auditor shall enter on the current assessment roll the amounts of the installments of such fees or charges and interest and, except as provided in Section 5474.6, the amounts thereof shall constitute a lien against the lot or parcel of land against which levied as of noon on the first Monday in March immediately preceding the date of entry.

SEC 12. Section 5474.6 of the Health and Safety Code is amended to read.

5474.6 The tax collector shall include the amounts of the installments of fees or charges and the interest on bills for taxes levied against the respective lots and parcels of land. Thereafter, all laws applicable to the levy, collection and enforcement of taxes of the entity, including penalties and interest thereon and cancellation or refund thereof, shall be applicable to such installments of fees or charges and interest, except that if any real property to which such fees or charges relate has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by Section 5474.5 shall not attach to such real property and the fees or charges and interest shall be transferred to the unsecured roll for collection.

SEC. 13. Section 14912 of the Health and Safety Code is amended to read:

14912. The amounts of the cost for abating the nuisance in front of or upon the various parcels of the land mentioned in the report as confirmed shall constitute special assessments against the respective parcels of land, and are a lien on the property for the amount of the respective assessments. Such lien attaches upon recordation in the office of the county recorder of the county in which the property is situated of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary municipal ad valorem taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of municipal ad valorem taxes shall be applicable to such assessment, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the costs of abatement, as confirmed, relating to such property shall be transferred to the unsecured roll for collection.

SEC. 14. Section 31701.5 of the Water Code is amended to read:

31701.5. The amount of any charges for water and other services or either included in the statement of delinquent and unpaid charges pursuant to subdivision (e) of Section 31701 shall be added to and become a part of the annual taxes next levied upon the property upon which the water for which the charges are unpaid was used and upon the property subject to the charges for any other district services and shall constitute a lien on that property as of the same time and in the same manner as does the tax lien securing such annual taxes. All laws applicable to the levy, collection and enforcement of municipal ad valorem taxes shall be applicable to such charges, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the delinquent and unpaid charges relating to such property shall be transferred to the unsecured roll for collection. The county shall deduct from the charges collected an amount sufficient to compensate the county for costs incurred in collecting such delinquent and unpaid charges. The amount of such compensation shall be fixed by agreement between the board of supervisors and the district's board of directors.

SEC. 15. Section 37212 of the Water Code is amended to read:

37212. If any charges for water and other services, or either, remain delinquent and unpaid for 60 days or more on July 1st, the district board may, by resolution, order the secretary to do each of

the following:

(a) Prepare a list of the parcels of land upon which water and other services, or either, requested in writing by the owner of the property, was used, and for which the charges remain unpaid.

(b) Certify that such list is true and correct.

(c) Submit such list of unpaid charges and parcels to the county auditor no later than five days after the estimate of the district board was furnished pursuant to Section 37206.

Upon receipt by the county auditor of such list and a certified copy of such resolution, the amount of the unpaid charges attributed to each parcel mentioned in such list shall constitute a special assessment against such parcel, and shall be a lien on that property for such amount. Such lien attaches upon recordation in the office of the county recorder of the county in which the property is situated of a certified copy of such resolution of the district board, with a certified copy of such list attached thereto. The assessment shall be collected at the same time and in the same manner as ordinary municipal ad valorem taxes are collected, and shall be subject to the same penalties, and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of municipal ad valorem taxes shall be applicable to such assessment, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attached thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the delinquent and unpaid charges, as certified, relating to such property shall be transferred to the unsecured roll for collection.

The county shall deduct from the charges collected an amount sufficient to compensate the county for costs incurred in collecting such delinquent and unpaid charges. The amount of such compensation shall be fixed by agreement between the board of supervisors and the district's board of directors.

SEC. 16. Section 55501 of the Water Code is amended to read:

55501. The board may fix and collect rates or charges for the use and supply of water furnished by the system, and to apply the receipts from the rates or charges to the expenses of the administration and government of the district and the use, operation and extension of the waterworks and water supply.

The revenues obtained from such rates or charges may be in lieu of or supplemental to revenues obtained by the levy of taxes.

The district board may provide for the collection of the charges for services rendered in the current or immediately preceding fiscal year as a part of the annual general county tax bill provided the district furnishes in writing to the board of supervisors and to the county auditor the description of each parcel for which a charge is to be billed together with the amount of the charge applicable to

each parcel in sufficient time to meet the schedule established by the county for inclusion of such items on the county general tax bill. The parcel description may be the parcel number assigned by the county assessor to the parcel. In such case the charge shall become a lien against the parcel of land to which it is charged in the same manner as the county general taxes. Penalties may be collected for late payment of the charge or the amount thereof unpaid in the manner and at the same rates as that applicable for late payment or the amount thereof unpaid of county general taxes. All laws applicable to the levy, collection and enforcement of municipal ad valorem taxes shall be applicable to such charges, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the charges relating to such property shall be transferred to the unsecured roll for collection.

If the district collects charges through the county general tax bill, the amount of the charge and any applicable penalty shall be stated on the tax bill separately from all other taxes, if practicable.

SEC. 17 Section 55501.5 of the Water Code is amended to read:

55501.5. A district may fix a water service standby or immediate availability charge to be applied on an area or frontage or parcel basis, or a combination thereof, within the district to be charged to such areas to which water service is made available for any purpose by the district, whether the water service is actually used or not. The district may establish schedules varying such charge according to the land uses and the degree of availability or quantity of use of such water service to the affected lands, and may restrict such charge to lands lying within one or more zones or areas of benefits established within such district. The district may not, however, fix a charge in excess of ten dollars ($10) per acre or in excess of five dollars ($5) for a parcel of less than one acre.

If a person for more than one year obtains substantially all of his water requirements for the contiguous parcels of land which he occupies from rainfall, springs, streams, lakes, rivers or wells, and if the person's primary economic activity on such land is the commercial extraction or processing of minerals, such land shall be exempt from any water standby or availability charges.

The district may collect the standby or availability charge by billing the charged lands on a fiscal year basis or by other means available.

The district may collect the standby or availability charge as a part of the annual general county tax bill provided the district furnishes in writing to the board of supervisors and to the county auditor the description of each parcel for which a charge is to be billed together with the amount of the charge applicable to each parcel in sufficient

time to meet the schedule established by the county for inclusion of such items on the county general tax bill. The parcel description may be the parcel number assigned by the county assessor to the parcel. In such, the standby or availability charge shall become a lien against the parcel of land to which it is charged in the same manner as the county general taxes. Penalties may be collected for late payment of the standby or availability charge or the amount thereof unpaid in the manner and at the same rates as that applicable for late payment or the amount thereof unpaid of county general taxes. All laws applicable to the levy, collection and enforcement of municipal ad valorem taxes shall be applicable to such charges, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the charge relating to such property shall be transferred to the unsecured roll for collection.

If the district collects standby charges through the county general tax bill, the amount of the standby charge and any applicable penalty shall be stated on the tax bill separately from all other taxes, if practicable.

SEC. 18. Section 55507 of the Water Code is amended to read:

55507. A district may fix a sewer service standby or immediate availability charge to be applied on a parcel basis within the district to be charged to such parcels to which sewer service is made available by the district, whether the sewer service is actually used or not. The district may establish schedules for such charge, and may restrict such charge to lands lying within one or more zones or areas of benefits established within such district. The district may not, however, fix a charge in excess of ten dollars ($10) a year for a residential parcel. Commercial or other parcels shall be charged according to equivalent residential parcels, but shall not exceed ten dollars ($10) per acre per year.

The district may collect the standby or availability charge by billing the charged lands on a fiscal year basis or by other means available.

The district may collect the standby or availability charge as a part of the annual general county tax bill provided the district furnishes in writing to the board of supervisors and to the county auditor the description of each parcel for which a charge is to be billed together with the amount of the charge applicable to each parcel in sufficient time to meet the schedule established by the county for inclusion of such items on the county general tax bill. The parcel description may be the parcel number assigned by the county assessor to the parcel. In such case, the standby or availability charge shall become a lien against the parcel of land to which it is charged in the same manner as the county general taxes. Penalties may be collected for late

payment of the standby or availability charge or the amount thereof unpaid in the manner and at the same rates as that applicable for late payment or the amount thereof unpaid of county general taxes. All laws applicable to the levy, collection and enforcement of municipal ad valorem taxes shall be applicable to such charges, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the charge relating to such property shall be transferred to the unsecured roll for collection.

If the district collects standby charges through the county general tax bill, the amount of the standby charge and any applicable penalty shall be stated on the tax bill separately from all other taxes, if practicable

SEC. 19 Section 72100 of the Water Code is amended to read·

72100. The amount of any charges for water and other services or either included in the statement of delinquent and unpaid charges pursuant to subdivision (c) of Section 72094 shall be added to and become a part of the annual taxes next levied upon the property upon which the water for which the charges are unpaid was used and upon the property subject to the charges for any other district services and shall constitute a lien on that property as of the same time and in the same manner as does the tax lien securing such annual taxes. All laws applicable to the levy, collection and enforcement of municipal ad valorem taxes shall be applicable to such charges, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the charges relating to such property shall be transferred to the unsecured roll for collection. The county shall deduct from the charges collected an amount sufficient to compensate the county for costs incurred in collecting such delinquent and unpaid charges. The amount of such compensation shall be fixed by agreement between the board of supervisors and the district's board of directors.

SEC 20. It is the intent of the Legislature, if this bill and Assembly Bill No 823 are chaptered and amend Section 25210.77d of the Government Code, and this bill is chaptered after Assembly Bill No. 823, that the amendments to Section 25210.77d proposed by both bills be given effect and incorporated in Section 25210.77d 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 823 are both chaptered, both amend Section 25210.77d, and Assembly

Bill No. 823 is chaptered before this bill, in which case Section 2 of this act shall not become operative.

CHAPTER 862

An act to amend Section 1170 of, to amend Section 1171, as added by Senate Bill No. 674, of, and to add Sections 1170.5, 1171.3, 1173.5, and 1207.5 to, the Harbors and Navigation Code, relating to bar pilots, and making an appropriation therefor.

[Approved by Governor September 25, 1973 Filed with Secretary of State September 25, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 1170 of the Harbors and Navigation Code is amended to read:

1170. Every vessel spoken inward or outward bound, shall pay the following rate of bar pilotage through the Golden Gate and into or out of the Bays of San Francisco, San Pablo, and Suisun:

Seven dollars and fifty cents ($7.50) per draft foot of the vessel's deepest draft and fractions of a foot pro rata, and an additional charge of eight and two-tenths mills ($0.0082) per high gross registered ton. A minimum charge for such bar pilotage shall be two hundred dollars ($200) for each vessel piloted. The vessel's deepest draft shall be the maximum draft attained, on a stillwater basis, at any part of the vessel during the course of such transit inward or outward.

SEC. 2. Section 1170.5 is added to the Harbors and Navigation Code, to read:

1170.5. Notwithstanding the provisions of Section 1167, the revenues derived from five-tenths mills ($0.0005) per high gross registered ton of the additional charge made pursuant to Section 1170 shall be retained by the pilots. It is the intent of the Legislature that such revenues be used to cover increased pilot operating expenses. It is further the intent of the Legislature that an accounting of such moneys shall be made by the pilots, at no cost to the state, to the board, the committee, or to any interested party upon proper request.

SEC. 3. Section 1171 of the Harbors and Navigation Code, as added by Senate Bill No. 674, is amended to read:

1171. In establishing pilotage rates, the board shall not:

(a) Establish rates lower than seven dollars and fifty cents ($7.50) per draft foot of the vessel's deepest draft and fractions of a foot pro rata, and an additional charge of eight and two-tenths mills ($0.0082) per high gross registered ton.

(b) Increase rates more than once during any calendar year, excluding an adjustment pursuant to Section 1172.

(c) Provide for a rate increase or decrease in excess of 10 percent

without specific statutory authority.

SEC. 4 Section 1171.3 is added to the Harbors and Navigation Code, to read:

1171.3. Notwithstanding the provisions of Section 1136, the revenues derived from five-tenths mills ($0.0005) per high gross registered ton of the additional charge made pursuant to Section 1171 shall be retained by the pilots. It is the intent of the Legislature that such revenues be used to cover increased pilot operating expenses. It is further the intent of the Legislature that an accounting of such moneys shall be made by the pilots, at no cost to the state, to the board or to any interested party upon proper request.

SEC 5. Section 1173.5 is added to the Harbors and Navigation Code, to read:

1173.5. It is the intent of the Legislature that the board should, from time to time, review pilot operating expenses, and should establish guidelines for the evaluation and application of such operating expenses in relation to requests for adjustments in the pilotage rate.

SEC. 6. Section 1207.5 is added to the Harbors and Navigation Code, to read:

1207 5. It is the intent of the Legislature that the committee should, from time to time, review pilot operating expenses, and should establish guidelines for the evaluation and application of such operating expenses in relation to requests for adjustments in the pilotage rate.

SEC. 7. It is the intent of the Legislature, if this bill and Senate Bill No. 674 are both chaptered and become effective January 1, 1974, and this bill is chaptered after Senate Bill No. 674, that the changes proposed by both bills be given effect and incorporated in Sections 1171, 1171.3, and 1173.5 of the Harbors and Navigation Code in the form set forth in Sections 3, 4, and 5 of this act. Therefore, Sections 3, 4, and 5 of this act shall become operative only if this bill and Senate Bill No. 674 are both chaptered and become effective January 1, 1974, and this bill is chaptered after Senate Bill No. 674, in which case Sections 1, 2, and 6 of this act shall not become operative.

CHAPTER 863

An act to amend Sections 101, 128, 205, 9518, 9530, 9575, and 9575.6 of the Business and Professions Code, relating to fabric care.

[Approved by Governor September 26, 1973 Filed with Secretary of State September 26, 1973]

The people of the State of California do enact as follows.

SECTION 1. Section 101 of the Business and Professions Code as amended by Section 2.2 of Chapter 122 of the Statutes of 1973, 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 Home Furnishings.

(o) The California Board of Nursing Education and Nurse Registration.

(p) The State Board of Fabric Care.

(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 until July 1, 1977, and on such date is repealed.

SEC. 2. Section 101 of the Business and Professions Code as amended by Section 2.4 of Chapter 122 of the Statutes of 1973, is amended to read:

101. The department is comprised of:

(a) The State Board of Accountancy.

(b) The California State Board of Architectural Examiners.

(c) The State Board of Barber Examiners.

(d) The State Board of Registration for 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 Home Furnishings.
(j) The State Board of Fabric Care.
(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 July 1, 1977

SEC. 3 Section 128 of the Business and Professions Code is amended to read:

128. (a) Notwithstanding any other provision of law, if at the end of the 1971–1972 fiscal year, or any fiscal year thereafter, an agency within the Department of Consumer Affairs, except the agencies referred to in subdivision (b), has unencumbered funds in an amount which equals or is more than the agency's operating budget for the next two fiscal years, such agency shall reduce license or other fees, whether such license or other fees be fixed by statute or may be determined by the agency within limits fixed by statute, during the following fiscal year in an amount which will reduce any surplus funds of the agency to an amount less than the agency's operating budget for the next two fiscal years.

(b) Notwithstanding any other provision of law, if at the end of the 1973–1974 fiscal year, or any fiscal year thereafter, the California State Board of Architectural Examiners, the Board of Behavioral Science Examiners, the Board of Examiners in Veterinary Medicine, the Certified Shorthand Reporters Board, the Board of Medical Examiners of the State of California, the Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California, the Bureau of Collection and Investigative Services, or the State Board of Fabric Care has unencumbered funds in an amount which equals or is more than the agency's operating budget for the next two fiscal years, such agency shall reduce license or other fees, whether such license or other fees be fixed by statute or may be determined by the agency within limits fixed by statute, during the following fiscal year in an amount which will reduce any surplus funds of the agency to

an amount less than the agency's operating budget for the next two fiscal years.

SEC. 4. Section 205 of the Business and Professions Code is amended to read:

205. There is in the State Treasury the Professions and Vocations Fund. The fund shall consist of the following special funds:

Accountancy Fund.
California State Board of Architectural Examiners' Fund.
Athletic Commission Fund.
State Board of Barber Examiners' Fund.
Cemetery Fund
Contractors' License Fund.
Board of Cosmetology's Contingent Fund.
State Dentistry Fund.
Fabric Care Fund.
State Funeral Directors and Embalmers' Fund.
Bureau of Home Furnishings Fund.
State Board of Landscape Architects' Fund.
Contingent Fund of the Board of Medical Examiners.
Board of Nurse Examiners' Fund.
State Optometry Fund.
Pharmacy Board Contingent Fund.
Physical Therapy Fund.
Private Investigator and Adjuster Fund.
Professional Engineers' Fund.
Consumer Affairs Fund.
Behavioral Science Examiners Fund.
Shorthand Reporters' Fund.
Structural Pest Control Fund.
Board of Veterinary Examiners' Contingent Fund.
Vocational Nurse Examiners' Fund

For accounting and recordkeeping purposes, the Professions and Vocations Fund shall be deemed to be a single special fund, and each of the several special funds therein shall constitute and be deemed to be a separate account in the Professions and Vocations Fund. Each such account or fund shall be available for expenditure only for such purposes as are now or may hereafter be provided by law.

SEC. 5. Section 9518 of the Business and Professions Code is amended to read:

9518. "The board" means State Board of Fabric Care.

SEC. 6. Section 9530 of the Business and Professions Code is amended to read:

9530. There is in the Department of Consumer Affairs the State Board of Fabric Care, which consists of seven members appointed by the Governor and confirmed by the Senate. The seven members of the board shall consist of two public members and five persons licensed or registered by the board. All board member licensees or registered persons shall have been actively engaged in the drycleaning industry for at least three years and after January 1 1972,

shall have been actively engaged in the drycleaning industry for at least five years. It is desirable that members from the drycleaning industry be so selected that there shall be a geographical balance.

Each member of the board shall receive a per diem and expenses as provided in Section 103.

SEC. 7. Section 9575 of the Business and Professions Code is amended to read:

9575. All funds collected pursuant to this chapter shall be transmitted to the State Treasurer for deposit in the State Treasury and shall be credited to the Fabric Care Fund, which is appropriated without regard to fiscal years, as follows:

(a) For the support of the State Board of Fabric Care.

(b) For expenditure by the board pursuant to Section 9575.6.

SEC. 8. Section 9575.6 of the Business and Professions Code is amended to read:

9575.6. (a) The sum of seventy-five thousand dollars ($75,000) from the Fabric Care Fund, may be expended by the State Board of Fabric Care, during the 1972–1973 fiscal year and each fiscal year thereafter This amount may be expended at the rate of not more than seventy-five thousand dollars ($75,000) during any one such fiscal year, for the purpose of conducting consumer information and education programs and industry continuing education and research programs on factors involved in the handling of consumer complaints, the cleaning and maintenance of fabrics, including those made from or containing synthetic fibers as well as natural fibers, such as wool, cotton, or other such fibers, and the effect of cleaning procedures on the properties, life, and wearing qualities of fabrics.

(b) An amount not to exceed twenty-five thousand dollars ($25,000) in any one fiscal year may be expended from the Fabric Care Fund by the board for research and dissemination of information on the ecological and environmental effect of dry cleaning processes and operations relating to drycleaning establishments, such amount to be made available only for the 1973–74 fiscal year and the 1974–75 fiscal year.

CHAPTER 864

An act to add Section 3609 to the Public Resources Code, relating to oil and gas.

[Approved by Governor September 26, 1973 Filed with Secretary of State September 26, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 3609 is added to the Public Resources Code, to read:

3609. Notwithstanding any other provisions of this chapter, if the

supervisor determines, pursuant to rules and regulations and after a public hearing, that the development of a pool discovered after the effective date of this section for the production of oil and gas, or either, requires the adoption of a well-spacing pattern other than that specified in Sections 3600 to 3608.1, inclusive, in order to prevent waste and to increase the ultimate economic recovery of oil or gas, he may adopt a well-spacing plan to apply to the surface and subsurface of a designated pool. Such plan shall be applicable to all wells thereafter drilled or redrilled into such pool. Such plan may include a requirement that, as a prerequisite to approval to drill or redrill a well, all or certain specified parcels of land shall be included in a pooling or unit agreement. The supervisor may provide in the rules and regulations for mandatory pooling agreements in connection with the well-spacing order.

CHAPTER 865

An act to amend Section 40000.7 of the Vehicle Code, relating to violations.

[Approved by Governor September 26, 1973. Filed with Secretary of State September 26, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 40000.7 of the Vehicle Code is amended to read:

40000.7. A violation of any of the following provisions shall constitute a misdemeanor, and not an infraction:

Section 2800, relating to failure to obey an officer's lawful order or submit to a lawful inspection.

Section 2801, relating to failure to obey a fireman's lawful order.

Section 2803, relating to unlawful vehicle or load.

Section 2815, relating to failure to obey a crossing guard's traffic signal or direction.

Section 5753, relating to delivery of certificates of ownership and registration, when committed by a dealer or any person while a dealer within the preceding 12 months.

Section 5901, relating to dealers giving notice.

Section 8803, relating to return of canceled, suspended, or revoked documents and license plates of a dealer, manufacturer, transporter, dismantler, or salesman.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act, because the Legislature recognizes that during any legislative session, a variety of changes to laws relating to crimes and infractions may be enacted that serve to cause both increased and decreased

costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 866

An act to add Section 14199 to the Education Code, relating to teachers' retirement.

[Approved by Governor September 26, 1973 Filed with Secretary of State September 26, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 14199 is added to the Education Code, to read:

14199. Notwithstanding any other provision in this chapter, if a member died before July 6, 1972, a surviving spouse not already receiving family benefits under Section 14186 may elect to receive the benefits in force as the law read on June 30, 1972. This section shall cease to be operative 60 days following the effective date of the legislation.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations or responsibilities imposed on local government by this act.

CHAPTER 867

An act to amend Section 18424 of the Education Code, relating to school district severance aid, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 26, 1973 Filed with Secretary of State September 26, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 18424 of the Education Code is amended to read:

18424. On or before May 25th in each fiscal year, the Superintendent of Public Instruction shall determine and certify to the State Controller the amount of severance aid computed and to be allowed to school districts under Section 18421 or 18422 for the fiscal year. On or before June 15th in each fiscal year, the State Controller shall order the transfer, from the Motor Vehicle Transportation Tax Account in the Transportation Tax Fund to the State School Fund, of the amount of severance aid computed and to

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be allowed to school districts for the fiscal year as so certified, and the amount so computed and certified is hereby appropriated for purposes of such transfer. The Department of Public Works may charge or allocate to the appropriate particular projects on account of which severance aid was computed, the amounts so transferred. In the case of severance aid determined pursuant to Section 18422, the allowance shall be apportioned to the school district in two equal annual installments.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for funds for school severance aid to be provided from the Motor Vehicle Transportation Tax Account in the Transportation Tax Fund for the 1972–1973 fiscal year, it is necessary that this act take effect prior to June 15, 1973, the date by which the State Controller must otherwise order the transfer of such funds from the State Highway Account in the State Transportation Fund.

CHAPTER 868

An act to amend Section 27421 of the Government Code, relating to county assessors.

[Approved by Governor September 26, 1973 Filed with Secretary of State September 26, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 27421 of the Government Code is amended to read:

27421. The county assessor in each county who is designated to perform the duty of assessing property for a local taxing jurisdiction shall, upon request of the governing body of such jurisdiction, excluding a school district, furnish not later than May 15th of each year an estimate of the assessed valuation of property within such jurisdiction for the succeeding fiscal year. Such request shall be made on or before February 20th of each year. The estimate required herein shall contain estimates of the total of each of the items contained on the assessment roll as well as the estimated total valuation.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden on local government.

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CHAPTER 869

An act to amend Sections 34231 and 34233 of the Food and Agricultural Code, relating to milk.

[Approved by Governor September 26, 1973 Filed with Secretary of State September 26, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 34231 of the Food and Agricultural Code is amended to read:

34231. (a) Payment for milk, cream, or any fluid derivative of milk or cream shall be made on the basis of weight or measure and percentage of the milk fat or the fluid skim milk components or both contained in it, as determined by samples taken from each farm tank or lot of the milk, cream, or fluid derivative of milk or cream. Market milk samples shall be analyzed on a daily basis or on the smallest lot basis as picked up at the farm.

(b) Determination of the weight or measure and percentage of milk fat and fluid skim milk components shall be made through tests performed in testing facilities approved by the director.

(c) By mutual agreement between producers and a distributor purchasing milk, cream or any fluid derivative of milk or cream from such producers, testing of such products for milk fat content or fluid skim milk components content may be made by the distributor, or by an independent testing facility, or by contract with the director or subject to his approval, with an approved milk inspection service. In the absence of mutual agreement, and upon written application by a majority of the market milk producers or manufacturing milk producers shipping to any milk products plant, or by the distributor operating such plant, the director shall, by procedures established by regulations, designate an employee of the department to perform such tests, or approve a contract with an approved milk inspection service, or in the alternative the director shall designate independent testing facilities to perform such tests. The right of petition and designation of independent testing of milk shall be separate for market milk producers and manufacturing milk producers.

(d) The cost, for testing such milk, cream or any fluid derivative of milk or cream, for any milk inspector or any independent testing facility operated, designated, or approved by the director shall be borne equally by the producer and distributor so affected. Provision for such joint payment shall be set forth by contract between the parties concerned and the approved testing facility. The foregoing cost determinations shall not limit the services which may be performed by the milk inspector as set forth in the contract.

(e) The provisions of subdivisions (c) and (d) shall not apply to the interplant sales or delivery of milk, cream or any fluid derivative of milk or cream to a distributor by a nonprofit cooperative

association. Required tests of such products for either milk fat content or fluid skim milk components content or both may be made by the distributor, or the association, or by an independent testing facility, or by contract with the director or subject to his approval, with an approved milk inspection service.

(f) In the event the testing requirements of subdivision (a) of this section impose hardship on a distributor by reason of the location of the processing plant of the distributor in an area where facilities normally used for daily testing are not readily available, the director may, within his discretion, and upon written application by the distributor, approve the exemption of the distributor from such daily testing requirements

(g) The director shall require, by regulations, testing of packaged fluid products to be performed by such methods as to provide results consistent with, and comparable to, the testing of the raw product

SEC. 2. Section 34233 of the Food and Agricultural Code is amended to read:

34233. This article does not prohibit weighing and sampling on a route, or the use of composite samples of milk, except as otherwise provided in Section 34231, or the purchase and sale of market milk which is obtained from goats on a gallonage basis without the permit provided for in Section 34232

CHAPTER 870

An act to add Chapter 20.6 (commencing with Section 9891) to Division 3 of the Business and Professions Code, and to add Section 17037 and 23060 to the Revenue and Taxation Code, relating to tax preparers, and making an appropriation therefor.

[Approved by Governor September 26, 1973 Filed with Secretary of State September 26, 1973]

The people of the State of California do enact as follows:

SECTION 1. Chapter 20.6 (commencing with Section 9891) is added to Division 3 of the Business and Professions Code, to read:

CHAPTER 20.6. TAX PREPARERS

Article 1. General Provisions

9891 This chapter may be cited as the Tax Preparers Act

9891.1. As used in this chapter unless the context otherwise requires:

(a) "Tax preparer" means a person, other than an employee who, as part of the regular clerical duties of his employment, prepares his employer's tax returns or an employee, representative, partner,

agent, officer or member of a registered tax preparer, who, for a fee, assists with or prepares tax returns for others A franchisee of a tax preparer is a separate tax preparer subject to the provisions of this chapter.

(b) "Division" means the Division of Consumer Services.

(c) "Director" means the Director of the Department of Consumer Affairs

(d) "Chief" means the Chief of the Division of Consumer Services

(e) "Fee" means any money or valuable consideration paid or promised to be paid for services rendered or to be rendered by any tax preparer.

(f) "Person" means an individual, firm, partnership, association, joint venture, or corporation.

(g) "Tax return" means any return, declaration, statement, refund claim or other document required to be made or filed in connection with state or federal income taxes or state bank and corporation franchise taxes

9891.2. The following persons are exempt from the requirements of this chapter:

(a) Any person regulated by the State Board of Accountancy.

(b) Any person who is a member of the State Bar of California.

(c) Any trust company or trust business as defined in Chapter 1 (commencing with Section 99) of Division 1 of the Financial Code.

(d) Banks regulated by the state or federal government.

(e) Any person who is authorized to practice before the Internal Revenue Service pursuant to Subpart A (commencing with Section 10.1) of Part 10 of Title 31 of the Code of Federal Regulations.

Article 2. Administration

9891.10. (a) The duty of enforcing and administering this chapter is vested in the chief who is responsible to the director. Every power granted or duty imposed upon the chief by this chapter may be exercised or performed in the name of the chief by an Administrator—Tax Preparer Program.

(b) The Governor shall appoint, subject to confirmation by the Senate, an Administrator—Tax Preparer Program at a salary to be fixed by the director with the approval of the Director of Finance. The Administrator—Tax Preparer Program shall serve under the direction and supervision of the director and at the pleasure of the Governor

9891.11. With the approval of the director, the chief may adopt rules and regulations as he determines are reasonably necessary to carry out the purposes of this chapter. Such rules and regulations shall be adopted pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

9891.12 The chief shall maintain a record of registered tax preparers. The record shall include a list of the names and addresses

of the tax preparer locations of all registered tax preparers, which list is a public record and open to public inspection at reasonable times.

9891.13. The chief shall, on his own initiative or in response to complaints, investigate and gather evidence of violations of this chapter and of any rule or regulation adopted pursuant to this chapter by any tax preparer, whether registered or not, and by any employee, partner, officer, agent, or member of any tax preparer.

Article 3. Registration Procedures

9891.20. (a) Every tax preparer shall register upon forms prescribed by the chief. The forms shall contain sufficient information to identify the tax preparer, including name, address, identification numbers, and other identifying data which is prescribed by the chief.

(b) Any tax preparer maintaining more than one tax preparer location shall be permitted to file a single form which, in addition to the information required in subdivision (a), clearly designates each location, identifying one location as the principal location and all others as additional locations, and the individual or individuals in charge of each location.

(c) If any of the information required by this section changes, the tax preparer shall promptly notify the chief of the changes.

9891.22. Upon receipt of the form properly filled out, and receipt of the required fee, and receipt of proof of deposit of the bond required by this chapter, if the chief determines that the applicant is eligible, he shall validate the registration and send a proof of such valid registration to the tax preparer.

9891.23. Every registration shall cease to be valid on June 30, unless the tax preparer has paid the renewal fee required by this chapter.

9891.24. On or after July 1, 1974, it shall be unlawful for any person to be a tax preparer unless such person is registered in accordance with the provisions of this chapter. Any person who violates this section is guilty of a misdemeanor, punishable by a fine of not less than fifty dollars ($50) or more than five hundred dollars ($500), or jail for a period of not more than 60 days, or both, for each violation of this section.

9891.25. (a) The chief may refuse to validate or may suspend or revoke, temporarily or permanently, the registration of a tax preparer for any of the following acts or omissions relating to preparing tax returns for others for a fee which are done by the tax preparer or any employee, representative, partner, agent, officer, or member of the tax preparer:

(1) Making, or authorizing the making of, any statement or representation, oral or written or recorded by any means, which is intended to induce persons to use the tax preparation service of the tax preparer, which statement or representation is fraudulent, untrue, or misleading.

(2) Obtaining the signature of a customer to a tax return or authorizing document which contains blank spaces to be filled in after it has been signed.

(3) Failing or refusing to give a customer, for his own records, a copy of any document requiring his signature, within a reasonable time after the customer signs such document.

(4) Failing to maintain a copy of any tax return prepared for a customer for the applicable statutes of limitation periods.

(5) Engaging in any fraudulent conduct.

(6) Violating the advertising prohibitions set forth in this chapter.

(7) Failing to promptly report changes in the information required by Section 9891.20.

(8) Violating the provisions of Section 17530.5.

(9) Violating the provisions of Section 7216 of the Internal Revenue Code.

(10) Failing to post the proof of valid registration, supplied by the chief, in each tax preparer location.

(11) Failing to sign a customer's tax return as prescribed by the chief.

(b) In addition to the grounds specified in subdivision (a), the chief may refuse to validate or may suspend or revoke, temporarily or permanently, the registration of a tax preparer if he enters a plea of guilty or nolo contendere to, or if he has been convicted of, a felony or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following such conviction, or suspending the imposition of sentence, or of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty, or setting aside the plea or verdict of guilty, or dismissing the accusation or information.

9891.26. If the chief refuses to validate a registration, he shall notify the applicant by personal service or registered mail return receipt requested mailed to the address as shown on the registration form. In the event such notice is given, the applicant shall be given a hearing under Section 9891.29 if he files a written request with the chief within 60 days after the notice is given.

9891.27. (a) If the chief determines that a registrant has committed one or more violations of this act which require disciplinary action, the chief shall file an accusation as required by the procedure specified in Section 9891.29. Upon receiving notice of the accusation, any registrant may, in addition to requesting a hearing, submit, and the chief may accept, an assurance of voluntary compliance.

(b) As a condition of accepting an assurance of voluntary compliance, the chief shall require that:

(1) The registrant pay all investigative costs actually incurred in discovering the alleged violations, not to exceed five hundred dollars ($500).

(2) The registrant establish procedures which will enable him to avoid future violations. The chief may impose additional requirements upon the registrant as a condition of accepting an assurance of voluntary compliance as such requirements may be necessary to protect the public interest and to protect the interests of those persons for whom the registrant has prepared tax returns.

(c) If the chief accepts an assurance of voluntary compliance from a registrant, he shall not proceed with disciplinary action against the registrant for the same alleged violations. An assurance of voluntary compliance shall not be evidence of a prior violation of this chapter. However, if the registrant violates the terms of an assurance of voluntary compliance, such violation shall constitute sufficient grounds for the chief to revoke or suspend the tax preparer's registration.

9891.28. Each tax preparer shall maintain such records as are required by rules and regulations adopted by the chief. Such records shall be open for reasonable inspection by the chief

9891.29. All hearings relating to a refusal to validate a registration, or revocation or suspension of a registration, shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

9891.30. The expiration of a valid registration shall not deprive the chief of jurisdiction to proceed with any investigation or disciplinary proceeding against a tax preparer or to render a decision invalidating, revoking or suspending a registration.

9891.31. The superior court in and for the county wherein any person acts as a tax preparer in violation of the provisions of this act, or any regulation adopted pursuant to this chapter, may, upon a petition filed by the chief with the approval of the director, issue an injunction or other appropriate order restraining such conduct. The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of the Code of Civil Procedure, except that no undertaking shall be required, and the chief shall not be required to allege facts necessary to show or tending to show lack of an adequate remedy at law or irreparable injury.

9891.32. Nothing in the provisions of this chapter shall prohibit the bringing of a civil action against a tax preparer by an individual.

9891.33. If any provision of this chapter or the application thereof to any person or circumstance is held unconstitutional, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be effected thereby.

Article 4. Bonds

9891.35. A tax preparer shall deposit with the division, prior to registration or registration renewal, a cash or surety bond in the penal sum of one thousand dollars ($1,000). The bonds required by this section shall be payable to the people of the State of California,

and shall be conditioned that the person applying for registration or registration renewal will comply with this chapter and will pay all damages occasioned to any person by reason of misstatement, misrepresentation, fraud, deceit or any unlawful acts or omissions by the tax preparer, or its agents or employees while acting in the scope of their employment or agency The aggregate liability of the surety shall in no event exceed the penal sum of the bond.

9891.36. If any tax preparer fails to file a new bond with the division within 30 days after notice of cancellation by the surety of the bond required under Section 9891.35, the registration under this chapter is suspended until such time as a new bond is filed. A person whose registration is suspended pursuant to this section shall not, for a fee, assist with or prepare the income or franchise tax returns of others during the period of such suspension.

Article 5. Advertising

9891 37. No tax preparer or employee, representative, partner, officer, agent, or member of a tax preparer shall make, or authorize the making of, any reference to the registration required by this chapter in any advertising medium. Advertising medium shall include, but not be limited to, newspapers, magazines, leaflets, phone directory listings, city directory listings, radio and television broadcasts, recorded telephone messages, transit ads, billboards, and signs. The posting of a proof of valid registration, supplied by the chief, in the tax preparer's office shall not constitute a violation of this section.

Article 6. Revenue

9891.40. All fees and revenues collected pursuant to this chapter shall be paid in the State Treasury to the credit of the Tax Preparers Fund, which is hereby created.

9891.41. The chief shall report to the State Controller at the beginning of each month, for the month preceding, the amount and source of all fees and revenues received by the division pursuant to this chapter, and at that time shall pay the entire amount of such fees and revenues into the State Treasury for credit to the Tax Preparers Fund.

9891.42. The fees prescribed by this chapter shall be set by the chief in an amount estimated to provide for the administration of this chapter within the limits of the following schedule:

(a) The tax preparer registration fee shall be established by the chief at a sum not more than fifty dollars ($50).

(b) If a tax preparer maintains more than one tax preparer location within this state, an additional fee shall be established by the chief at a sum not more than fifty dollars ($50) for the principal location and ten dollars ($10) for each additional location.

(c) If a tax preparer has employees, representatives, partners,

agents, officers or members who would be subject to registration under this chapter but for the exemption provided in Section 9891.1 (a), an additional fee shall be established by the chief at a sum not more than:

(1) One hundred dollars ($100) if the tax preparer has less than 50 such persons.

(2) Five hundred dollars ($500) if the tax preparer has 50 or more but less than 100 such persons.

(3) One thousand dollars ($1,000) if the tax preparer has 100 or more but less than 500 such persons.

(4) One thousand five hundred dollars ($1,500) if the tax preparer has 500 or more such persons.

(d) The fees provided for above shall be cumulative except that no tax preparer shall be required to pay more than one thousand five hundred dollars ($1,500) as a registration fee.

(e) The annual renewal fees for a tax preparer registration shall be established by the chief at amounts not to exceed the schedule for registration fees, if the registration is renewed prior to its expiration date.

(f) The renewal fee for a registration that is not renewed prior to its expiration date shall be 1½ times the renewal fee required for a registration renewal prior to its expiration date

9891.43. All salaries, expenses, or costs incurred or sustained pursuant to this chapter shall be payable only out of the Tax Preparers Fund.

9891.44. There is hereby appropriated for the purposes of this chapter the money in the Tax Preparers Fund necessary for the administration of this chapter. Such money shall be continuously appropriated for such purposes.

SEC. 2. Section 17037 is added to the Revenue and Taxation Code, to read:

17037. Provisions in other codes or General Law Statutes which are related to this code include Chapter 20.6 (commencing with Section 9891) of Division 3 of the Business and Professions Code, relating to the Tax Preparers Act.

SEC. 3. Section 23060 is added to the Revenue and Taxation Code, to read:

23060. Provisions in other codes or General Law Statutes which are related to this code include Chapter 20.6 (commencing with Section 9891) of Division 3 of the Business and Professions Code, relating to the Tax Preparers Act.

SEC. 4. This act shall become operative on June 1, 1974.

SEC. 5. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may

be enacted that serve to cause both increased and decreased costs to local governmental entities which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 871

An act to amend Section 39297.6 of the Health and Safety Code, relating to air pollution.

[Approved by Governor September 26, 1973 Filed with Secretary of State September 26, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 39297.6 of the Health and Safety Code is amended to read:

39297.6. (a) Notwithstanding Section 39296, with respect to wood waste from trees, vines, or bushes on property being developed for commercial or residential purposes, the governing body of an air pollution control district may, upon its own motion or the request of any person, authorize the disposal, by open outdoor fires, of such wood waste, on the property where it was grown, under the following conditions:

(1) That the governing body of the district finds that it is more desirable to dispose of such wood waste by burning than to dispose of it by other available means, such as, but not limited to, by removing it to sanitary fills.

(2) That the district has developed criteria for such disposal, which shall include provisions to improve the combustibility of such waste to reduce its smoke level.

(3) That the board has approved the criteria developed pursuant to paragraph (2).

(4) That such authorization, if granted, shall be in the form of a permit issued by the district air pollution control officer, and such permit shall allow burning only on permissive burn days as designated by the board pursuant to Section 39298.

(5) The governing body of the district may adopt rules and regulations to authorize all burning authorized under this section, to review each proposed burn prior to authorizing the air pollution control officer to issue a permit for the burn, or to delegate to the air pollution control officer the authority to approve or disapprove each proposed burn after consideration of the amount of wood waste to be burned, the season of the year, the ambient air quality, the proximity of the wood waste to developed areas, or such other or additional criteria as the governing body of the district may establish.

(6) No authorization under this subdivision shall be granted after January 1, 1977, or such earlier date as the board may determine, based upon a finding that an alternative method of disposal has been

developed which is technologically and economically feasible.

(b) The board shall conduct studies of alternative methods of disposing of wood waste from trees, vines, or bushes, other than by open outdoor fires

(c) The Legislature hereby finds and declares that because sanitary landfill sites are very difficult to obtain, these valuable sites should be reserved for high-priority waste such as garbage and low-volume rubbish, and that the disposal, by open outdoor fires, of high-volume wood waste will help prolong the life of such landfill sites. However, it is the intent of the Legislature that the disposal, by open outdoor fires, of such wood waste be reasonably regulated so as to not create a public nuisance nor significantly reduce the quality of the ambient air

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CHAPTER 872

An act to add Article 9 (commencing with Section 6201) to Chapter 6 of Division 6 of the Education Code, relating to the California high school equivalency certificate, and making an appropriation therefor

[Approved by Governor September 26, 1973 Filed with Secretary of State September 26, 1973]

The people of the State of California do enact as follows:

SECTION 1 Article 9 (commencing with Section 6201) is added to Chapter 6 of Division 6 of the Education Code, to read:

Article 9 California High School Equivalency Certificate

6201. The Superintendent of Public Instruction may issue a California high school equivalency certificate to any person who has not completed high school and who meets the following requirements:

(a) Is a resident of this state or is a member of the armed services assigned to duty in this state; and

(b) Has passed a general educational development test which has been approved by the State Board of Education and which is administered by a testing center approved by the Department of Education, with a score determined by the State Board of Education to be equal to the standard of performance expected from high school graduates.

(c) Is at least 18 years of age or who would have graduated from high school had he remained in school and followed the usual course of study towards graduation.

6202 Applications for a California high school equivalency

certificate shall be submitted by an applicant on a form prescribed by the Superintendent of Public Instruction. The Superintendent may charge a fee, established by the State Board of Education, to be submitted with the application sufficient in amount to pay the cost of administering this article. The amount of each fee may not exceed ten dollars ($10) per person

6203 Each testing center shall, upon request of an applicant, provide the Superintendent of Public Instruction with a certificate of results of the applicant's general educational development test.

6204. The Superintendent of Public Instruction may provide for the administration of the general educational development test to persons confined to state or county hospitals or to institutions maintained by state or county correctional agencies.

Such agencies shall, upon request, reimburse the Superintendent of Public Instruction in an amount sufficient to pay the cost of administering the test

6205 The Superintendent of Public Instruction shall keep a permanent record of California high school equivalency certificates issued pursuant to this article together with applications therefor

6206 A California high school equivalency certificate shall be deemed to be a high school diploma for the purpose of meeting the requirements of employment by all state and local public agencies in this state.

6207 The State Board of Education shall adopt rules and regulations necessary to implement this article.

6208. All of the fees which may be prescribed by Sections 6202 and 6204 are hereby appropriated without regard to fiscal year for the support of the Department of Education to be used pursuant to this article

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CHAPTER 873

An act to amend Sections 7802.1, 7811, 7813, 7841, 7841.1, 7842, 7842.1, and 7872 of the Business and Professions Code, relating to the Geologist and Geophysicist Act.

[Approved by Governor September 26, 1973 Filed with Secretary of State September 26, 1973]

The people of the State of California do enact as follows:

SECTION 1 Section 7802 1 of the Business and Professions Code is amended 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 physics of the earth.

SEC. 2. 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 board shall include not less than two engineering geologists and two petroleum geologists, as determined by the Governor.

SEC. 3. Section 7813 of the Business and Professions Code is amended to read:

7813. One geologist member of the board shall be appointed from each of the five 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 and the geophysicist member of the board may reside anywhere in the state.

SEC. 4. 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.

(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 professional 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. 5. Section 7841.1 of the Business and Professions Code is amended 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 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 professional 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. 6 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 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 professional geological work in the specialty for which the applicant is seeking certification.

SEC. 7. Section 7842.1 of the Business and Professions Code is amended 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 professional geophysical work in the specialty for which the applicant is seeking certification.

SEC. 8. 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 geological or geophysical work is solicited, performed or practiced for others, unless such geological work is supervised or performed by a registered geologist, or unless such geophysical work is supervised or performed by a registered geophysicist or geologist.

(h) Who violates any provision of this chapter.

SEC. 9. There are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 874

An act to add Section 25210.9 to the Government Code, and to add Section 55501.1 to the Water Code, relating to local governments.

[Approved by Governor September 26, 1973 Filed with Secretary of State September 26, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 25210.9 is added to the Government Code, to read:

25210.9. Any water or sewer service fees which remain unpaid for

a period of 60 or more days after the date upon which they were billed may be collected thereafter by the county as provided herein.

(a) Once a year the board of supervisors shall cause to be prepared a report of delinquent fees. The board shall fix a time, date and place for hearing the report and any objections or protests thereto.

(b) The board shall cause notice of the hearing to be mailed to the landowners listed on the report not less than 10 days prior to the date of the hearing.

(c) At the hearing the board shall hear any objections or protests of landowners liable to be assessed for delinquent fees. The board may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.

(d) The delinquent fees set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent fees. A certified copy of the confirmed report shall be filed with the county auditor for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the county recorder of the county in which the property is situated, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of county ad valorem property taxes shall be applicable to such assessment.

This remedy is in addition to all other means available for collection.

SEC. 1.5. Section 25210.9 is added to the Government Code, to read:

25210.9. Any water or sewer service fees which remain unpaid for a period of 60 or more days after the date upon which they were billed may be collected thereafter by the county as provided herein.

(a) Once a year the board of supervisors shall cause to be prepared a report of delinquent fees. The board shall fix a time, date and place for hearing the report and any objections or protests thereto.

(b) The board shall cause notice of the hearing to be mailed to the landowners listed on the report not less than 10 days prior to the date of the hearing.

(c) At the hearing the board shall hear any objections or protests of landowners liable to be assessed for delinquent fees. The board may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.

(d) The delinquent fees set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent fees.

A certified copy of the confirmed report shall be filed with the county auditor for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the county recorder of the county in which the property is situated, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of county ad valorem property taxes shall be applicable to such assessment, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the delinquency fees, as confirmed, relating to such property shall be transferred to the unsecured roll for collection.

This remedy is in addition to all other means available for collection.

SEC. 2. Section 55501.1 is added to the Water Code, to read:

55501.1. Any water service standby or immediate availability charge which remains unpaid for a period of 60 or more days after the date upon which they were billed may be collected thereafter by the county as provided herein.

(a) Once a year the board shall cause to be prepared a report of delinquent fees. The board shall fix a time, date and place for hearing the report and any objections or protests thereto.

(b) The board shall cause notice of the hearing to be mailed to the landowners listed on the report not less than 10 days prior to the date of the hearing.

(c) At the hearing the board shall hear any objections or protests of landowners liable to be assessed for delinquent fees. The board may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.

(d) The delinquent fees set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent fees. A certified copy of the confirmed report shall be filed with the county auditor for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the county recorder of the county in which the property is situated, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure

and sale in case of delinquency as provided for such taxes All laws applicable to the levy, collection and enforcement of county ad valorem property taxes shall be applicable to such assessment

This remedy is in addition to all other means available for collection

If the district is governed by a board of directors, this section shall only apply to such district if the board of supervisors consents to collect the delinquent fees in the manner prescribed herein.

SEC. 3 Section 55501.1 is added to the Water Code, to read:

55501 1. Any water service standby or immediate availability charge which remains unpaid for a period of 60 or more days after the date upon which they were billed may be collected thereafter by the county as provided herein

(a) Once a year the board shall cause to be prepared a report of delinquent fees. The board shall fix a time, date and place for hearing the report and any objections or protests thereto

(b) The board shall cause notice of the hearing to be mailed to the landowners listed on the report not less than 10 days prior to the date of the hearing.

(c) At the hearing the board shall hear any objections or protests of landowners liable to be assessed for delinquent fees. The board may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed

(d) The delinquent fees set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent fees. A certified copy of the confirmed report shall be filed with the county auditor for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the county recorder of the county in which the property is situated, of a certified copy of the resolution of confirmation The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes All laws applicable to the levy, collection and enforcement of county ad valorem property taxes shall be applicable to such assessment, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the delinquency fees, as confirmed, relating to such property shall be transferred to the unsecured roll for collection.

This remedy is in addition to all other means available for collection

If the district is governed by a board of directors, this section shall

only apply to such district if the board of supervisors consents to collect the delinquent fees in the manner prescribed herein.

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill 1342 are both chaptered, that the addition of Section 25210.9 to the Government Code proposed by Section 1.5 of this bill, and the addition of Section 55501 1 to the Water Code proposed by Section 3 of this bill, be given effect and incorporated as Section 25210.9 of the Government Code in the form set forth in Section 1 5 of this act, and as Section 55501.1 of the Water Code in the form set forth in Section 3 of this act. Therefore, Section 1.5 and Section 3 of this act shall become operative only if Assembly Bill 1342 is chaptered, in which case Sections 1 and 2 of this act shall not become operative.

CHAPTER 875

An act to amend Sections 73912, 73913, 73915, and 74643 of, to add Sections 73914, 73914 1, 74642, 74644, 74644 1, and 74644 2 to, and to repeal Sections 73914, 74642, 74644, and 74644.1 of, the Government Code, relating to courts, and declaring the urgency thereof, to take effect immediately

[Approved by Governor September 26, 1973 Filed with Secretary of State September 26, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 73912 of the Government Code is amended to read:

73912. There shall be one clerk of the municipal court, one assistant clerk of the municipal court, one chief deputy clerk, two municipal court clerks, two clerk-typists III, and two clerk-typists I, each of whom shall receive a salary in accordance with Sections 73914, 73914.1, and 73915.

SEC 2 Section 73913 of the Government Code is amended to read

73913. There shall be one marshal, one chief deputy marshal, one deputy marshal II, three deputy marshals, one account clerk III, and one account clerk II, each of whom shall receive a salary in accordance with Sections 73914, 73914.1, and 73915.

SEC 3. Section 73914 of the Government Code is repealed.

SEC. 4 Section 73914 is added to the Government Code, to read:

73914. The biweekly salaries for the following classes of positions shall be, and shall be increased, in accordance with the following schedule

	Range	Hourly rate Step A	A	B	C	D	E
Clerk of the municipal court	314	$6 6774	$534 19	$561 51	$590 22	$620 41	$652 17
Assistant clerk of the municipal court	226	4.3053	344 42	362 04	380 55	400 02	420.47
Chief deputy clerk	222	4 2203	337 62	354 89	373 04	392 11	412.17
Municipal court clerk	197	3 7253	298 02	313 26	329 30	346 14	363.85
Account clerk III	182	3 4567	276 54	290 68	305 54	321.18	337 62
Account clerk II	155	3 0212	241 70	254 06	267 05	280 71	295 07
Clerk-typist III	172	3 2886	263 09	276 54	290 68	305 54	321 18
Clerk-typist I	126	2 6144	209 15	219 85	231 09	242.90	255 33
Marshal	333	7 3411	587 29	617 32	648 92	682 12	717 00
Chief deputy marshal	285	5 7782	462 26	485 90	510 74	536 86	564 32
Deputy marshal II	255	4 9753	398 02	418 38	439.77	464 26	485 90
Deputy marshal	245	4 7332	378 66	398.02	418 38	439 77	462 26

SEC. 5. Section 73914.1 is added to the Government Code, to read:

73914.1. (a) Chief deputy marshals, deputy marshals II, and deputy marshals shall receive such initial and annual uniform allowances as may be provided by resolution or ordinances to those employees of the sheriff's department of Santa Barbara County who are classified as sheriff's deputies.

(b) The administration of the salary plan provided by this article, including the hiring rate, increases within range, salary on promotion, and salary on position reclassification, shall be in accordance with the current personnel rules and salary ordinance of the County of Santa Barbara.

(c) On and after July 2, 1973, the following regulations will govern the administration of the classification and compensation schedule contained in this article:

(1) Except as otherwise provided in this article, all employees shall be entitled to the same vacation, sick leave, leave of absence, and similar benefits, and shall be subject to the same rules and regulations concerning length of workweek, anniversary dates and changes thereof, as is now or may be provided by ordinances and policies approved by the Board of Supervisors of Santa Barbara County for other employees of the county.

Nothing in this article shall be construed to place the marshal's or clerk's office, their employees and other municipal court attachés under the civil service system of Santa Barbara County, but such employees and attachés may be placed under the county's civil service system by court rule adopted by the judges of this municipal

court. All persons holding positions in the marshal's office at the time of being placed under the county's civil service system, shall continue in their respective positions without further examination or qualification.

(2) For purposes of this article, an employee, unless otherwise designated, refers to every person filling any position established by Sections 73912 and 73913.

SEC. 6. Section 73915 of the Government Code is amended to read:

73915. Notwithstanding any other provisions of this article, whenever a different compensation is established for any of the hereinafter mentioned positions under the County of Santa Barbara salary ordinance, the following provisions shall apply to salaries mentioned in this article:

(a) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County salary ordinance as superior court clerk II, the percentage of such increase or decrease shall be ascertained and the salary range for the classification of clerk of the municipal court, assistant clerk of the municipal court, chief deputy clerk, and municipal court clerk under this article shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage.

(b) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County salary ordinance as clerk-typist III, account clerk III, account clerk II, and clerk-typist I, the percentage of such increase or decrease shall be ascertained and the salary range for the classification of clerk-typist III, account clerk III, account clerk II, and clerk-typist I under this article shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage.

(c) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County salary ordinance as sheriff's deputy, the percentage of such increase or decrease shall be ascertained and the salary range for the classification of marshal, chief deputy marshal, deputy marshal II, and deputy marshal under this article shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage.

Whenever a salary increase is authorized by this article, such increase shall be payable at the same time the corresponding increase under the Santa Barbara County salary ordinance is payable, but shall only be effective until January 1, 1976.

SEC. 7 Section 74642 of the Government Code is repealed.

SEC. 8. Section 74642 is added to the Government Code, to read:

74642. There shall be one clerk-administrative officer of the municipal court, one chief deputy of the municipal court, one clerk, principal, seven municipal court clerks, one clerk, supervising, one account clerk III, two clerks III, six clerks II, one account clerk-typist,

12 clerk-typists I, one clerk I, and one extra help as needed, each of whom shall receive a salary in accordance with Sections 74644, 74644.1, and 74644.2.

SEC. 9. Section 74643 of the Government Code is amended to read:

74643. There shall be one marshal, one chief deputy marshal, one marshal's sergeant, seven deputy marshals, one account clerk III, one account clerk II, two clerks II, and one clerk I, each of whom shall receive a salary in accordance with Sections 74644, 74644 1, and 74644.2.

SEC. 10. Section 74644 of the Government Code is repealed.

SEC. 11. Section 74644 is added to the Government Code, to read:

74644. The biweekly salary for the following classes of positions shall be, and shall be increased, in accordance with the following schedule:

	Range	Hourly rate Step A	A	B	C	D	E
Clerk-administrative officer of the municipal court	314	$6 6774	$534 19	$561 51	$590 22	$620 41	$652 17
Chief deputy of the municipal court	226	4 3053	344 42	362 04	380 55	400 02	420 47
Municipal court clerks	197	3 7253	298 02	313 26	329 30	346 14	363 85
Clerk, principal	212	4 0148	321 18	337 62	354 89	373 04	392 11
Clerk, supervising	192	3 6335	290 68	305 54	321 18	337 62	354 89
Account clerk III	182	3 4567	276 54	290 68	305 54	321 18	337 62
Account clerk II	155	3 0212	241 70	254 06	267 05	280 71	295 07
Clerk III	172	3 2886	263 09	276 54	290 68	305 54	321 18
Clerk II	145	2 8742	229 94	241 70	254 06	267 05	280 71
Account clerk-typist	136	2 7481	219 85	231 09	242 90	255 33	268 38
Clerk-typist I	126	2 6144	209 15	219 85	231 09	242 90	255 33
Clerk I . .	126	2 6144	209 15	219 85	231 09	242 90	255 33
Extra help	126	2 6144	209 15	219 85	231 09	242 90	255 33
Marshal	333	7 3411	587 29	617 32	648 92	682 12	717 00
Chief deputy marshal	285	5 7782	462 26	485 90	510 74	536 86	564 32
Marshal's sergeant	265	5 2298	418 38	439 77	462 26	485 90	510 74
Deputy marshal	245	4 7332	378 66	398.02	418 38	439 77	462 26

SEC. 12. Section 74644.1 of the Government Code is repealed.

SEC. 13. Section 74644.1 is added to the Government Code, to

read:

74644.1. (a) Chief deputy marshals, marshal's sergeants, and deputy marshals shall receive such initial and annual uniform allowances as may be provided by resolution or ordinance to those employees of the sheriff's department of Santa Barbara County who are classified as sheriff's deputies.

(b) The administration of the salary plan provided by this article including the hiring rate, increases within range, salary on promotion, and salary on position reclassification, shall be in accordance with the current personnel rules and salary ordinance of the County of Santa Barbara.

On and after July 2, 1973, the following regulations will govern the administration of the classification and compensation schedule contained in this article:

(1) Except as otherwise provided in this article, all employees shall be entitled to the same vacation, sick leave, leave of absence, and similar benefits, and shall be subject to the same rules and regulations concerning length of workweek, anniversary dates and changes thereof, as is now or may be provided by ordinances and policies approved by the Board of Supervisors of Santa Barbara County for other employees of the county.

Nothing in this article shall be construed to place the marshal's or clerk's office, their employees and other municipal court attachés under the civil service system of Santa Barbara County but such employees and attachés may be placed under the county's civil service system by court rule adopted by judges of this municipal court. All persons holding positions in the marshal's office at the time of being placed under the county's civil service system, shall continue in their respective positions without further examination or qualification.

SEC. 14. Section 74644.2 is added to the Government Code, to read:

74644.2. Notwithstanding any other provisions of this article, whenever a different compensation is established for any of the hereinafter mentioned positions under the County of Santa Barbara salary ordinance, the following provisions shall apply to salaries mentioned in this article:

(a) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County salary ordinance as superior court clerk II, the percentage of such increase or decrease shall be ascertained and the salary range for the classification of clerk-administrative officer of the municipal court, chief deputy of the municipal court, and municipal court clerk under this article shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage.

(b) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County salary ordinance as clerk, principal; clerk, supervising; account clerk III; account clerk II; clerk III, clerk II; account

clerk-typist; clerk-typist I; clerk I; and extra help, the percentage of such increase or decrease shall be ascertained and the salary range for the classification of clerk, principal; clerk, supervising; account clerk III; account clerk II; clerk III; clerk II; account clerk-typist; clerk-typist I; clerk I; and extra help under this article shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage.

(c) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County salary ordinance as sheriff's deputy, the percentage of such increase or decrease shall be ascertained and the salary range for the classification of marshal, chief deputy marshal, marshal's sergeant, and deputy marshal under this article shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage.

Whenever a salary increase is authorized by this article, such increase shall be payable at the same time the corresponding increase under the Santa Barbara County salary ordinance is payable but shall be effective only until January 1, 1976.

SEC. 15. The affected local agency has requested the Legislature to revise state law in accordance with the provisions of this act and desires to bear the expense of any increased costs resulting from such revision without reimbursement by the state. Therefore, there are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code.

SEC. 16. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to maintain the employment of existing personnel, to provide such personnel with compensation comparable to the compensation of personnel of other courts, and to provide new personnel to handle increasing workloads of the courts, it is necessary that this act go into immediate effect at the earliest possible time.

CHAPTER 876

An act to amend Section 1808.5 of the Vehicle Code, relating to reports of violations.

[Approved by Governor September 26, 1973. Filed with Secretary of State September 26, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 1808.5 of the Vehicle Code is amended to read:

1808.5. All records of the department relating to the physical or

mental condition of any person, and convictions 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 not arising from circumstances involving a motor vehicle, are confidential and not open to public inspection.

No provision of this article shall in any way limit the right of the department to cooperate with the Department of Social Welfare pursuant to Section 10850 of the Welfare and Institutions Code as to persons eligible for or receiving aid to the blind.

CHAPTER 877

An act to amend Section 14951 of, and to add Section 14962 to, the Government Code, relating to state buildings.

[Approved by Governor September 26, 1973 Filed with Secretary of State September 26, 1973]

I am deleting the $20,000 appropriation contained in Section 3 of Senate Bill No 753 I am advised that federal funds are available to implement the provisions of this bill With the above deletion, I approve Senate Bill No 753

RONALD REAGAN, Governor

The people of the State of California do enact as follows:

SECTION 1. Section 14951 of the Government Code is amended to read:

14951. The Department of General Services shall succeed to the powers, duties and functions with respect to architectural services previously vested in the Division of Architecture or the State Architect of the Department of Public Works.

The State Architect has general charge, under the Department of General Services, of the erection of all state buildings and shall have an inspector assigned to each building during its construction.

It shall be the policy of the State of California that one of the prime considerations in the design of state buildings shall be the conservation of energy resources needed to heat, cool, and light such buildings; along with usefulness, environmental quality, and aesthetic effect.

In determining the requirements necessary to comply with this policy, the owning and operating costs for the anticipated life of the building shall be used rather than initial cost only.

SEC. 2. Section 14962 is added to the Government Code, to read:

14962. By January 1, 1975, the State Architect shall develop and apply rigorous energy conservation standards for the design of all new state buildings. Such standards shall be at least as stringent as any developed for commercial buildings by the Department of Housing and Community Development and shall be consistent with the latest technological capabilities. The State Architect shall report

to the Legislature the standards developed.

SEC. 3. There is hereby appropriated from the General Fund to the State Architect the sum of twenty thousand dollars ($20,000), or as much thereof as is necessary, to be expended for the purposes of this act.

CHAPTER 878

An act relating to the State Library, and making an appropriation therefor.

[Approved by Governor September 26, 1973 Filed with Secretary of State September 26, 1973]

The people of the State of California do enact as follows:

SECTION 1 There is hereby appropriated from the General Fund to the Department of Education the sum of one hundred forty-five thousand three hundred dollars ($145,300) to be used for the purpose of establishing and maintaining an adequately staffed unit within or outside the State Library to furnish library services to blind and physically handicapped persons.

CHAPTER 879

An act to amend Section 351 of, and to repeal Section 352 of, the Labor Code, relating to labor.

[Approved by Governor September 26, 1973 Filed with Secretary of State September 26, 1973]

The people of the State of California do enact as follows.

SECTION 1. Section 351 of the Labor Code is amended to read:

351. No employer or agent shall collect, take, or receive any gratuity or a part thereof, paid, given to or left for an employee by a patron, or deduct any amount from wages due an employee on account of such gratuity, or require an employee to credit the amount, or any part thereof, of such gratuity against and as a part of the wages due the employee from the employer, except to the extent that may be permitted by a valid regulation of the California Division of Industrial Welfare, and further provided he posts in a conspicuous place at the location where his business is carried on, in a place where it can easily be seen by the patrons thereof, a notice, in lettering or printing of not less than 48-point blackface type, stating the extent to which the employees are required by the employer to accept gratuities in lieu of wages or the extent to which the employee is

required to accept and credit gratuities against wages.Every such gratuity is hereby declared to be the sole property of the employee or employees to whom it was paid, given, or left for. This section shall not apply to any employment in which no charge is made to a patron for services rendered to the patron by an employee on behalf of his employer if both of the following conditions are met: (a) the employee is receiving a wage or salary not less than the higher of the state or federal minimum wage, regardless of whether such employee is subject to either such minimum wage law, and (b) the employee's wage or salary is guaranteed and paid in full irrespective of the amount of tips received by the employee

SEC. 2 Section 352 of the Labor Code is repealed

CHAPTER 880

An act to repeal Article 2 (commencing with Section 630) of Chapter 2 of Division 1 of, to add Article 2 (commencing with Section 630) to Chapter 2 of Division 1 of, to repeal Chapter 8 (commencing with Section 4521) of Part 2 of Division 4 of, and to add Chapter 8 (commencing with Section 4511) to Part 2 of Division 4 of, the Public Resources Code, relating to forestry.

[Approved by Governor September 26, 1973 Filed with Secretary of State September 26, 1973]

The people of the State of California do enact as follows:

SECTION 1 Article 2 (commencing with Section 630) of Chapter 2 of Division 1 of the Public Resources Code is repealed.

SEC 2. Article 2 (commencing with Section 630) is added to Chapter 2 of Division 1 of the Public Resources Code, to read:

Article 2. State Board of Forestry and Division of Forestry

630. There is in the department a State Board of Forestry consisting of nine members appointed by the Governor

631 All members of the board shall be appointed and shall be selected and approved for appointment on the basis of their educational and professional qualifications and their general knowledge of, interest in, and experience with, problems relating to watershed management (including hydrology and soil science), forest management practices, fish and wildlife, range management, forest economics, or land use planning. Five members shall be selected from the general public, three members shall be selected from the forest products industry, and one member shall be selected from the range livestock industry At no time shall a majority of the members, nor any of the members selected from the general public, be persons with a direct personal financial interest, within the

meaning of Section 1120 of the Government Code, in timberlands. All members of the board shall represent the general public interest.

632. Each member of the board shall hold office for four years from the expiration of the term of his predecessor and until his successor is appointed. Vacancies shall be immediately filled by the Governor.

633. The members first appointed to the board shall classify themselves by lot so that the term of three members shall expire January 15, 1975, the term of two members shall expire January 15, 1976, the term of two members shall expire January 15, 1977, and the term of two members shall expire January 15, 1978, except that no member shall serve for a term in excess of four years without being reappointed and confirmed by the Senate as provided in this article.

634. The appointments of members of the board shall be subject to confirmation by the Senate, and the refusal or failure of the Senate to confirm an appointment shall create a vacancy in the office to which the appointment was made; however, each member shall have, and be able to exercise, all the powers, duties, and responsibilities as are prescribed by this code prior to his confirmation. Such confirmation shall be made not earlier than 30 days and not later than 90 days after such appointment.

635. Each member of the board shall receive fifty dollars ($50) for each day during which he is engaged in the performance of his official duties; provided, that the compensation of each member, except the compensation of the chairman, shall not exceed in any one fiscal year the sum of two thousand dollars ($2,000). The chairman of the board may receive compensation of not to exceed two thousand five hundred dollars ($2,500) in any one fiscal year for the performance of his official duties. In addition to such compensation, each member shall be reimbursed for his necessary traveling and other expenses incurred in the performance of his official duties.

636. The board shall maintain its headquarters in Sacramento and shall hold meetings at such times and at such places as shall be determined by it. Five members of the board shall constitute a quorum for the purpose of transacting any business of the board. A majority affirmative vote of the total authorized membership of the board shall be necessary to adopt, amend, or repeal rules and regulations of the board adopted pursuant to Article 4 (commencing with Section 4551) of Chapter 8 of Part 2 of Division 4. All meetings of the board shall be open to the public.

636.5. (a) No member of the board shall participate in any board action pursuant to Article 8 (commencing with Section 4601) or Article 9 (commencing with Section 4621) of Chapter 8 of Part 2 of Division 4 which involves himself or any person with which he is connected as a director, officer, or employee, or in which he has a direct personal financial interest within the meaning of Section 1120 of the Government Code.

(b) Upon request of any person or on his own initiative, the Attorney General may file a complaint in the superior court for the

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county in which the board has its principal office alleging that a board member has knowingly violated this section and the facts upon which the allegation is based and asking that the member be removed from office. Further proceedings shall be in accordance as near as may be with rules governing civil actions. If after trial the court finds that the board member has knowingly violated this section it shall pronounce judgment that the member be removed from office.

637. The Governor shall designate the chairman of the board from among the members of the board. The person designated as the chairman shall hold such office at the pleasure of the Governor. The board shall annually elect a vice chairman from among its members.

638. The board may appoint an executive officer who shall be exempt from civil service pursuant to subdivision (e) of Section 4 of Article XXIV of the California Constitution.

639. The director shall have no power to amend or repeal any order, regulation, ruling, or directive of the board.

640. The board shall represent the state's interest in the acquisition and management of state forests as provided by law and in federal land matters pertaining to forestry, and the protection of the state's interests in forest resources on private lands, and shall determine, establish, and maintain an adequate forest policy. General policies for guidance of the Division of Forestry shall be determined by the board.

641. The board shall annually determine state needs for forest management research and recommend the conduct of needed projects to the Governor and the Legislature.

642. The board shall provide for a statewide program of research in the technical phases of forest management which may be delegated to it by law and may accept funds from the United States or from any person to aid in carrying out the provisions of this section. The board may conduct such a program independently or by contract or in cooperation with any person, public or private organization, federal agency, or state agency, including any political subdivision of the state.

643. State agencies shall submit to the board plans for, and the results of, all investigations that relate to, or have an effect upon, forest resource utilization for review and comment. The board may, at its expense, contract with any state or local agency to investigate and report on any technical factors involved in forest management; provided, that the burden, including costs, of such reports shall bear a reasonable relationship to the needs for the reports and the benefits to be obtained from such reports.

644. The board may prepare and implement a forest management information storage and retrieval program regarding forest land conditions in the state to assist in the timely and reasoned formulation of programs and policies. Such program may be coordinated and integrated to the maximum extent practicable with data storage and retrieval programs of other state agencies and

institutions. The board may review existing forest management storage, retrieval, and analysis systems in the institutions of higher learning in this state and, insofar as the board deems desirable, may utilize such systems as a model for the state program established pursuant to this section.

645. The board shall implement a public information program on matters involving forest management and shall maintain an information file on forest management research and other pertinent matters.

646. The board shall nominate and the director shall appoint a registered professional forester, in accordance with the State Civil Service Act, as the State Forester, who shall be Chief of the Division of Forestry and who shall administer the policies of the board under the supervision of the director.

647. The salary of the Chief of the Division of Forestry shall be fixed by the director with the approval of the Governor.

648. The director may authorize the State Forester to exercise his power to appoint employees of the Division of Forestry in accordance with the State Civil Service Act. The State Forester shall assure an adequate number of employees who, by reason of their educational or professional qualifications, are equipped to perform the duties required under the Z'berg-Nejedly Forest Practice Act of 1973, including, but not limited to, the review of timber harvesting plans and performing the necessary inspections of timber operations. The director may authorize the State Forester or any employee of the division to exercise any power granted to, or perform any duty imposed upon, the director by the State Civil Service Act.

SEC. 3. Chapter 8 (commencing with Section 4521) of Part 2 of Division 4 of the Public Resources Code is repealed.

SEC. 4. Chapter 8 (commencing with Section 4511) is added to Part 2 of Division 4 of the Public Resources Code, to read:

CHAPTER 8. Z'BERG-NEJEDLY FOREST PRACTICE ACT OF 1973

Article 1. General Provisions

4511. This chapter shall be known as the Z'berg-Nejedly Forest Practice Act of 1973

4512. (a) The Legislature hereby finds and declares that the forest resources and timberlands of the state are among the most valuable of the natural resources of the state and that there is great concern throughout the state relating to their utilization, restoration, and protection.

(b) The Legislature further finds and declares that the forest resources and timberlands of the state furnish high-quality timber, recreational opportunities, and aesthetic enjoyment while providing watershed protection and maintaining fisheries and wildlife.

(c) The Legislature thus declares that it is the policy of this state to encourage prudent and responsible forest resource management

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calculated to serve the public's need for timber and other forest products, while giving consideration to the public's need for watershed protection, fisheries and wildlife, and recreational opportunities alike in this and future generations.

(d) It is not the intent of the Legislature by the enactment of this chapter to take private property for public use without payment of just compensation in violation of the California and United States Constitutions.

4513. It is the intent of the Legislature to create and maintain an effective and comprehensive system of regulation and use of all timberlands so as to assure that:

(a) Where feasible, the productivity of timberlands is restored, enhanced, and maintained.

(b) The goal of maximum sustained production of high-quality timber products is achieved while giving consideration to values relating to recreation, watershed, wildlife, range and forage, fisheries, and aesthetic enjoyment.

4514. No provision of this chapter or any ruling, requirement, or policy of the board is a limitation on any of the following.

(a) On the power of any city or county or city and county to declare, prohibit, and abate nuisances.

(b) On the power of the Attorney General, at the request of the board, or upon his own motion, to bring an action in the name of the people of the State of California to enjoin any pollution or nuisance

(c) On the power of any state agency in the enforcement or administration of any provision of law which it is specifically authorized or required to enforce or administer.

(d) On the right of any person to maintain at any time any appropriate action for relief against any private nuisance as defined in Part 3 (commencing with Section 3479) of Division 4 of the Civil Code or for any other private relief.

4514.5. Any person may commence an action on his own behalf against the board or the State Forester for a writ of mandate pursuant to Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure to compel the board or the State Forester to carry out any duty imposed upon them under the provisions of this chapter.

4515. The board shall submit to the Legislature on December 1st of each year a report on the actions taken pursuant to this chapter during the preceding fiscal year. Such report shall include a statement of the actions, including legislative recommendations, which are necessary to more fully carry out the purposes and requirements of this chapter.

4516. Notwithstanding any provision of this chapter, individual counties and the California Tahoe Regional Planning Agency shall have the right, within the reasonable exercise of their police power, to adopt rules and regulations by ordinance or resolution which are stricter than those provided under this chapter and its regulations. Such county or agency rules and regulations may include, but are not

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limited to, matters relating to soil erosion control, protection of stream character and water quality, flood control, stand density control, reforestation methods, mass soil movements, submission of timber harvesting plans, location and grade of roads and skid trails, excavation and fill requirements, slash and debris disposal, haul routes and schedules, hours and dates of logging, and performance bond requirements.

4517. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Article 2. Definitions

4521. Unless the context otherwise requires, the definitions set forth in this article shall govern the construction of this chapter.

4521.3. "Board" means the State Board of Forestry.

4522. "Committee" means a district technical advisory committee.

4522.5. "Cutover land" means land which has borne a crop of commercial timber from which at least 70 percent of the merchantable original growth timber stand has been removed or destroyed by logging, fire, insects, or tree diseases and which is now supporting, or capable of growing, a crop of commercial timber or other forest products, and which has not been converted to other commercial or agricultural use.

4523. "District" means a forest district.

4524. "Permit" means a permit to engage in timber operations, issued pursuant to Article 6 (commencing with Section 4571) of this chapter.

4525. "Person" includes any private individual, organization, partnership, corporation, city, county, district, or the state or any department or agency thereof.

4525.3. "Resource conservation standards" means the minimum acceptable condition resulting from timber operations.

4525.5. "Rules" means the district forest practice rules adopted by the board.

4525.7. "Slash" means branches or limbs less than four inches in diameter, and bark and split products debris left on the ground as a result of timber operations.

4525.9. "State Forester" means the person holding the office created by Section 646.

4526. "Timberland" means land, other than land owned by the federal government, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis after consultation with the district committees and others.

4526.5. "Timber operator" means any person who is engaged in timber operations himself or who contracts with others to conduct such operations on his behalf, except a person who is engaged in timber operations as an employee with wages as his sole compensation.

4527. "Timber operations" means the cutting or removal or both of timber or other solid wood forest products, including Christmas trees, from timberlands for commercial purposes, together with all the work incidental thereto, including, but not limited to, construction and maintenance of roads, fuel breaks, firebreaks, stream crossings, landings, skid trails, beds for the falling of trees, and fire hazard abatement, but excluding preparatory work such as treemarking, surveying, or roadflagging. Removal or harvest of incidental vegetation from timberlands, such as berries, ferns, greenery, mistletoe, herbs, and other products, which action cannot normally be expected to result in a threat to forest, air, water, or soil resources, does not constitute timber operations.

4527.5. "Timber owner" means any person who owns commercial timber, timberland, cutover land, or timber rights, including Christmas tree rights, on lands of another except a federal agency.

4528. The following definitions apply to the provisions on stocking or reforestation in this chapter:

(a) "Basal area per acre" means the sum of the cross-sectional areas at breast height of the tree stems of commercial species per acre.

(b) "Countable tree" means a tree that can be used in calculating the degree of stocking under the following criteria:

(1) The tree must be in place at least two growing seasons.

(2) The tree must be live and healthy.

(3) The tree must have at least one-third of its length in live crown.

(4) The tree must be a commercial species from a local seed source or a seed source which the registered professional forester determines will produce commercial trees physiologically suited for the area involved.

(c) "Stocking" means a measure of the degree to which space is occupied by well-distributed countable trees.

(d) "Site classification" means the classification of productive potential of timberland into one of five classes by board regulation, consistent with normally accepted forestry practices. Site I shall denote sites of highest productivity, site II and site III shall denote sites of intermediate productivity potential, and site IV and site V shall denote sites of lowest productivity potential.

4528.1. The following definition applies to the provisions on control of soil erosion in this chapter.

(a) "Fuelbreak" means a strip of modified fuel to provide a line from which to work in the control of fire.

4528.3. The following definition applies to the provision on

protection of streamcourse character and water quality in this chapter.

(a) "Stream" means a natural watercourse as designated by a solid line or dash and three dots symbol shown on the largest scale United States Geological Survey map most recently published.

4528.5. This chapter does not apply to any person who engages in activities herein regulated, as an employee, with wages as his sole compensation.

4529. The penalties and remedies which are prescribed in this chapter are concurrent and alternative to any other civil, criminal, or administrative rights, remedies, or penalties which are provided or allowed by law with respect to such violation.

4529.5. Service of documents where required under this chapter may be made by registered or certified mail addressed to the respondent's latest address registered on file with the State Forester. Where other forms of service are prescribed, personal service is not precluded.

Article 3. Districts and Committees

4531. Within three months of the effective date of this chapter, the board shall divide the state into not less than three districts. In establishing these districts, the board shall take into account differing physical characteristics, including, but not limited to, climate, soil type, and principal forest crops. Insofar as possible, the board shall group together lands that have substantially similar characteristics and that will best be served by substantially similar regulations. Boundaries of such districts may be altered from time to time as the board determines is necessary.

4531.5. Within six months of the effective date of this chapter, the board shall appoint a district technical advisory committee in each of the districts created under Section 4531.

4532. Each committee shall consist of nine members, and all shall represent the general public interest.

4533. All members shall be appointed on the basis of their educational and professional qualifications and their general knowledge of, and interest and experience in, ecology, soil science, watershed hydrology, range management, silviculture and forestry, forest recreation, forest landscape architecture, forest products manufacture, forest industry economics, or fish and wildlife habitat.

4534. Five members of the committee shall be selected from the general public, three members shall be selected from the forest products industry, and one member shall be selected from the range livestock industry. At no time shall a majority of the members, nor any of the members selected from the general public, be persons with a direct personal financial interest, within the meaning of Section 1120 of the Government Code, in timberlands.

4535. The terms of office of the members shall be for four years, except the members of the initial committee. The members of the

initial committee shall classify themselves by lot at the first meeting. Three members shall serve until January 15, 1976, three members shall serve until January 15, 1977, and three members shall serve until January 15, 1978.

4536. The committees shall be continuing bodies, and vacancies shall be filled in the same manner as original appointments are made. An appointment to a vacancy on a committee occurring before the expiration of a term shall be for the remainder of that term, and the person appointed shall be appointed from the appropriate group for the vacant seat.

4537. The committees shall meet at least once each year, in January, and at other times as necessary. All meetings of the committee shall be open to the public, and notice of such meetings shall be provided 10 days in advance to any person who requests such notice in writing; provided, that meetings may be held with 24-hour notice when such meetings are necessary to discuss unforeseen emergency conditions as may be provided by the board in regulations adopted pertaining hereto.

4538. An employee of the division shall be designated by the board to serve as secretary of each district committee and shall meet with and take part in all deliberations of the committee, but shall vote only in the case of a tie.

4539. The appointive members of the committee shall receive no compensation for their services but shall be entitled to their actual and necessary expenses incurred in the performance of their duties.

4540. Each committee shall advise the board in the establishment of district forest practice rules to govern timber operations on timberlands within the district. In advising the board, the committee shall not interfere with any of the powers and duties of the board. The committees shall consult with, and carefully evaluate the recommendations of, concerned federal, state, and local agencies, educational institutions, civic and public interest organizations, and private organizations and individuals. Each committee shall seek an optimum of interagency cooperation in identification of problems and proposing solutions.

Article 4. Rules and Regulations

4551. The board shall adopt district forest practice rules and regulations for each district in accordance with the policies set forth in Article 1 (commencing with Section 4511) of this chapter and pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code to assure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish and wildlife, and water resources, including, but not limited to, streams, lakes, and estuaries.

Initial rules shall be developed and adopted by the board within nine months after the effective date of this chapter. The board may, prior to the adoption of initial rules, adopt such interim rules as may

be necessary for the regulation of timber operations in accordance with the policies and standards set forth in this chapter and which are not in conflict therewith.

4551.5. Rules and regulations shall apply to the conduct of timber operations and shall include, but shall not be limited to, measures for fire prevention and control, for soil erosion control, for water quality and watershed control, for flood control, for stocking, for protection against timber operations which unnecessarily destroy young timber growth or timber productivity of the soil, for prevention and control of damage by forest insects, pests, and disease, and for the preparation of timber harvesting plans. In developing these rules, the board shall solicit and consider recommendations from the Department of Fish and Game relating to the protection of fish and wildlife, recommendations from the State Water Resources Control Board and the California regional water quality control boards relating to water quality, and recommendations from the State Air Resources Board and local air pollution control districts relating to air pollution control.

4552. The rules and regulations adopted by the board shall be based upon a study of the factors that significantly affect the present and future condition of timberlands and shall be used as standards by persons preparing timber harvesting plans.

4553. The rules and regulations shall be continuously reviewed and may be revised. During the formulation or revision of such rules and regulations, the board shall consult with, and carefully evaluate the recommendations of, the district technical advisory committees, concerned federal, state, and local agencies, educational institutions, civic and public interest organizations, and private organizations and individuals.

4554. Except for emergency regulations or orders of repeal adopted pursuant to Article 4 (commencing with Section 11420) of Chapter 4.5, Part 1, Division 3, Title 2 of the Government Code, the board shall not adopt or revise rules, regulations, or resource conservation standards unless a public hearing is first held respecting their adoption or revision. At least 30 days prior to such hearing, the board shall give notice of the hearing by publication pursuant to Section 6061 of the Government Code.

Article 5. Resource Conservation Standards

4561. It is the purpose of this section to set forth resource conservation standards for timber operations, and to insure that a cover of trees of commercial species, sufficient to utilize adequately the suitable and available growing space, is maintained or established after timber operations.

To that end, the following resource conservation standards define minimum acceptable stocking, and an area covered by a timber harvesting plan shall be classified as acceptably stocked if either of the following conditions exist within five years after completion of

timber operations:

(a) The area contains an average point count of 300 per acre, to be computed as follows:

(1) Each countable tree which is not more than four inches in diameter at breast height to count as one.

(2) Each countable tree over four inches and not more than 12 inches in diameter at breast height to count as three.

(3) Each countable tree over 12 inches in diameter at breast height to count as six.

(b) The average residual basal area, measured in stems one inch or larger in diameter is at least 85 square feet per acre, except that in areas which the registered professional forester has determined are site II classification or lower, the minimum average residual basal area shall be 50 square feet per acre.

The board, on a finding that it is in furtherance of the purposes of this chapter may encourage selection, shelterwood, or other types of management of timber where consistent with the biological requirements of the tree species and may regulate the size and shape of areas in which even-age management of timber is utilized.

Timberland harvested between the effective date of this chapter and the adoption of stocking standards pursuant to this section shall be classified as adequately stocked if, as a result of stocking which has taken place subsequent to such harvest, the minimum standards specified in this section are met.

Rock outcroppings and other areas not normally bearing timber shall not be considered as requiring stocking and are exempt from such provisions.

4561.1. The resource conservation standards relating to stocking enumerated in Section 4561 shall constitute minimum interim requirements, and these shall be the standards to which all timber harvesting plans shall conform unless the board adopts higher stocking standards for each district. The board shall, by January 1, 1975, adopt standards for each district, after a public hearing, which are equal to or stricter than the standards of this chapter and shall report such standards to the Legislature.

It is not the intent of the Legislature in designating minimum standards that such standards shall be deemed to be preferred as the standards to be adopted by the board. The board may, by a majority vote as provided in Section 636, adopt higher minimum standards of stocking if, in the opinion of the board, growing conditions, tree species, site quality, or other factors justify such stricter standards and if such action is consistent with the purposes of this article.

4561.3. Notwithstanding the provisions of Section 4561, on any commercial timberlands which the State Forester has determined do not meet the minimum acceptable stocking standards prior to any timber harvest activities which may take place on such lands between the effective date of this chapter and the adoption of permanent stocking standards pursuant to Section 4561.5, an area shall be classified as acceptably stocked if, as a result of restocking

which has taken place subsequent to such harvest, it contains at least five countable trees for each tree which has been harvested.

4561.5. Prior to January 1, 1975, the board shall, after a public hearing, adopt, and may from time to time, after a public hearing, amend, permanent stocking standards applicable to commercial timberland where the growing timber does not meet the acceptable stocking standards as enumerated in Section 4561.

4561.6. Notwithstanding the provisions of Sections 4561 to 4561.5, inclusive, the board shall adopt rules prior to January 1, 1976, which specify standards of stocking to be maintained or established after timber operations on timberlands which have been substantially damaged by fire, insects, disease, wind, flood, or other substantial damage caused by an act of God, and may provide for an extended period of time during which stocking must be properly completed on such timberlands. In developing such standards the board shall consider circumstances that affect the feasibility of restoring the productivity of such timberlands.

4562. In order to reduce the incidence and spread of fire on timberlands, the board shall adopt rules in the fire protection zone as such zone is defined by the board, including, but not limited to, land along either side of the rights-of-way along public roads in widths to be determined by rule by the board in various areas, and in such other areas as the board deems necessary, to govern the disposal of solid nonforest wastes and slash created by timber operations.

4562.5. It is the purpose of this section to insure that soil erosion associated with timber operations is adequately controlled to protect soil resources, forest productivity, and water quality. The prevention, retardation, and control of accelerated erosion are the principal goals of this section. The board shall conduct such investigations of soil characteristics and erosion rates and of the instruments, techniques, and procedures available for use in monitoring soil loss as will facilitate the development and application of soil resource conservation standards, and shall, by January 1, 1976, publish reports or otherwise disseminate the information thus obtained, including a determination, if possible, of permissible levels of soil loss. The board shall promulgate regulations for each district to govern timber operations that may cause significant soil disturbance.

4562.7. The purpose of this section is to insure the protection of beneficial uses that are derived from the physical form, water quality, and biological capability of streams. To these ends, in addition to the rules provided for in Section 4562.5, the board shall adopt rules for control of timber operations which will result or threaten to result in unreasonable effects on the beneficial uses of the waters of the state. Such rules shall include rules for:

(a) The disposal of petroleum products, sanitary wastes, refuse, and cleaning agents in proper dumps or waste treatment facilities to prevent them from entering streams.

(b) Construction of logging road and tractor trail stream crossings

to assure substantially unimpaired flow of water and to assure free passage of fish both upstream and downstream.

(c) Minimizing damage to unmerchantable streamside vegetation, particularly hardwood trees.

(d) Minimizing damage to streambeds or banks resulting from skidding or hauling logs through, across, or into streams, by operating tractors or other heavy equipment in or near streambeds, or by construction of log landings or logging roads in or near the channels of streams.

(e) Control of slash, debris, fill, and side cast earth, resulting from timber operations, which may be carried into streams.

Article 6. Permits

4571. No person shall engage in timber operations until he has obtained a permit from the board.

4572. The board shall by regulation prescribe the form and content of the application for a permit and establish the procedures therefor, and shall require a reasonable filing fee.

4573. The board may deny a permit for any of the following reasons:

(a) The applicant is not the real person in interest.

(b) Material misrepresentation or false statement in the application.

(c) Conviction within one year of the application of unlawfully operating without a permit.

(d) The failure or refusal of the applicant to comply with the rules and regulations of the board and the provisions of this chapter within three years prior to the date of application.

4574. Permits shall be good only during the calendar year in which issued. Applications for renewal may be denied by the board until any violations by the applicant as exist on the date of submission of the renewal application, of which the applicant has been notified and given reasonable opportunity to correct, are corrected on such reasonable terms and conditions as the board may require.

4575. A permit is subject to future legislation and is not transferable.

4576. A permit may be suspended or revoked by the director pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code for any of the reasons specified by Section 4573, for refusal to allow inspections, or for violations of any of the rules and regulations of the board.

4577. The board may delegate its authority under this article to the State Forester.

Article 7. Timber Harvesting

4581. No person shall conduct timber operations unless a timber harvesting plan prepared by a registered professional forester has

been submitted for such operations to the State Forester pursuant to this article. Such plan shall be required in addition to the permit required in Section 4571.

4582. The timber harvesting plan shall be filed with the State Forester in writing by a person who owns, leases, or otherwise controls or operates on all or any portion of any timberland and who plans to harvest the timber thereon. The plan shall be a public record and shall include the following information:

(a) The name and address of the timber owner.

(b) The name and address of the timber operator.

(c) A description of the land on which the work is proposed to be done, including a United States Geological Survey quadrangle map or equivalent indicating the location of all streams, the location of all proposed and existing logging truck roads, and indicating boundaries of all site I classification timberlands to be stocked in accordance with the provisions of subdivision (b) of Section 4561 and any other site classifications if the board establishes specific minimum stocking standards for other site classifications.

(d) A description of the silvicultural methods to be applied, including the type of logging equipment to be used.

(e) An outline of the methods to be used to avoid excessive accelerated erosion from timber operations to be conducted within the proximity of a stream.

(f) Special provisions, if any, to protect any unique area within the area of timber operations.

(g) The expected dates of commencement and completion of timber operations.

(h) Any other information the board provides by regulation to meet its rules and the standards of this chapter.

4582.4. Notice of the filing of timber harvesting plans shall be made by the State Forester to any person who requests, in writing, such notification.

4582.5 Timber harvesting plans shall be applicable to a specific piece of property or properties and shall be based upon such characteristics of the property as vegetation type, soil stability, topography, geology, climate, and stream characteristics.

4582.6. Upon receipt of the timber harvesting plan, the State Forester shall place it, or a true copy thereof, in a file available for public inspection, and shall transmit a copy to the Department of Fish and Game, the appropriate California regional water quality control board, county planning agency, and, if the area is within its jurisdiction, to the California Tahoe Regional Planning Agency.

4582.7. The State Forester shall have 15 days from the date the initial inspection is completed or, in the event the State Forester determines that such inspection need not be made, 15 days from the date of filing, as specified in Section 4604, or such longer period as may be mutually agreed upon by the State Forester and the person submitting the timber harvesting plan, to review the plan to determine if it is in conformance with the rules and regulations of the

board and with the provisions of this chapter. If the State Forester determines that such plan is not in conformance with the rules and regulations of the board or with provisions of this chapter, he shall return the plan, stating his reasons and advising the person submitting the plan of his right to a hearing before the board, and timber operations shall not commence. A person to whom a plan is returned may, within 10 days from the receipt of such plan, request of the board a public hearing before the board. The board shall schedule a public hearing to review the plan to determine if it is in conformance with the rules and regulations of the board and the provisions of this chapter. Timber operations shall await board approval of the plan. Board action shall occur within 30 days from the filing of the appeal, or such longer period as may be mutually agreed upon by the board and the person filing the appeal. If the State Forester does not act within 15 days, or such longer period as may be mutually agreed upon by the State Forester and the person submitting the timber harvesting plan, timber operations may commence pursuant to such plan, and all provisions of the plan shall be followed as provided in this chapter.

4583. A timber harvesting plan shall conform to all standards and rules which are in effect at the time the plan becomes effective. Except for stocking standards in effect at the time of commencement of timber operations under a timber harvesting plan, which shall remain in effect for any timberland harvested under such plan, all timber operations shall conform to any changes or modifications of standards and rules made thereafter unless prior to the adoption of such changes or modifications, substantial liabilities for timber operations have been incurred in good faith and in reliance upon the standards in effect at the time the plan became effective and the adherence to such new rules or modifications would cause unreasonable additional expense to the owner or operator.

4583.2. The registered professional forester who prepared the timber harvesting plan and or any other registered professional forester who is employed by the owner or operator, shall report to the owner and operator if there are deviations of any sort from the plan which in his judgment threaten the attainment of the resource conservation standards or other regulations promulgated pursuant to this chapter.

4583.5. If the board finds that the registered professional forester has made any material misstatement in the filing of any timber harvesting plan or report under this chapter, it shall take disciplinary action against him as provided under Section 652.7.

4584. The board may exempt from the provisions of this chapter or portions thereof, any person engaged in forest management whose activities are limited to the planting, growing, nurturing, shaping, shearing, removal, or harvest of immature trees for Christmas trees or other ornamental purposes or of dead, dying, or diseased trees of any size, on determining such exemption is consistent with the purposes of this chapter.

4585. Within one month after completion of the work described in the timber harvesting plan, excluding work for stocking, a report shall be filed by the timber owner or his agent with the State Forester that all work except stocking has been completed.

4586. Within six months of the receipt of the work completion report specified in Section 4585, the State Forester shall determine, by inspection, whether the work described in the timber harvesting plan, excluding stocking, has been properly completed in conformity with the rules and regulations of the board and standards of this chapter. If it has been so completed, the State Forester shall issue a report of satisfactory completion of all items except stocking. If not, the State Forester shall take such corrective action as he deems appropriate in accordance with the provisions of Article 8 (commencing with Section 4601) of this chapter.

4587. Within five years after completion of timber operations on an area covered by a timber harvesting plan, a report of stocking shall be filed by the timber owner or his agent with the State Forester. In measuring such stocking, a standardized sampling procedure approved by the board shall be employed, which shall be designed to measure the number of trees and their dispersion, subject to defined probabilities of error.

4588. Within six months of the receipt of the stocking report, the State Forester shall determine, by inspection, whether the stocking has been properly completed. If so, he shall issue a report of satisfactory completion of stocking. If not, he shall take such corrective action as he deems appropriate in accordance with the provisions of Article 8 (commencing with Section 4601) of this chapter.

4590. Every timber harvesting plan described under this article shall be effective for a period of not more than three years, except that stocking work may continue more than three years, but shall be completed no more than five years after the conclusion of other work.

4591. Amendments to the original timber harvesting plan may be submitted detailing proposed changes from the original plan. Substantial deviations from the original plan shall not be undertaken until such amendment has been filed with, and acted upon, by the State Forester in accordance with the provisions of Sections 4582.7 and 4583. An amendment may not extend the effective period of the plan.

4591.1. The board shall specify by regulation those deviations which may be undertaken by an operator without submission of an amended plan but which must subsequently be reported to the State Forester, and provide for the manner of so reporting.

4592. Notwithstanding any other provisions of this chapter, a registered professional forester may in an emergency, on behalf of a timber owner or operator, file an "emergency notice" with the State Forester that shall allow immediate commencement of timber operations. Such emergency notice shall include a declaration, under

penalty of perjury, that a bona fide emergency exists which requires immediate harvest activities. Such emergencies shall be defined by the board and may include, but need not be limited to, the necessity to harvest in order to remove fire-killed or damaged timber, or insect or disease-infested timber, or to undertake emergency repairs to roads.

Article 8. Penalties and Enforcement

4601. Any person who willfully violates any provision of this chapter or rule or regulation of the board is guilty of a misdemeanor and shall be punishable by a fine of not more than five hundred dollars ($500) or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. Such person is guilty of a separate misdemeanor offense under this section for each day in which an order for corrective action issued pursuant to Section 4605 or 4608 is violated.

4603. The Attorney General may, on his own motion or at the request of the board, bring an action to enforce compliance with the rules and regulations of the board and the provisions of this chapter.

4604. The State Forester shall provide for an initial inspection of timber operations within 10 days from the date of filing of the timber harvesting plan, or such longer period as may be mutually agreed upon by the State Forester and the person submitting the plan, except that such inspection need not be made if the State Forester determines that it would not add substantive information he deems necessary to enforce the provisions of this chapter. In any event the State Forester shall provide for inspections as follows:

(a) During the period of commencement of timber operations.

(b) When timber operations are well underway.

(c) Following completion of timber operations.

(d) At such other times as he deems necessary to enforce the provisions of this chapter.

4605. The State Forester may bring an action to enjoin the violation, or threatened violation, of any provision of this chapter or the rules and regulations of the board. Any such proceedings shall be in accordance with the provisions of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure. If in such a proceeding it shall appear from facts shown by affidavit or verified complaint that any such violation has occurred or is threatened, the court may issue a temporary restraining order restraining and ordering the immediate discontinuance of any timber operation in which such violation has occurred or is threatened pending a hearing on the matter.

The court may, upon a finding that immediate and irreparable harm is threatened to soil resources or the water of the state by virtue of erosion, pollution, or contamination, order the defendant to take appropriate emergency corrective action, authorize the State Forester to order the defendant to take such action, or authorize the

State Forester to take emergency action to correct a violation of this chapter. Any expenses incurred by the State Forester in taking action in conformity with such order shall be a lien upon the property upon which such action was taken when notice of the lien is recorded. Such lien shall be subject to the provisions of Section 4608.

4606. If upon a hearing to show cause why a preliminary injunction should not be issued, or upon a hearing of any motion for a preliminary injunction, or if the court should find in any such action that any such defendant is violating, threatens to violate, or has violated, any provision of this chapter or rules and regulations of the board, the court may not only order the discontinuance of any timber operations in which such violation has occurred, is threatening to occur, or is occurring, but may also enjoin any further timber operations by the defendant in this state until the violations complained of have been corrected or until satisfactory provisions have been approved by the court for the violations to be corrected at a specified date. Any defendant in such proceedings may enter into a written agreement with the State Forester assuring that such defendant will resume operations in compliance with the provisions of this chapter or the rules and regulations of the board and correct the violations on such reasonable terms and conditions as the State Forester may require. Upon approval by the court, any temporary restraining order, preliminary injunction, or permanent injunction may include or be amended to include an order that any defendant entering into such an agreement comply with the terms of such agreement as a condition for engaging in any timber operations enjoined by such temporary restraining order, preliminary injunction, or permanent injunction. The court may require a cash deposit or bond payable to the division in such amount as the court deems proper to insure correction of any such violation in accordance with such agreement or any other provisions required by the court. The court may make any other orders reasonable and necessary to carry out the intent of this article.

4607. The State Forester may take appropriate steps as are necessary and incur expenses to correct any violation.

4608. Prior to taking any corrective action, other than under Section 4605, the State Forester shall serve a written notice upon the person responsible for the violation. The notice shall include a statement of the corrective action to be taken, a date not less than 30 days from the date of service of the notice by which such corrective action is to be taken, and a statement that if such corrective action is not taken on or before the date specified the State Forester may take corrective action and charge such person for the costs thereof pursuant to Section 4610. The notice shall also include a statement that if such person disagrees for any reason with the proposed corrective action or with the charging of such person with the costs thereof, he may within 10 days from the service of the notice request of the board a public hearing before the board.

The State Forester may record such notice in each county wherein the land in violation is situated, together with a statement that any and all expenses incurred by the State Forester in taking corrective action pursuant to the provisions of this article shall be a lien against the land. Upon satisfactory proof that corrective action has been completed, the State Forester shall record a notice to that effect.

Any expenses incurred by the State Forester in taking such corrective action shall be a lien upon the property upon which such action was taken when notice of the lien is recorded. Notice of the lien, particularly identifying the property upon which such action was taken and the amount of such lien and naming the owner of such property, shall be recorded, if at all, by the State Forester, in the office of the county recorder of the county in which such property is situated within one year after the first item of expenditures by the State Forester or within 90 days after the completion of such action, whichever first occurs. Upon such recordation, the lien shall have the same force, effect, and priority as a judgment lien, except that it shall attach only to the property described in such notice and shall continue for 10 years from the time of the recording of such notice, unless sooner released or otherwise discharged. The lien may, within 10 years of the time of such recording, or within 10 years from the date of the last extension of the lien in the manner herein provided, be extended by recording a new notice in the office of the county recorder where the original notice is recorded, and from the time of such recordation the lien shall be extended as to such property for 10 years, unless sooner released or otherwise discharged. The State Forester may at any time release all or any portion of the property subject to such lien from the lien or subordinate it to other liens and encumbrances, if he determines that the amount owed is sufficiently secured by a lien on other property or that the release or subordination of such lien will not jeopardize the collection of such amount owed. A certificate by the State Forester to the effect that any property has been released from such lien or that such lien has been subordinated to other liens and encumbrances shall be conclusive evidence that the property has been released or that the lien has been subordinated as provided in such certificate.

4609. If the corrective action is not taken on or before the date specified in the notice served pursuant to Section 4608, the State Forester may take, or contract for the taking of, such corrective action and recover the expenses of the corrective action as provided in Section 4610. Where the person responsible makes a request for public hearing, the board, after at least 15 days written notice, shall hold a public hearing to hear the objections to the proposed action. The board may, but need not, conduct the hearing in accordance with the applicable provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. At the conclusion of the hearing, the board may make an order specifying the action to be taken by the person responsible to correct the violation, setting the time limits for such action, and authorizing

the taking of such action by the State Forester if the person responsible does not do so within the specified time.

4610. The expenses incurred by the State Forester in taking any corrective action pursuant to this article shall be increased by two hundred fifty dollars ($250) or 10 percent, whichever sum is higher, as administrative costs and shall constitute a debt of the person responsible, and, if not paid within 10 days after written demand therefor, may be recovered by the department in a civil action.

4611. Neither the board, the State Forester, nor any person authorized by the board or the State Forester to enter upon any lands for the purpose of taking any corrective action pursuant to this article is liable to civil action for trespass for any acts which are necessary to carry out the provisions of this article.

4612. The State Forester shall report annually to the board and the Legislature on the enforcement and penalties applied under this article.

Article 9. Conversion

4621. Any person, firm, corporation, company, partnership, or government agency that owns timberlands which are to be devoted to uses other than the growing of timber shall file an application for conversion with the board. The board shall, by regulation, prescribe the procedures for, form, and content of such application.

4622. Approval of an application for conversion shall be conditioned upon the granting of the necessary rezoning or use permit if rezoning or a use permit is required. No timber may be cut pursuant to an approved conversion except under the provisions of Section 4581, excluding requirements for stocking and methods of silviculture, except that the timber harvesting plan required by that section need not be prepared by a registered professional forester, and no timber operations shall commence until the granting of such rezoning or use permit as may be required and until the timberland conversion permit is recorded in the county recorder's office in each county wherein the timberland to be converted is located.

4623. The application shall be accompanied by an affidavit by the applicant that the applicant has a present bona fide intent to convert the land to a use other than timber growing. The board may require such additional proof of intent to convert as it deems necessary.

4624. The board shall deny a timberland conversion permit for any of the following reasons:

(a) The applicant is not the real person in interest.

(b) Material misrepresentation or false statement in the application.

(c) The applicant does not have a bona fide intention to convert the land.

(d) The failure or refusal of the applicant to comply with the rules and regulations of the board and the provisions of this chapter.

4624.5. A person whose application for a timberland conversion

permit has been denied shall be entitled to a hearing before the board pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

4625. If the board finds the applicant does have a bona fide intention to convert the land, it shall approve the application, authorizing the applicant to cut and remove any and all trees, provided that he otherwise complies with this chapter.

4626. If at any time the board finds that the applicant has failed to conform to the intent to convert, as set forth in the application and proof, the board may revoke the permit and require full compliance with this chapter. Any permit revocation shall be recorded in the same manner as the original permit.

4627. The board may, by regulation, delegate its authority and responsibilities under this article to the State Forester if it determines that the State Forester can more efficiently exercise such authority and carry out such responsibilities.

4628. Notwithstanding any provision of this article or of Section 4581, no public agency shall be required to submit a timber harvesting plan or file an application for conversion with the board where the purpose of its timber operations is to construct or maintain a right-of-way on its own or on any other public property.

SEC. 5. (a) All stocking requirements under provisions of law which were in existence on or before January 1, 1974, shall remain in full force and effect for timberland which was harvested prior to January 1, 1974.

(b) All forest practice rules, excluding rules for stocking, which are in existence on December 31, 1973, shall remain in full force and effect until superseded by interim or initial rules adopted by the board pursuant to Section 4551 of the Public Resources Code.

(c) Notwithstanding the provisions of Sections 4572 and 4577 of the Public Resources Code, procedures and fees for permits to engage in timber operations under provisions of law which are in existence on December 31, 1973, shall remain in full force and effect until December 31, 1974.

SEC. 6. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 881

An act to add Section 13330 to the Education Code, relating to instructors at regional occupational centers or programs.

[Approved by Governor September 26 1973 Filed with Secretary of State September 26, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 13330 is added to the Education Code, to read:

13330. Service by a person as an instructor in classes conducted at regional occupational centers or programs, as authorized pursuant to Section 7451, shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district.

This section shall not be construed to apply to any regularly credentialed teacher who has been employed to teach in the regular educational programs of the school district and subsequently assigned as an instructor in regional occupational centers or programs, nor shall it affect the status of regional occupational center teachers classified as permanent or probationary at the time this section becomes effective.

CHAPTER 882

An act to add Section 317.1 to the Streets and Highways Code, relating to state highways.

[Approved by Governor September 26, 1973. Filed with Secretary of State September 26, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 317.1 is added to the Streets and Highways Code, to read:

317.1. Notwithstanding Section 253.1, the California freeway and expressway system shall not include that portion of Route 17 from Granite Creek Road near Scott's Valley to the south city limits of Los Gatos.

CHAPTER 883

An act to add Section 4333 to the Business and Professions Code, relating to pharmacy, and making an appropriation therefor.

[Approved by Governor September 26, 1973 Filed with Secretary of State September 26, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 4333 is added to the Business and Professions Code, to read:

4333. (a) Notwithstanding any other provision of this code, in every pharmacy there shall be posted on the premises in a place

conspicuous to customers a list, provided by the board, of the 100 prescription drugs most frequently sold in this state, and the professional services and nonprofessional convenience services associated with the dispensing of drugs as specified by the board. The list shall be of uniform style and size, no smaller than 17 inches wide by 28 inches high, and shall provide space for the insertion of the retail price charged in the pharmacy for the three quantities most frequently dispensed in this state, as determined by the board, of each of the designated drugs, and provide space for the pharmacy to indicate the professional services and nonprofessional convenience services which are provided or not provided by the pharmacy as part of the retail price charged for the drug. The list shall be completed and posted by every pharmacy in accordance with regulations adopted by the board, and shall be revised annually on dates specified by the board as the board shall direct.

(b) A pharmacist, or his employee, upon request, however communicated to him, shall give the current retail price for any drug sold at the pharmacy, including those posted pursuant to subdivision (a).

(c) This section shall not apply to a pharmacy, located in a licensed hospital, which is accessible only to hospital medical staff and personnel.

SEC. 3. The Legislature determines that it is the policy of this state to permit and encourage, for the benefit of the citizens of this state, the availability of factual information regarding charges by licensed pharmacists or pharmacies for prescription drugs and the professional services and nonprofessional convenience services associated with the dispensing of such drugs. It is the Legislature's intended purpose to permit and encourage the availability of such factual information in a manner which will not encourage unfair or deceptive competitive practices but will assist the public in making informed purchasing decisions based on total value received for prescription drug expenditures and not based on price alone. It is also the policy of this state, recognizing that prescription drugs are designated as such by law because they are potent medications not safe for use except when medically necessary and then only under close professional supervision and control, that information permitted and encouraged by Section 4333 of the Business and Professions Code shall be provided the public only in a manner which will not serve to create artificial demand for prescription drugs.

SEC. 6. There are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code, because the duties, obligations, or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

SEC. 7. There is hereby appropriated the sum of sixty thousand dollars ($60,000) from the Board of Pharmacy Contingent Fund to the State Board of Pharmacy for the 1973–74 fiscal year and for each

fiscal year thereafter for the purpose of carrying out the provisions of this act, including the preparation and distribution of lists pursuant to Section 4333 of the Business and Professions Code. This amount may be expended at the rate of not more than sixty thousand dollars ($60,000) during any one such fiscal year.

CHAPTER 884

An act to add Section 11011.2 to the Government Code, relating to state agencies.

[Approved by Governor September 26, 1973. Filed with Secretary of State September 26, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 11011.2 is added to the Government Code, to read:

11011.2. Any state agency which owns real property requiring annual maintenance costing in excess of fifty thousand dollars ($50,000), and which declares such property to be surplus, shall provide for its maintenance for a period of one year from the date notification is made to the Department of General Services to request the Legislature to declare such property surplus, or until the property is sold. An agency may notify the Department of General Services to request the Legislature to declare property surplus while the property is still in use.

SEC. 2. It is the intent of the Legislature that the Department of General Services expedite its requests to the Legislature for authorization to sell or otherwise dispose of surplus land; and after such authorization is made the department should expedite the sale or disposition of such property.

CHAPTER 885

An act to amend Sections 201, 1611, and 14217 of the Elections Code, relating to elections.

[Approved by Governor September 26, 1973 Filed with Secretary of State September 26, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 201 of the Elections Code is amended to read:

201. (a) It is the intent of the Legislature that the election board of each county, in order to promote and encourage voter

registrations, shall establish a sufficient number of registration places throughout the county, and outside the county courthouse, for the convenience of persons desiring to register, to the end that registration may be maintained at a high level.

(b) It is also the intent of the Legislature that county clerks, in order to promote and encourage voter registrations, shall enlist the support and cooperation of interested citizens and organizations, and shall deputize as registrars qualified citizens in such a way as to reach most effectively every resident of the county. The persons so deputized shall be permitted to register voters anywhere within the county, and the county clerk shall not deny deputy registrars the right to register voters anywhere in the county.

(c) It is also the intent of the Legislature that non-English-speaking citizens, like all other citizens, should be encouraged to vote. Therefore, appropriate efforts should be made to minimize obstacles to registration by citizens who lack sufficient skill in English to register without assistance.

(d) Where the county clerk finds that citizens described in subdivision (c) approximate 3 percent or more of the voting age residents of a precinct, or in the event that interested citizens or organizations provide information which the county clerk believes indicates a need for registration assistance for qualified citizens described in subdivision (c), the county clerk shall make reasonable efforts to recruit deputy registrars who are fluent in a language used by citizens described in subdivision (c) and in English. Such recruitment shall be conducted through the cooperation of interested citizens and organizations and through voluntarily donated public service notices in the media, including newspapers, radio, and television, particularly those media which serve the non-English-speaking citizens described in subdivision (c). Deputy registrars so appointed shall facilitate registration in the particular precincts concerned and shall have the right to register voters anywhere in the county.

(e) In furtherance of the purposes of this section, the governing board of any county, city, city and county, district, or other public agency, may authorize and assign any of its officers or employees to become deputy registrars of voters and to register qualified citizens on any premises and facilities owned or controlled by such public agencies during the regular working hours of such officers or employees; provided, that with the exception of firemen, any compensation to which said officer or employee may be entitled in payment for the services of such officer or employee as a deputy registrar may be paid by the authority which appointed such officer or employee as a deputy registrar to the public agency which regularly employs such officer or employee.

(f) It is the intent of the Legislature that no limitation be imposed on the number of persons appointed to act as deputy registrars of voters.

SEC. 2. Section 1611 of the Elections Code is amended to read:

1611. (a) No persons who cannot read or write the English language is eligible to act as a member of any precinct board.

(b) It is the intent of the Legislature that non-English-speaking citizens, like all other citizens, should be encouraged to vote. Therefore, appropriate efforts should be made to minimize obstacles to voting by citizens who lack sufficient skill in English to vote without assistance.

(c) Where the county clerk finds that citizens described in subdivision (b) approximate 3 percent or more of the voting age residents of a precinct, or in the event that interested citizens or organizations provide information which the county clerk believes indicates a need for voting assistance for qualified citizens described in subdivision (b), the county clerk shall make reasonable efforts to recruit election officials who are fluent in a language used by citizens described in subdivision (b) and in English. Such recruitment shall be conducted through the cooperation of interested citizens and organizations and through voluntarily donated public service notices in the media, including newspapers, radio, and television, particularly those media which serve the non-English-speaking citizens described in subdivision (b).

(d) At least 14 days before an election, the clerk shall prepare and make available to the public a list of the precincts to which officials were appointed pursuant to this section, and the language or languages other than English in which they will provide assistance. At the discretion of the clerk, this information may be included in the notice given pursuant to Section 1622.

SEC. 3. Section 14217 of the Elections Code is amended to read:

14217. An election official when using a language other than English at the polls shall communicate with voters in such language only as he would be lawfully permitted to communicate in English under this code and shall be subject to like penalty for any illegal communication as if it had occurred in English.

SEC. 5. Section 2 of this act shall not apply to any election for which the precinct election officials have been designated on or before the effective date of this act.

SEC. 6. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 886

An act to amend Sections 11011 and 11011.1 of the Government Code, relating to surplus property.

[Approved by Governor September 26, 1973 Filed with Secretary of State September 26, 1973]

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The people of the State of California do enact as follows:

SECTION 1. Section 11011 of the Government Code is amended to read:

11011. On or before December 31st of each year each state agency shall make a review of all proprietary state lands (other than tax-deeded land and land held for highway purposes and lands under the jurisdiction of the State Lands Commission and land which has escheated to the state or which has been distributed to the state by court decree in estates of deceased persons) over which it has jurisdiction to determine what, if any, land is in excess of its foreseeable needs and report thereon in writing to the Department of General Services.

Jurisdiction of all land reported as excess shall be transferred to the Department of General Services, when requested by the director thereof, for sale or disposition under this section or as may be otherwise authorized by law.

The Department of General Services shall report to the Legislature annually, the land declared excess and request authorization to dispose of the land by sale or otherwise.

Whenever any land is reported as excess pursuant to this section, the Department of General Services shall determine whether or not the use of the land is needed by any other state agency. If the Department of General Services determines that any such land is needed by any other state agency it may transfer the jurisdiction of such land to such other state agency upon such terms and conditions as it may deem to be for the best interests of the state.

When authority is granted for the sale or other disposition of lands declared excess, and the Department of General Services has determined that the use of the land is not needed by any other state agency, the Department of General Services shall sell the land or otherwise dispose of the same pursuant to such authorization, upon such terms and conditions and subject to such reservations and exceptions as the Department of General Services may deem to be for the best interests of the state. The Department of General Services shall report to the Legislature annually, with respect to each parcel of land authorized to be sold under this section, giving the following information:

(a) A description or other identification of the property

(b) The date of authorization

(c) With regard to each parcel sold after the next preceding report, the date of sale and price received, or the value of the land received in exchange, or

(d) The present status of the property, if not sold or otherwise disposed of at the time of the report.

Money received from the sale of any parcel of land pursuant to this section shall be paid into the General Fund unless otherwise specified by law.

Any rentals or other revenues received by the department from

real properties, the jurisdiction of which has been transferred to the Department of General Services under the provisions of this section, shall be deposited in the General Fund in the account established by Section 15863 of this code. Any expenditures required to maintain, repair, care for, and sell such real property shall be paid from the appropriation made by Section 15863.

Nothing contained in this section shall be construed to prohibit the sale, letting or other disposition of any state lands pursuant to any law now or hereafter enacted authorizing such sale, letting or disposition.

SEC. 2. Section 11011.1 of the Government Code is amended to read:

11011.1. Land that has been declared surplus by the Legislature, pursuant to Section 11011, and is not needed by any state agency shall be offered to local governmental agencies at fair market value. Where such land is to be used for park and recreation purposes and operated by local agencies at no expense to the state, the Director of General Services with the approval of the State Public Works Board may, notwithstanding any provision in Section 11011, transfer the land to local governmental agencies at the fair market value of the land or at any lesser value of the land, if such transfer is in the public interest, under the following conditions:

(a) The local public agency has submitted a general development plan for the property which conforms to the agency's general plan pursuant to Article 5 (commencing with Section 65300) of Chapter 3 of Title 7, and which general development plan has been approved by the Director of Parks and Recreation.

(b) The land must be developed according to plan within a time period determined by the state but not to exceed 10 years. The deed or other instrument of transfer shall provide that the land shall revert to the state if the land is not developed within the time period so determined by the state.

(c) The deed or other instrument of transfer shall provide that the land shall revert to the state if the use is changed to a use not consistent with parks and recreation purposes during the period of 25 years following the sale.

Where such land is to be used for public purposes other than park and recreation purposes, operated by the local agency at no expense to the state, and the use and enjoyment of the public purpose contemplated will be of broad public benefit, and not a benefit basically of local interest enjoyed and used primarily by the residents of the area of tax jurisdiction of the local agency, the Director of General Services, with the approval of the State Public Works Board, may transfer the land to local government agencies at a sales price no less than 50 percent of fair market value. Any such transfer shall provide that if the land is not used for the contemplated purpose during the period of 25 years following the sale, the land shall revert to the state. The Director of General Services may provide additional terms and conditions as he determines to be in the best interest of the state.

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SEC. 3. Section 11011.1 of the Government Code is amended to read:

11011.1. (a) Land that has been declared surplus by the Legislature, pursuant to Section 11011, and is not needed by any state agency shall be offered to local governmental agencies at fair market value. Where such land is to be used for park and recreation purposes and operated by local agencies at no expense to the state, the Director of General Services with the approval of the State Public Works Board may, notwithstanding any provision in Section 11011, transfer the land to local governmental agencies at the fair market value of the land or at any lesser value of the land, if such transfer is in the public interest, under the following conditions:

(i) The local public agency has submitted a general development plan for the property which conforms to the agency's general plan pursuant to Article 5 (commencing with Section 65300) of Chapter 3 of Title 7, and which general development plan has been approved by the Director of Parks and Recreation.

(ii) The land must be developed according to plan within a time period determined by the state but not to exceed 10 years. The deed or other instrument of transfer shall provide that the land shall revert to the state if the land is not developed within the time period so determined by the state.

(iii) The deed or other instrument of transfer shall provide that the land would revert to the state if the use changed to a use not consistent with parks and recreation purposes during the period of 25 years following the sale.

Where such land is to be used for public purposes other than park and recreation purposes, operated by the local agency at no expense to the state, and the use and enjoyment of the public purpose contemplated will be of broad public benefit, and not a benefit basically of local interest enjoyed and used primarily by the residents of the area of tax jurisdiction of the local agency, the Director of General Services, with the approval of the State Public Works Board, may transfer the land to local government agencies at a sales price no less than 50 percent of fair market value. Any such transfer shall provide that if the land is not used for the contemplated purpose during the period of 25 years following the sale, the land shall revert to the state. The Director of General Services may provide additional terms and conditions as he determines to be in the best interest of the state.

(b) Where such land is to be used for open-space purposes, as defined herein, and operated by local agencies at no expense to the state, the Director of General Services with the approval of the State Public Works Board may transfer the land to local governmental agencies at 50 percent of fair market value under the following conditions:

(i) The local public agency has submitted a general development plan for the property which conforms to the agency's general plan pursuant to Article 5 (commencing with Section 65300) of Chapter

3 of Title 7, and which general development plan has been approved by the Director of Parks and Recreation.

(ii) The land must be developed according to plan within a time period determined by the state but not to exceed 10 years.

(iii) The deed or other instrument of transfer shall provide that the land would revert to the state if the use changed to a use not consistent with open-space purposes during the period of 25 years following the sale.

(iv) For the purpose of this subdivision, "open-space purpose" means the use of land for public recreation, enjoyment of scenic beauty, or conservation or use of natural resources.

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill No. 1081 are both chaptered and amend Section 11011.1 of the Government Code, and this bill is chaptered after Assembly Bill No. 1081, that the amendments to Section 11011.1 proposed by both bills be given effect and incorporated in Section 11011.1 in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Assembly Bill No. 1081 are both chaptered, both amend Section 11011.1, and Assembly Bill No. 1081 is chaptered before this bill, in which case Section 2 of this act shall not become operative.

CHAPTER 887

An act to add Section 14627 to the Government Code, relating to the Department of General Services.

[Approved by Governor September 26, 1973. Filed with Secretary of State September 26, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 14627 is added to the Government Code, to read:

14627. The department may contract for no more than 100 toll free lease lines to provide access by the public and local governmental entities to state agencies located in Sacramento.

CHAPTER 888

An act to amend Sections 2147.5, 2177.5, 2178, as amended and added by Chapter 933 of the Statutes of 1972, 2179.5, 2188, and 2193.7 of the Business and Professions Code, relating to healing arts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 26, 1973 Filed with Secretary of State September 26, 1973.]

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The people of the State of California do enact as follows:

SECTION 1. Section 2147.5 of the Business and Professions Code is amended to read:

2147.5. Any graduate student registered with the board and upon whom a degree of doctor of medicine, bachelor of medicine, or equivalent degree, diploma, or certificate has been conferred by a school, approved by the board, may, during and as a part of his course of study, but not for a period of more than two years, treat the sick and afflicted either as such student in a school approved by the board, teaching medicine or surgery in this state, or as an intern or postdoctoral fellow or its educational equivalent in a general hospital otherwise approved for the first year of postgraduate training in medicine or surgery or pediatrics or obstetrics and gynecology or family practice, and may, for rendering such treatment, receive compensation therefor from the hospital or school. Hospitals functioning as a part of the teaching program of an approved school in this state may exchange instructors or resident or assistant resident physicians with an out-of-state approved school, or may appoint a graduate of an approved school as a resident or assistant resident for postgradaute training, and the exchange instructor, resident or assistant resident from such out-of-state school or the resident or assistant resident for postgraduate training may, for a period not exceeding one year, serve as an instructor, resident or assistant resident in such hospital in this state. Any person registered with the board and upon whom a degree of doctor of medicine or equivalent degree, diploma, or certificate has been conferred by a school approved by the board may act as a resident or assistant resident physician in any hospital or public health department approved for residencies or the training of interns, and may receive compensation therefor from the hospital or public health department; provided, that any such resident or assistant resident shall qualify for and take the next succeeding examination for a physician's and surgeon's certificate given by the board or shall qualify for and receive a physician's and surgeon's certificate by one of the other methods specified in this chapter. If he shall fail to pass such examination or fail to receive a certificate by one of the other methods, pending the results of the examination, all privileges under this section shall automatically cease.

Except to the extent authorized by this section, no graduate student or resident may treat the sick or afflicted or receive compensation therefor, or otherwise engage in or offer to engage in the practice of medicine or surgery; unless he shall hold a valid, unrevoked and unsuspended physician's and surgeon's certificate.

SEC. 3. Section 2177.5 of the Business and Professions Code is amended to read:

2177.5. There shall be at least 50 loans available each year. Only students enrolled in a medical education program of a medical school approved by the board and located in California, are eligible for

participation in the loan program.

SEC. 4. Section 2178 of the Business and Professions Code, as amended by Section 3 of Chapter 933 of the Statutes of 1972, is amended to read:

2178. No person shall be awarded a loan under this chapter unless he complies with all of the following conditions:

(a) He is a resident of California.

(b) He is enrolled in at least the second year of an approved doctor of medicine program in California, or is enrolled in a special internship approved pursuant to Article 4.6 (commencing with Section 2185) of this chapter.

(c) He has complied with all the rules and regulations adopted pursuant to this article.

(d) He has agreed with the board to continue his education and training with the intention of practicing medicine in an area deficient in physician services.

(e) He has demonstrated his financial need according to written guidelines published by the board.

This section shall remain in effect until December 31, 1974, and as of that date is repealed.

SEC. 5. Section 2178 of the Business and Professions Code, as added by Section 3.5 of Chapter 933 of the Statutes of 1972, is amended to read:

2178. No person shall be awarded a loan under this chapter unless he complies with all of the following conditions:

(a) He is a resident of California.

(b) He is enrolled in at least the second year of an approved doctor of medicine program in California.

(c) He has complied with all the rules and regulations adopted pursuant to this article.

(d) He has agreed with the board to continue his education and training with the intention of practicing medicine in an area deficient in physician services.

(e) He has demonstrated his financial need according to written guidelines published by the board.

SEC. 6. Section 2179.5 of the Business and Professions Code is amended to read:

2179.5. The loan shall be repayable to the Contingent Fund of the Board of Medical Examiners in equal or graduated periodic installments, according to a schedule agreed upon by the board and the borrower, over a 10-year period which shall begin three years after the student ceases to pursue a full-time course of study at a school of medicine, excluding from such 10-year period all periods, up to three years, of (1) active duty performed by the borrower as a member of the armed forces of the United States, or (2) nonmilitary public service performed by the borrower which the board finds to be in the public interest.

SEC. 7. Section 2188 of the Business and Professions Code is amended to read:

2188. The State Scholarship and Loan Commission may, from funds appropriated by the Legislature for such purpose, allocate the sum of no more than ten thousand dollars ($10,000) per student to any medical school conducting a special internship for the purpose of supporting such program, provided that no such allocation from moneys which may be appropriated therefor by the Legislature shall be made in support of any such program which has an enrollment of less than three students for the 1972–1973 fiscal year, and which has an enrollment of less than three students for subsequent fiscal years.

SEC. 8. Section 2193.7 of the Business and Professions Code is amended to read:

2193.7. Notwithstanding any other provision of law, a person who at the time of his enrollment in a medical school in the Republic of Mexico is a citizen of the United States, or who during the time of his enrollment has become a citizen of the United States, and who possesses a diploma issued to him after successful completion of a four-year program in such medical school located in the Republic of Mexico, which school is approved by the Republic of Mexico, shall be issued a physician's and surgeon's certificate if he meets all of the following requirements:

(a) He has successfully completed a one-year program of supervised clinical special internship in the field of general practice medicine in a program approved by the board pursuant to Article 4.6 (commencing with Section 2185) of this chapter. This program of supervised clinical special internship must be affiliated with an approved medical school and be under the direction of such medical school.

(b) He has successfully completed the same written examination prescribed by the board for graduates of California medical schools before or during his year of supervised clinical special internship, or within one year following successful completion of his year of supervised clinical special internship.

(c) He has successfully completed the premedical education requirements set forth in Section 2191 in a school of higher education satisfactory to the board located in the United States.

Nothing in this section shall prohibit an applicant who may qualify for a certificate under this section from qualifying for a certificate under Section 2193.5 if such applicant meets the requirements of Section 2193.5.

This section shall remain in effect until December 31, 1974, and as of that date is repealed.

SEC. 9. Section 5 of this act shall become operative December 31, 1974.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit as soon as possible persons affected by this act to receive financial assistance and to be licensed to practice

medicine, and thereby to increase health care delivery in the state, it is necessary that this act take effect immediately.

CHAPTER 889

An act to amend Sections 10751, 10753.2, 10755, 10756, 10856, 10857, 10858, 11001, and 11005 of, to amend, repeal, and add Sections 10770, 10851, and 10854 of, to add Sections 10705, 10706, and 10707 to, and to repeal Article 1.8 (commencing with Section 10771) of Chapter 2 of Part 5 of Division 2 of, the Revenue and Taxation Code, to amend Sections 4017, 4601, 4602, 4604, 4605, 4606, 4853, 5204, 5903, 5912, 8156, 9252, 9253, 9402, 9407, 9553, 9556, 9561, 9562, 9563, 9700, 9702, 9703, 9705, 42234, and 42270 of, to amend and renumber Section 4611 of, to amend, repeal, and add Section 9554 of, to add Sections 493, 506, 676, 677, 1651.5, 9559.5, and 9560 to, and to repeal Sections 9267, 9701, 9704, and 36110 of, the Vehicle Code, relating to vehicles, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 28, 1973 Filed with Secretary of State September 28, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 10705 is added to the Revenue and Taxation Code, to read:

10705. "Registration year" is the period of time beginning with the date the vehicle is first required to be registered in this state under the provisions of the Vehicle Code and ending on the date designated by the Director of Motor Vehicles for expiration of the registration or the period of time designated for subsequent renewal thereof.

SEC. 2. Section 10706 is added to the Revenue and Taxation Code, to read:

10706. "Year-round registration" is a system whereby the Director of Motor Vehicles designates a date for the expiration of registration of a vehicle and renewal thereof in order to equalize the volume of such renewals throughout the year.

SEC. 3. Section 10707 is added to the Revenue and Taxation Code, to read:

10707. The phrase "1975 registration year" applies only to vehicles which have been previously registered and which are being converted to year-round registration. It is the period of time beginning January 1, 1975, and ending on the date designated by the Director of Motor Vehicles as the date of expiration for the registration of a particular vehicle.

SEC. 4. Section 10751 of the Revenue and Taxation Code is amended to read:

10751. A license fee is hereby imposed for the privilege of operating upon the public highways in this state any vehicle of a type which is subject to registration under the Vehicle Code.

SEC. 5. Section 10753.2 of the Revenue and Taxation Code is amended to read:

10753.2. (a) After determining the California suggested base price, as defined above, of a vehicle or its cost price to the purchaser, as hereinbefore provided, the department shall classify every vehicle in its proper class according to the classification plan as set forth in this section.

(b) For the purpose of this part, a classification plan is established consisting of the following classes: a class from no dollars ($0) to and including forty-nine dollars and ninety-nine cents ($49.99); a class from fifty dollars ($50) to and including one hundred ninety-nine dollars and ninety-nine cents ($199.99); and thereafter a series of classes successively set up in brackets having a spread of two hundred dollars ($200), consisting of such number of classes as will permit classification of all vehicles.

(c) Except as otherwise provided in subdivision (f), the market value of a vehicle for each registration year of its life, starting with the year first sold to a consumer as a new vehicle, shall be as follows: for the first year, 85 percent of a sum equal to the middle point between the extremes of its class as established in subdivision (b) of this section; for the second year, 70 percent of such sum; for the third year, 55 percent of such sum; for the fourth year, 40 percent of such sum; for the fifth year, 30 percent of such sum; for the sixth year, 25 percent of such sum; for the seventh year, 15 percent of such sum; for the eighth year, 10 percent of such sum; and for the ninth and each succeeding year, 5 percent of such sum; provided that the minimum tax shall be the sum of one dollar ($1), except that the market value of a trailer coach first sold on and after January 1, 1966, which is required to be moved under permit as authorized in Section 35790 of the Vehicle Code shall be determined by the schedule in subdivision (e) of this section.

(d) For the purposes of subdivision (c), a vehicle first sold to a consumer as a new vehicle during the calendar years 1942, 1943, 1944, and 1945, shall be deemed to have been first sold during the calendar year 1945; a vehicle first sold to a consumer as a new vehicle during the calendar year 1941 shall be deemed to have been first sold during the calendar year 1944; a vehicle first sold to a consumer as a new vehicle during the calendar year 1940 shall be deemed to have been first sold during the calendar year 1943; a vehicle first sold to a consumer as a new vehicle during the calendar year 1939 shall be deemed to have been first sold during the calendar year 1942; and a vehicle first sold to a consumer as a new vehicle during the calendar year 1938 shall be deemed to have been first sold during the calendar year 1941.

(e) Except as otherwise provided in subdivision (f), the market value of a trailer coach which must be moved under permit, for each

registration year of its life, shall be as follows: for the 1st year, 85 percent of a sum equal to the middle point between the extremes of its class as established in subdivision (b) of this section; for the 2nd year, 70 percent of such sum; for the 3rd year, 55 percent of such sum; for the 4th year, 45 percent of such sum; for the 5th year, 40 percent of such sum; for the 6th year, 35 percent of such sum; for the 7th year, 30 percent of such sum; for the 8th year, 25 percent of such sum; for the 9th year, 24 percent of such sum; for the 10th year, 23 percent of such sum; for the 11th year, 22 percent of such sum; for the 12th year, 21 percent of such sum; for the 13th year, 20 percent of such sum; for the 14th year, 19 percent of such sum; for the 15th year, 18 percent of such sum; for the 16th year, 17 percent of such sum; for the 17th year, 16 percent of such sum; for the 18th year and each succeeding year, 15 percent of such sum.

(f) For the purposes of this section, the market value of vehicles which have been previously registered and which, because they are being converted to year-round registration, become subject to registration twice during the 1975 calendar year, shall be deemed to be the same throughout the 1975 calendar year and shall not change until the registration subsequently expires.

SEC. 6. Section 10755 of the Revenue and Taxation Code is amended to read:

10755. Whenever, by reason of the assignment or reassignment of an expiration date by the Director of Motor Vehicles, the registration year for the vehicle is less than, or more than, 12 months, the fee for the vehicle shall be decreased or increased by one-twelfth of the annual fee for each month of such period less than, or in excess of, 12 months.

SEC. 7. Section 10756 of the Revenue and Taxation Code is amended to read:

10756. If any vehicle which is exempt under Section 10781 or 10782 ceases to be so exempt by reason of change of ownership, the application shall be deemed an application for original registration for the purposes of determining the expiration date of the registration and subsequent renewals thereof.

SEC. 8. Section 10770 of the Revenue and Taxation Code is amended to read:

10770. (a) If the fee is not paid within 30 days after it becomes delinquent, a penalty equal to one-half of the fee shall be added thereto and be collected therewith. If, however, the annual registration of a trailer coach is being renewed, the penalty shall be added to any payment made on or after the first Saturday following the first Friday of February.

If the fee, due and delinquent, and the amount of penalty prescribed in this paragraph, are paid within 30 days from the date the penalty becomes due, the amount of the penalty shall be reduced to 10 percent of the total amount of the fee, but in no event less than one dollar ($1).

(b) In computing the penalty for the 1975 registration year as

prescribed in subdivision (a) of this section, no penalty shall be charged on that portion of the fee which is in excess of a 12-month registration period.

This section shall remain in effect only until March 10, 1975, and as of that date is repealed.

SEC. 9. Section 10770 is added to the Revenue and Taxation Code, to read:

10770. (a) If the fee for an original registration is not paid within 20 days after it becomes delinquent, a penalty equal to 50 percent of the fee shall be added thereto and to be collected therewith.

(b) A penalty of 50 percent of the license fee shall be added on any application for original or renewal of year-round or annual registration made later than midnight of the date of expiration or on or after the date penalties become due. This rate of penalty shall also apply to any license fees which are in penalty as of the 10th day of March 1975. Such penalty shall be computed after the vehicle license fee has been combined with the registration and weight fee as provided in Sections 9250, 9253, and 9400 of the Vehicle Code.

(c) In computing the penalty for the 1975 registration year as prescribed in subdivisions (a) and (b) of this section, no penalty shall be charged on that portion of the fee which is in excess of a 12-month registration period.

This section shall become operative on March 10, 1975.

SEC. 10. Article 1.8 (commencing with Section 10771) of Chapter 2 of Part 5 of Division 2 of the Revenue and Taxation Code is repealed.

SEC. 11. Section 10851 of the Revenue and Taxation Code is amended to read:

10851. (a) Except as otherwise provided, the license fee is due and payable to the department on January 1st of each year The fee shall be paid to the department at the time provided in the Vehicle Code for the registration or renewal of registration of the vehicle for the privilege of operating which the fee is imposed.

(b) The license fee paid for a vehicle previously registered under this code being converted to year-round registration for the 1975 registration year may be reduced by an amount equal to 10 percent, except for those vehicles which are registered under Article 5 (commencing with Section 8150) of Chapter 4 of Division 3 of the Vehicle Code or which are registered for a quarterly period pursuant to Article 5 (commencing with Section 9700) of Chapter 6 of Division 3 of the Vehicle Code. The reduction specified in this section shall be applicable provided the license fee is paid prior to the date penalties become due on such fee. Such reduction shall be computed after the vehicle license fee has been combined with the registration and weight fees as provided in Sections 9250, 9253, and 9400 of the Vehicle Code.

This section shall remain in effect only until March 10, 1975, and as of that date is repealed

SEC. 12. Section 10851 is added to the Revenue and Taxation

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Code, to read:

10851. (a) Except as otherwise provided, the vehicle license fee is due and payable to the department each year on or before the expiration date assigned by the director. The fee shall be paid to the department at the time provided in the Vehicle Code for the registration or renewal of registration of the vehicle.

(b) The license fee paid for a vehicle previously registered under this code being converted to year-round registration for the 1975 registration year may be reduced by an amount equal to 10 percent, except for those vehicles which are registered under Article 5 (commencing with Section 8150) of Chapter 4 of Division 3 of the Vehicle Code or which are registered for a quarterly period pursuant to Article 5 (commencing with Section 9700) of Chapter 6 of Division 3 of the Vehicle Code. The reduction specified in this section shall be applicable provided the license fee is paid prior to the date penalties become due on such fee. Such reduction shall be computed after the vehicle license fee has been combined with the registration and weight fees as provided in Sections 9250, 9253, and 9400 of the Vehicle Code.

This section shall become operative on March 10, 1975.

SEC. 13. Section 10854 of the Revenue and Taxation Code is amended to read:

10854. (a) If the fee is not paid within 30 days after it becomes delinquent, a penalty equal to 50 percent of the fee shall be added thereto and be collected therewith. If, however, the annual registration of a vehicle is being renewed, the penalty shall be added to any payment made on or after the first Saturday following the first Friday of February, unless the vehicle has not been operated, moved, or left standing upon the highways since the expiration of the prior registration.

If the fee due and delinquent and the amount of penalty prescribed in this paragraph are paid within 30 days from the date the penalty becomes due, the amount of the penalty shall be reduced to 10 percent of total amount of the fee, but in no event less than one dollar ($1).

(b) In computing the penalty for the 1975 registration year as prescribed in subdivision (a) of this section, no penalty shall be charged on that portion of the fee which is in excess of a 12-month registration period.

This section shall remain in effect only until March 10, 1975, and as of that date is repealed.

SEC. 14. Section 10854 is added to the Revenue and Taxation Code, to read:

10854. (a) If the fee for an original registration is not paid within 20 days after it becomes delinquent, a penalty equal to 50 percent of the fee shall be added thereto and be collected therewith. If, however, the registration of a vehicle is being renewed, the penalty shall be added to any payment made on or after the first day following the expiration date, unless the vehicle has not been

operated, moved, or left standing upon the highways since the expiration of the prior registration.

(b) A penalty of 50 percent of the license fee shall be added on any application for original or renewal of year-round or annual registration made later than midnight of the date of expiration or on or after the date penalties become due. This rate of penalty shall also apply to any license fees which are in penalty as of the 10th day of March 1975. Such penalty shall be computed after the vehicle license fee has been combined with the registration and weight fees as provided in Sections 9250, 9253, and 9400 of the Vehicle Code.

(c) In computing the penalty for the 1975 registration year as prescribed in subdivisions (a) and (b) of this section, no penalty shall be charged on that portion of the fee which is in excess of a 12-month registration period.

This section shall become operative on March 10, 1975.

SEC. 15. Section 10856 of the Revenue and Taxation Code is amended to read:

10856. Upon receipt of the application for renewal and certificate of nonoperation, the department shall collect the proper fee for the current registration year. No penalty shall be imposed if the department receives the application and certificate within 20 days after the date the vehicle is first operated, moved, or left standing upon any highway during its current registration year.

SEC. 16. Section 10857 of the Revenue and Taxation Code is amended to read:

10857. No penalty fee shall be assessed for the delinquent payment of a vehicle license fee, when subsequent to the date on which the fee became due, the vehicle is repossessed on behalf of any legal owner, if the license fee is paid within 20 days of taking possession and if a transfer of registration to a new owner is applied for during that time.

SEC. 17. Section 10858 of the Revenue and Taxation Code is amended to read:

10858. (a) When a transferee of a vehicle applies for transfer of registration as is provided for in Section 5902 of the Vehicle Code, and it is determined by the department that vehicle license fee penalties accrued prior to the purchase of the vehicle, and that the transferee was not cognizant of the nonpayment of the vehicle license fee for the current or prior registration years, the department may waive the vehicle license fee penalties upon payment of the vehicle license fees due.

(b) Other provisions of this code notwithstanding, the Director of Motor Vehicles may, at his discretion, investigate into the circumstances of any application for registration to ascertain if penalties had accrued through no fault or intent of the owner. Provided such circumstances prevail, he may waive any penalties upon payment of the license fee then due.

SEC. 18. Section 11001 of the Revenue and Taxation Code is amended to read:

11001. (a) All money collected by the department for accepted applications under this part shall be reported monthly to the Controller and at the same time deposited in the State Treasury to the credit of the Motor Vehicle License Fee Fund, which is continued in existence as the Motor Vehicle License Fee Account in the Transportation Tax Fund.

Any reference in any law or regulation to the Motor Vehicle License Fee Fund shall be deemed to refer to the Motor Vehicle License Fee Account in the Transportation Tax Fund.

(b) The amount of any penalties collected by the department as provided in Sections 9553 and 9554 of the Vehicle Code and Sections 10770 and 10854 of the Revenue and Taxation Code shall, for the purposes of subdivision (a) of this section, be deemed to be a percentage of the total fees allocated under this section and under Section 42270 of the Vehicle Code, equal to that percentage of any ratio based on the fees previously allocated in the last calendar year under this section and under Section 42270 of the Vehicle Code. Such ratio shall be reevaluated periodically and shall be adjusted to reflect any change in the fee structure that may be provided in this code or in Division 3 (commencing with Section 4000) of the Vehicle Code.

SEC 19 Section 11005 of the Revenue and Taxation Code is amended to read.

11005. After payment of refunds therefrom and after making the deductions authorized by Section 11003 and reserving such amount as is determined by the Pooled Money Investment Board to be necessary to meet the transfers ordered or proposed to be ordered pursuant to Section 16310 of the Government Code, and after transferring 2.2 percent of the remaining revenue to the Motor Vehicle Account in the Transportation Tax Fund, at least 90 percent of the balance of all motor vehicle license fees and any other money appropriated by law for expenditure pursuant to this section and deposited to the credit of the Motor Vehicle License Fee Account in the Transportation Tax Fund and remaining unexpended therein at the close of business on the last day of the calendar month shall be transferred to the credit of a special account in the General Fund and allocated by the Controller by the 10th day of the following month in the following manner:

(a) Fifty percent thereof shall be paid to the cities and cities and counties of this state in the proportion that the population of each city or city and county bears to the total population of all cities and cities and counties in this state, as determined by the Controller. For the purpose of this subdivision, the population of each city or city and county is that determined by the last federal census. In the case of a city incorporated subsequent to the last census, or in the case of an inhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the city, or the annexed territory, by multiplying the number of registered electors therein by three. In the case of uninhabited unincorporated territory being annexed to a city

subsequent to the last census, the Controller shall ascertain the population of the annexed territory by the use of any federal decennial or special census, or estimate prepared pursuant to Section 2107.2 of the Streets and Highways Code, by which the population of the annexed territory was counted, or, if no such other estimate or census was made, by multiplying the number of registered electors therein by three two years after the completion of annexation proceedings or at such earlier time as the legislative body may request. In the case of the consolidation of one city with another subsequent to the last census, the population of the consolidated city, for the purpose of this subdivision, is the aggregate population of the respective cities as determined by the last federal census.

(b) Fifty percent thereof shall be paid to the counties and cities and counties of the state in the proportion that the population of each county or city and county bears to the total population of all the counties and cities and counties of the state, as determined by the Controller. For the purpose of this subdivision, the population of each county or city and county is that determined by the last federal census, or as determined by Section 11005.6.

(c) Money disbursed by the Controller pursuant to this section may be used for county or city purposes and may, but need not necessarily, be used for purposes of general interest and benefit to the state.

SEC. 20. Section 493 is added to the Vehicle Code, to read:

493. "Quarterly registration" refers to vehicles subject to additional fees under the provisions of Section 9400, which fees may be paid for periods of three months or less as designated by the director commencing with the date the fees become due for the registration year of the vehicle.

SEC. 21. Section 506 is added to the Vehicle Code, to read:

506 "Registration year" is the period of time beginning with the date the vehicle is first required to be registered in this state and ending on the date designated by the director for expiration of the registration or the period of time designated for subsequent renewal thereof.

SEC 22. Section 676 is added to the Vehicle Code, to read:

676. "Year-round registration" is a system whereby the director designates a date for the expiration of registration of a vehicle and renewal thereof in order to equalize the volume of such renewals throughout the year

SEC. 23. Section 677 is added to the Vehicle Code, to read:

677. The phrase "1975 registration year" applies only to vehicles which have been previously registered and which are being converted to year-round registration. It is the period of time beginning January 1, 1975, and ending on the date designated by the director as the date of expiration for the registration of a particular vehicle

SEC. 24. Section 1651 5 is added to the Vehicle Code, to read:

1651.5. In order to accomplish the conversion of the registration

of vehicles from the present calendar year system to year-round registration, the director may establish a registration year for any vehicle consisting of any period from seven months to 18 months, inclusive, with subsequent renewals being required at yearly intervals thereafter. The director shall assign an expiration date of the last day of the calendar month to all trailers and to all motor vehicles subject to additional fees under the provisions of Section 9400. Any vehicle being registered on a quarterly basis shall be assigned or reassigned an expiration date of December 31 for the registration year. The director shall have the authority to exclude from year-round registration any type of vehicles that he may deem appropriate for exclusion.

SEC. 25. Section 4017 of the Vehicle Code is amended to read:

4017. The provisions of Section 4000 shall not apply to the moving or operating of a vehicle during the period of time in which application may be made for registration of the vehicle without penalty.

SEC. 26. Section 4601 of the Vehicle Code is amended to read:

4601. Except as otherwise provided in this code, every vehicle registration and registration card shall expire at midnight on the expiration date designated by the director pursuant to Section 1651.5, and shall be renewed prior to the expiration of the registration year. The department may, upon payment of the proper fees, renew the registration of vehicles.

SEC. 27. Section 4602 of the Vehicle Code is amended to read:

4602. (a) Application for renewal of a vehicle registration shall be made by the owner not later than midnight of the expiration date, and shall be made by presentation of the registration card last issued for the vehicle or by presentation of a potential registration card issued by the department for use at the time of renewal and by payment of the full registration year fee for the vehicle as provided in this code.

(b) The department shall require, upon 1973 renewal of registration of any motor vehicle subject to Section 39177.1 of the Health and Safety Code, a valid certificate of compliance from a licensed motor vehicle pollution control device installation and inspection station indicating that such vehicle is properly equipped with a motor vehicle pollution control device which is in proper operating condition and which is of a type that has been accredited by the State Air Resources Board pursuant to Section 39177.1 of the Health and Safety Code. For extraordinary and compelling reasons only, the State Air Resources Board may, by regulation, after a public hearing, defer or delete the requirement of certificates of compliance required pursuant to this subdivision. In such event, the board may adjust the schedule of installation adopted pursuant to subdivision (a) of Section 39177.1 of the Health and Safety Code and shall immediately report to the Governor and the Legislature the actions taken and the reasons therefor.

SEC. 28 Section 4604 of the Vehicle Code is amended to read:

4604. When the registration of a vehicle has expired and the vehicle is not thereafter operated, moved, or left standing upon any highway, then any application for renewal made subsequent to the expiration of the registration and for succeeding registration years in which the vehicle has not been registered shall be accompanied by a certificate of nonoperation. The application for renewal of registration, whether or not accompanied by an application for transfer of any title or interest therein, shall be received by the department upon payment of the proper fees for the current registration year and without penalty for delinquent payment of fees imposed under this code or under Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code; provided, that the department receives the application and certificate of nonoperation within 20 days after the date the vehicle is first operated, moved, or left standing upon any highway during the current registration year.

SEC. 29. Section 4605 of the Vehicle Code is amended to read:

4605. Whenever by reason of the theft or embezzlement of a vehicle the owner or legal owner is not in possession of the vehicle at the time penalties accrue for failure to obtain registration, or renewal thereof, the owner or legal owner may secure registration or renewal of registration of the vehicle within 20 days after its recovery upon filing an affidavit setting forth the circumstances of the theft or embezzlement, if the theft or embezzlement of the vehicle has been reported pursuant to the provisions of this code, without penalty for delinquent payment of fees imposed under this code or under Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code.

SEC. 30. Section 4606 of the Vehicle Code is amended to read:

4606. When application for registration of a vehicle has been made as required in Sections 4152.5 and 4602, the vehicle may be operated on the highways until the new indicia of current registration have been received from the department upon condition that there be displayed on the vehicle the license plates and validating devices, if any, issued to the vehicle for the previous registration year.

SEC. 31. Section 4611 of the Vehicle Code is amended and renumbered to read:

4152.5. Whenever the home state license plates of a foreign vehicle expire and the owner of such vehicle has previously established residence or accepted gainful employment in this state, such owner shall make application for registration of the vehicle in this state within 20 days following the home state license plate's expiration date. Such application shall be deemed an application for original registration.

SEC. 32. Section 4853 of the Vehicle Code is amended to read:

4853. The department may issue one or more stickers, tabs, or other suitable devices in lieu of the license plates provided for under this code. Except where the physical differences between the

stickers, tabs, or devices and license plates by their nature render the provisions of this code inapplicable, all provisions of this code relating to license plates may apply to stickers, tabs, or devices.

SEC. 33. Section 5204 of the Vehicle Code is amended to read:

5204. Tabs shall indicate the year number for which issued, which tab, sticker, or other suitable device shall be attached to the rear license plate issued for the vehicle for the last preceding registration year in which license plates were issued, and, when so attached, the license plates with such tab shall for the purposes of this code be deemed to be the license plates for the ensuing registration year; except that truck tractors shall display such tab, sticker, or other device upon the front license plate issued to such vehicle.

SEC. 34. Section 5903 of the Vehicle Code is amended to read:

5903. Whenever any application for a registration transaction is filed with the department during the 60 days immediately preceeding the expiration of registration of the vehicle, the application shall be accompanied by the full renewal fees for the ensuing registration year in addition to any other fees then due and payable.

SEC. 35. Section 5912 of the Vehicle Code is amended to read:

5912. Whenever application is made to the department for a transfer of registration of a vehicle to a new owner or legal owner and the applicant is unable to present the registration card issued for the vehicle by reason of the same being in the possession of the department upon an application for renewal of registration, the department may transfer the registration of such vehicle upon production of the properly endorsed certificate of ownership to the vehicle and a temporary receipt upon a form prescribed by the department and containing such information as the department shall deem necessary, including, but not limited to, the license number assigned to the vehicle for the ensuing registration year, the amount of the fees payable upon renewal of registration, and the vehicle identification number of the vehicle.

SEC. 36. Section 8156 of the Vehicle Code is amended to read:

8156. Applications under which fees are due and payable on or before the next following 31st day of December may be filed with the department on or after November 1st.

SEC. 37. Section 9252 of the Vehicle Code is amended to read:

9252. In addition to the registration fees specified in Sections 9250 and 9253 and any weight fee, there shall be paid a service fee of six dollars ($6) for the registration within this state of every vehicle purchased new outside this state or previously registered outside this state. If the vehicle has been registered and operated in this state during the same registration year in which application for registration is made, a fee of three dollars ($3) only shall be paid.

SEC. 38. Section 9253 of the Vehicle Code is amended to read:

9253. A registration fee of twelve dollars ($12) shall be paid to the department for the registration of every station wagon, which is subject to registration.

SEC. 39. Section 9267 of the Vehicle Code is repealed.

SEC. 40. Section 9402 of the Vehicle Code is amended to read:

9402. An additional fee of three dollars ($3) shall be charged for each application for quarterly registration, or renewal thereof, whenever a person pays the fee under Section 9400 on a quarterly basis.

SEC. 41. Section 9407 of the Vehicle Code is amended to read:

9407. Upon application for registration made after the first month of any registration year, or if the vehicle is registered on a quarterly basis, after the first month following expiration of the last issued registration certificates, the fee required under Section 9400 shall be reduced proportionately for each month which shall have elapsed since the expiration of the last issued registration certificate, if the vehicle has not been operated, moved, or left standing upon any highway during the elapsed time without payment of the required fee.

SEC. 42. Section 9553 of the Vehicle Code is amended to read:

9553. (a) A penalty shall be added upon any application for renewal of registration or any application for renewal of special license plates made after midnight of the expiration date thereof except as provided in Section 4604 and in subdivision (c) of this section.

(b) A penalty shall be added upon any application made on or after December 1st for renewal of any special plate or plates issued pursuant to the provisions of Division 5 (commencing with Section 11100).

(c) When renewal fee penalties have not accrued with respect to a vehicle and the vehicle is transferred, the transferee shall have a period of 20 days from the date of such transfer to pay any registration fees which become due without payment of any penalties that would otherwise be required as provided in subdivision (a).

(d) Except as otherwise provided in this section, if any fee is not paid within 20 days after the same becomes delinquent, a penalty shall be added thereto.

SEC. 43. Section 9554 of the Vehicle Code is amended to read:

9554. (a) The penalty shall be equal to the fee after the same has been computed as provided in Sections 9406 and 9559 and shall be collected therewith, except that the penalty for delinquency in respect to any transfer shall be three dollars ($3), and shall apply only to the last transfer.

(b) If the fee due and delinquent and the amount of penalty prescribed by this subdivision is paid within 30 days of the date the penalty becomes due, the amount of the penalty on such fee or portion thereof due under Sections 9250, 9252, 9253, and 9400 shall be reduced to 10 percent of the total amount of such fee, but in no event less than one dollar ($1) as is provided for in Section 9559.

(c) In computing the penalty for the 1975 registration year as prescribed in subdivisions (a) and (b) of this section, no penalty shall

be charged on that portion of the fee which is in excess of a 12-month registration period.

This section shall remain in effect only until March 10, 1975, and as of that date is repealed.

SEC. 44. Section 9554 is added to the Vehicle Code, to read:

9554. (a) The penalty shall be equal to 50 percent of the fee after the same has been computed as provided in Sections 9406 and 9559 and shall be collected therewith, except that the penalty for delinquency in respect to any transfer shall be three dollars ($3), and shall apply only to the last transfer.

(b) A penalty of 50 percent of the registration and weight fees shall be added on any application for original or renewal of year-round or annual registration made later than midnight of the date of expiration or on or after the date penalties become due. This rate of penalty shall also apply to any registration and weight fees which are in penalty as of the 10th day of March 1975. Such penalty shall be computed after the registration and weight fees have been combined with the license fee specified in Section 10751 of the Revenue and Taxation Code.

(c) In computing the penalty for the 1975 registration year as prescribed in subdivisions (a) and (b) of this section, no penalty shall be charged on that portion of the fee which is in excess of a 12-month registration period.

This section shall become operative on March 10, 1975.

SEC. 45. Section 9556 of the Vehicle Code is amended to read:

9556. Whenever any person or organization authorized by the department under Section 4610 receives an application for renewal of registration accompanied by the proper fee and endorses a receipt or validates a registration card or potential registration card in respect to the application for renewal of registration prior to midnight on the date registration expires in any year, the application and payment of fees shall not be deemed delinquent or subject to penalty, except that the person or organization so receiving the application and fees shall transmit the application and fees to the department as promptly as practicable in the immediate course of business

SEC. 46. Section 9559 5 is added to the Vehicle Code, to read:

9559 5. The registration and weight fees paid for a vehicle previously registered under this code being converted to year-round registration for the 1975 registration year may be reduced by an amount equal to 10 percent, except for those vehicles which are registered under Article 5 (commencing with Section 8150) of Chapter 4 of Division 3 or which are registered for a quarterly period pursuant to Section 9702. The reduction specified in this section shall be applicable provided the registration and weight fees are paid prior to the date penalties become due on such fees. Such reduction shall be computed after the registration and weight fees have been combined with the license fee specified in Section 10751 of the Revenue and Taxation Code.

SEC. 47. Section 9560 is added to the Vehicle Code, to read:

9560. Whenever by reason of the assignment or reassignment of a renewal date by the director, the period for which the registration is required to then be renewed following such assignment or reassignment is less than, or more than, 12 months, the fee for the vehicle shall be decreased or increased by one-twelfth of the annual fee for each month of such period less than, or in excess of, 12 months.

SEC. 48. Section 9561 of the Vehicle Code is amended to read:

9561. When a legal owner or his agent repossesses a vehicle on which renewal fees are due, the department shall waive any penalties that are due for late payment if all other fees are paid within 20 days of taking possession.

SEC. 49. Section 9562 of the Vehicle Code is amended to read:

9562. (a) When a transferee of a vehicle applies for transfer of registration as is provided for in Section 5902 and it is determined by the department that registration penalties accrued prior to the purchase of the vehicle, and that the transferee was not cognizant of the nonpayment of registration fees for the current or prior registration years, the department may waive the registration penalties upon payment of the registration fees due.

(b) Other provisions of this code notwithstanding, the director may at his discretion investigate into the circumstances of any application for registration to ascertain if penalties had accrued through no fault or intent of the owner. Provided such circumstances prevail, he may waive any penalties upon payment of the registration fees then due.

SEC. 50. Section 9563 of the Vehicle Code is amended to read:

9563. Notwithstanding any other provisions of this code, when a vehicle is rebuilt and restored to operation after it has been reported to be dismantled pursuant to Section 11520, the application shall be deemed to be an application for original registration of a new vehicle for determination of fees.

SEC. 51. Section 9700 of the Vehicle Code is amended to read:

9700. With respect to vehicles subject to additional registration fees under Section 9400, a proportionate share of such fees may be paid for a quarterly registration period, which periods shall expire on March 31, June 30, September 30, and December 31 of each year.

SEC. 52. Section 9701 of the Vehicle Code is repealed.

SEC. 53. Section 9702 of the Vehicle Code is amended to read:

9702. Every quarterly vehicle registration and every certificate or insignia issued under this section shall expire at midnight on the last day of the quarter for which issued. The department may, upon payment of the proper fees, renew the registration of the vehicle for the next succeeding quarter or for the remainder of the registration year.

SEC. 54. Section 9703 of the Vehicle Code is amended to read:

9703. (a) Application for quarterly registration in conjunction with an application for original California registration shall be made by the owner within 20 days of the date the vehicle first becomes

subject to California registration. Any such application submitted subsequent thereto shall be refused quarterly registration and the vehicle shall be subject to payment of the full fees for the registration year. In addition to the fee for the registration year, a penalty as specified in Section 9554 shall be added to the application for registration.

(b) Any application to renew registration for a quarterly period, or for the remainder of the registration year, shall be made prior to midnight of the expiration date of the last issued registration certificate. Application shall be made upon presentation of the last issued registration card or of a potential registration card issued by the department of use at the time of renewal and by payment of the proper quarterly fees or, if the renewal is for the remainder of the registration year, by payment of the annual fee provided by Section 9400, as reduced pursuant to Section 9407. Any such application submitted subsequent thereto which is not accompanied by a certificate of nonoperation, as provided in Section 9705, shall be refused quarterly registration and shall be subject to payment of the full fees for the registration year or remainder thereof. In addition to the fee for the registration year or remainder thereof, a penalty as specified in Section 9554 shall be added to the application for registration.

SEC. 55. Section 9704 of the Vehicle Code is repealed.

SEC. 56. Section 9705 of the Vehicle Code is amended to read:

9705. When the registration of any vehicle expires and the vehicle is not thereafter operated, moved, or left standing upon the highways, any subsequent application for quarterly registration, or renewal thereof, shall be accompanied by a certificate of nonoperation. The department shall not collect any penalty imposed by this code upon receipt of the application and certificate within 20 days after the date the vehicle is first operated, moved, or left standing upon the highways.

SEC. 57. Section 36110 of the Vehicle Code is repealed.

SEC. 58. Section 42234 of the Vehicle Code is amended to read:

42234. Whenever any application has been made and fees have been paid for the registration of a vehicle which is not in fact operated upon the highways of this state during the registration year for which fees have been paid, this article shall apply if the application for refund is made within three years after the date such fees are paid to the department.

SEC. 59. Section 42270 of the Vehicle Code is amended to read:

42270. (a) The Department of Motor Vehicles and the Department of the California Highway Patrol each shall file at least monthly with the State Controller a report of money received by the department covering all fees for applications accepted by the department and all other moneys received by the department under the provisions of this code, and at the same time shall remit all money so reported to the State Treasurer. On order of the Controller the Treasurer shall deposit in the Motor Vehicle Fund, which is

continued in existence as the Motor Vehicle Account in the Transportation Tax Fund, all such moneys so reported and remitted.

Any reference in any law or regulation to the Motor Vehicle Fund shall be deemed to refer to the Motor Vehicle Account in the Transportation Tax Fund, except that any appropriation from the Motor Vehicle Fund for the support of the Department of Motor Vehicles or for the support of the Department of the California Highway Patrol shall be deemed to refer to the Motor Vehicle Account in the State Transportation Fund, which is created by subdivision (a) of Section 42271.

(b) The amount of any penalties collected by the department as provided in Sections 9553 and 9554 of the Vehicle Code and Sections 10770 and 10854 of the Revenue and Taxation Code shall, for the purposes of subdivision (a) of this section, be deemed to be a percentage of the total fees allocated under this section and under Section 11001 of the Revenue and Taxation Code, equal to that percentage of any ratio based on the fees previously allocated in the last calendar year under this section and under Section 11001 of the Revenue and Taxation Code. Such ratio shall be reevaluated periodically and shall be adjusted to reflect any change in the fee structure that may be provided in this code or in Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code.

SEC 60 (a) Sections 7, 10, 34, 40, 51, 52, 53, 54, 55, 56, and 57 of this act shall become operative on December 1, 1974.

(b) Sections 4, 9, 12, 14, 15, 16, 26, 27, 28, 29, 30, 31, 36, 39, 42, 44, 45, 48, and 59 of this act shall become operative on March 10, 1975.

(c) Section 19 of this act shall become operative on July 1, 1975.

SEC. 61. There is hereby appropriated from the Motor Vehicle Account in the State Transportation Fund the sum of two hundred fifty thousand dollars ($250,000) to the Department of Motor Vehicles for expenditures in the 1973–74 fiscal year for the purpose of carrying out the provisions of this act.

SEC. 62. This act is an urgency statute necessary for the immediate preservation of the public peace, 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 annual renewal of registration, due to the continuing increase in registrations, has put an undue strain on the Department of Motor Vehicles' facilities and personnel. The department, after two years of a pilot program with motorcycles, has determined that year-round registration of vehicles will be feasible with a new computer system, the acquisition of which is imminent. To provide the department with sufficient time for the extensive planning and reprogramming that will be necessary to meet the December 1, 1974, deadline for implementation of a year-round registration system, it is necessary that this act go into immediate effect.

CHAPTER 890

An act making an appropriation for the reconstruction of the Benbow Dam, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 28, 1973 Filed with Secretary of State September 28, 1973]

The people of the State of California do enact as follows:

SECTION 1. The sum of five hundred fifty thousand dollars ($550,000) is hereby appropriated from the Bagley Conservation Fund, from those moneys in such fund designated for miscellaneous capital outlay construction, to the Department of Parks and Recreation for the removal, repair, and modification of the existing Benbow Dam on the Eel River and the construction of a new seasonal dam for recreational purposes to replace the existing structure, as follows:

(a) The sum of ten thousand dollars ($10,000) for expenditure during the 1973–74 fiscal year for design.

(b) The sum of five hundred forty thousand dollars ($540,000) for expenditure during the 1974–75 fiscal year for removal, repair, modification, and construction.

SEC. 2. The funds appropriated by Section 1 of this act may be expended for the purposes of the removal, repair, modification, and construction of Benbow Dam on the Eel River notwithstanding any provision of Chapter 1.4 (commencing with Section 5093.50) of Division 5 of the Public Resources Code.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act appropriates funds for the removal, repair, and modification of the existing Benbow Dam on the Eel River and the construction of a new seasonal dam for recreational purposes to replace the existing structure. The preservation of important fishery resources and the enhancement of urgently needed recreational facilities require that such removal, repair, modification, and construction be accomplished at the earliest possible time. It is necessary therefore that this act go into immediate effect.

CHAPTER 891

An act to amend Sections 12506, 12804, 12814, 12816, and 14900 of the Vehicle Code, relating to drivers' licenses, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 28, 1973 Filed with Secretary of State September 28, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 12506 of the Vehicle Code is amended to read:

12506. The department may issue a temporary driver's license to any person applying for a driver's license, or to any licensee whose license is required to be changed, added to, or modified. A temporary license shall permit the operation of a motor vehicle upon the highways for a period of 60 days, when the licensee has the license in his immediate possession, and while the department is completing its investigation and determination of all facts relative to the applicant's right to receive a license. The temporary license is invalid when the applicant's license has been issued or refused.

SEC. 2. Section 12804 of the Vehicle Code is amended to read:

12804. (a) The examination shall include a test of the applicant's knowledge and understanding of the provisions of this code governing the operation of vehicles upon the highways, the ability to read and understand simple English used in highway traffic and directional signs, his understanding of traffic signs and signals and the applicant shall be required to give an actual demonstration of his ability to exercise ordinary and reasonable control in operating a motor vehicle by driving the same under the supervision of an examining officer and submit to an examination appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive, except that the department may waive the driving test part of the examination of an applicant who holds a valid license issued by another state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico. The examination shall also include a test of the hearing and eyesight of the applicant and such other matters as may be necessary to determine the applicant's mental and physical fitness to operate a motor vehicle upon the highways and whether any ground exists for refusal of a license under this code. The examination for a class 1 or class 2 license under subdivision (b) of this section shall also include a report of a medical examination of the applicant given not more than two years prior to the date of the application by a physician licensed to practice medicine. The report shall be on a form approved by the department or by the Federal Highway Administration of the United States Department of Transportation. In establishing the requirements consideration may be given to the standards presently required of motor carrier drivers by the Federal Highway Administration of the United States Department of Transportation. Any physical defect of the applicant which in the opinion of the department is compensated to insure safe driving ability shall not prevent the issuance of a license to the applicant.

(b) In accordance with the following classifications any applicant for a driver's license shall be required to submit to an examination

appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive:

(1) Class 1. Any combination of vehicles and includes the operation of all vehicles under class 2 and class 3.

(2) Class 2. Any bus, any "farm labor truck," any single vehicle with three or more axles, any such vehicles towing another vehicle weighing less than 6,000 pounds gross, and all vehicles covered under class 3.

(3) Class 3. A three-axle housecar, any two-axle vehicle, and any such housecar or vehicle towing another vehicle weighing less than 6,000 pounds gross, except a bus, two-wheel motorcycle, or "farm labor truck."

(4) Class 4. Any two-wheel motorcycle. Authority to operate vehicles included in a class 4 license may be granted by endorsement on a class 1, 2 or 3 license upon completion of appropriate examination.

(c) Class 1 and class 2 drivers' licenses shall be valid for operating class 1 or class 2 vehicles only when a medical certificate approved by the department or the Federal Highway Administration of the United States Department of Transportation is in the licensee's possession which has been issued within two years of the date of the operation of such vehicle, otherwise the license shall be valid only for operating class 3 vehicles and class 4 vehicles if so endorsed. A person holding a valid class 1 or class 2 driver's license on May 3, 1972, may operate class 1 or class 2 vehicles without a medical certificate until such time as the license expires.

(d) The department may accept a certificate of driving experience in lieu of a driving test on class 1 or 2 applications when such certificate is issued by an employer of the applicant provided the applicant has first qualified for a class 3 license and also met the other examination requirements for the license for which he is applying Such certificate may be submitted as evidence of the applicant's experience or training in the operation of the types of equipment covered by the license for which he is applying.

(e) The department may accept a certificate of competence in lieu of a driving test on class 4 applications when such certificate is issued by a law enforcement agency for its officers who operate class 4 vehicles in their duties provided the applicant has also met the other examination requirements for the license for which he is applying.

SEC. 3. Section 12814 of the Vehicle Code is amended to read:

12814. (a) Application for renewal of a license shall be made at an office of the Department of Motor Vehicles by the person to whom the license was issued. The department may in its discretion require an examination of the applicant as upon an original application, or an examination deemed by the department to be appropriate considering the licensee's record of convictions and accidents, or an examination deemed by the department to be appropriate in relation to evidence of a condition which may affect

the ability of the applicant to safely operate a motor vehicle. The age of a licensee, by itself, shall not constitute evidence of a condition requiring an examination of the driving ability. If the department finds any such evidence, the department shall disclose the evidence to the applicant or licensee. In the event such person is absent from the state at the time the license expires, the Director of Motor Vehicles may extend the license for a period of one year from the expiration date of the license.

(b) Renewal of a driver's license shall be under terms and conditions prescribed by the department and, at the discretion of the director, licenses may be extended for not to exceed one year when the number of renewal applications to be processed in a year will exceed the number of applications in the previous year or the next subsequent year by more than 10 percent.

(c) The department may adopt and administer such regulations as shall be deemed necessary for the public safety in the implementation of a program of selective testing of applicants, and, with reference to this section, the department may waive tests for purposes of evaluation of selective testing procedures.

SEC. 4. Section 12816 of the Vehicle Code is amended to read:

12816. (a) Every original driver's license issued after January 1, 1975, shall expire on the fourth birthday of the applicant following the date of the application for the license.

(b) Renewal of any driver's license shall be made for a term which shall expire on the fourth birthday of the applicant following the expiration of the license renewed.

(c) The department may accept application for a renewal of a driver's license made not more than six months prior to the date of expiration. If renewal is not applied for within 90 days after expiration of the license, the application and fee shall be considered the same as an application for an original license.

SEC. 5. Section 14900 of the Vehicle Code is amended to read:

14900. (a) Upon application for an original driver's license or for the renewal of a driver's license there shall be paid the department a fee of three dollars and twenty-five cents ($3.25). The payment of the fee shall entitle the person paying same to make application for a driver's license and to three examinations within a period of six months or during the period of an instruction permit issued from such application as provided in Section 12509.

The term "driver's license" as used in this section includes all licenses of every kind issued under Division 6 (commencing with Section 12500).

(b) Any person who, by reason of physical disabilities, is unable to move about as a pedestrian shall be exempt from the fee provided in this section, but only in the event the license issued to such a person restricts such person to the operation of a self-propelled wheelchair or invalid tricycle.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within

the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The requirements of safety on the highways indicate a critical need for more effective incentive for safer individual driver performance and effective examinations and rehabilitative treatments for those drivers identified by their poor safety records or other means as being in need of improvement. The present program does not allow the application of advances achieved in the art of selective testing of drivers according to individual needs. Changes are also needed to allow the department to adjust and apply its available resources and facilities to accommodate the periodic peaking in the volume of driver's license renewals, and to provide this necessary driver's license service with less inconvenience to the public than is possible under existing law.

It is imperative that this measure, which will provide such needed changes and enable the department to more effectively apply its available resources and facilities, go into effect immediately.

SEC. 7. This act shall become operative on October 1, 1973, except that Section 4 of this act shall not become operative until January 1, 1975.

CHAPTER 892

An act to amend Sections 7026, 7027, 7045, and 7046 of the Business and Professions Code, relating to contracting.

[Approved by Governor September 28, 1973 Filed with Secretary of State September 28, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 7026 of the Business and Professions Code is amended to read:

7026. The term contractor for the purposes of this chapter is synonymous with the term "builder" and, within the meaning of this chapter, a contractor is any person, who undertakes to or offers to undertake to or purports to have the capacity to undertake to or submits a bid to, or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, parking facility, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith. The term contractor includes subcontractor and specialty contractor.

SEC. 2. Section 7027 of the Business and Professions Code is amended to read:

7027. For the purposes of this chapter, the term contractor includes any person engaged in the business of the construction,

installation, alteration, repair or preparation for moving of a mobilehome or mobilehome accessory buildings and structures upon a site for the purpose of occupancy as a dwelling.

The term contractor shall not include the manufacturer of the mobilehome or mobilehome accessory building or structure when it is constructed at a place other than the site upon which it is installed for the purpose of occupancy as a dwelling, and shall not include the manufacturer when he is solely performing work in compliance with his warranty. The term contractor shall include the manufacturer when he is engaged in onsite construction, alteration, or repair of a mobilehome or mobilehome accessory buildings and structures pursuant to specialized plans, specifications or models, or any work other than in compliance with his warranty.

For the purposes of this chapter,

(a) "Mobilehome" means a vehicle defined in Section 18008 of the Health and Safety Code.

(b) "Mobilehome accessory building or structure" means a building or structure defined in Section 18010 of the Health and Safety Code.

SEC. 3. Section 7045 of the Business and Professions Code is amended to read:

7045. (a) Except as provided in subdivision (b) this chapter does not apply to the sale or installation of any finished products, materials or articles of merchandise, which do not become a fixed part of the structure, or shall it apply to a materialman or manufacturer furnishing finished products, materials, or articles of merchandise who does not install or contract for the installation of such items. The term "finished products" shall not include installed carpets.

(b) This chapter shall apply to:

(1) The construction, installation, alteration, repair, or preparation for moving of a mobilehome when such work is performed upon a site for the purpose of occupancy as a dwelling.

(2) The construction, installation, erection, repair, or preparation for moving of mobilehome accessory buildings or structures when such work is performed upon a site for the purpose of occupancy as a dwelling.

SEC. 4. Section 7046 of the Business and Professions Code is amended to read:

7046. (a) Except as provided in subdivision (b) this chapter does not apply to any construction, alteration, improvement or repair of personal property.

(b) This chapter shall apply to:

(1) The construction, installation, alteration, repair, or preparation for moving of a mobilehome when such work is performed upon a site for the purpose of occupancy as a dwelling.

(2) The construction, installation, erection, repair, or preparation for moving of mobilehome accessory buildings or structures when such work is performed upon a site for the purpose of human habitation or occupancy.

SEC. 5. There are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 893

An act to add Sections 12583.1, 12585.2, 12585.3, 12585.4, 12866.1, 12866.2, 12866.3, and 12866.4 to the Water Code, relating to flood control projects, and making an appropriation therefor.

[Approved by Governor September 28, 1973 Filed with Secretary of State September 28, 1973]

I am deleting the $8,000,000 appropriation contained in Section 9 of Senate Bill No 399

Both this bill and AB 1409 contain duplicate appropriations I am deleting the appropriation from SB 399 because AB 1409 contains an urgency clause and this bill does not

RONALD REAGAN, Governor

The people of the State of California do enact as follows:

SECTION 1. Section 12583.1 is added to the Water Code, to read:

12583.1. It is also declared to be the policy of the state that the state shall not provide financial assistance for relocation, reconstruction, or replacement of existing improvements, structures, or utilities for which the owner has no legal right to be compensated for such relocation, reconstruction, or replacement.

SEC. 2. Section 12585.2 is added to the Water Code, to read:

12585.2. Notwithstanding any other provisions of Chapter 2 (commencing with Section 12639) and Chapter 3 (commencing with Section 12800) of this part, and this chapter, the following policy shall apply to projects authorized by the Legislature after November 10, 1969, and to small flood control projects authorized by Section 12750 for which the department made the findings required by Section 12750.1 after November 10, 1969.

(a) The state shall pay 75 percent of the costs of lands and rights or interest in lands whereon channel improvements and channel rectifications are located and of lands, rights, or interests in lands necessary in connection with the construction, operation, or maintenance of such channel improvements and rectifications, including those necessary for flowage purposes, spoil areas, borrow pits, or for access roads, apportioned to the benefits resulting from the reduction of flood damage.

(b) The local agency shall pay 25 percent of the costs of lands and rights or interests in lands whereon channel improvements and channel rectifications are located and of lands, rights, or interests in lands necessary in connection with the construction, operation or maintenance of such channel improvements or rectifications, including those necessary for flowage purposes, spoil areas, borrow

pits, or for access roads, apportioned to the benefits resulting from the reduction of flood damage and all of such costs apportioned to the benefits resulting from increased or higher utilization of land.

(c) The state shall pay 90 percent of the costs of the relocation, reconstruction, or replacement of existing improvements, structures, or utilities rendered necessary by the project, apportioned to the benefits resulting from the reduction of flood damage.

(d) The local agency shall pay 10 percent of the costs of the relocation, reconstruction, or replacement of existing improvements, structures, or utilities rendered necessary by the project, apportioned to the benefits resulting from the reduction of flood damage and all of such costs apportioned to the benefits resulting from increased or higher utilization of land.

(e) The state's portion of the costs under subdivisions (a) and (c) shall be determined by the department at or prior to the time the report recommending federal authorization is submitted to the Congress or, in the case of a small project authorized by Section 12750, at the time the report recommending federal authorization is submitted to the United States Army Chief of Engineers, except in the case of emergency flood control construction when congressional authorization and appropriation are concurrent and the normal planning procedures are not followed.

In the case of projects already having federal authorization, the state's portion of such costs shall be determined by the department at the time state authorization is sought by the local agency.

The state's portion shall not be changed unless there are major project changes made in the plan of improvement, in which case the department, prior to the next appropriation of state funds for the project, shall review the project and make such new determination as it deems justified by the project changes.

(f) When a project authorized prior to November 10, 1969, is so modified that it becomes subject to the provisions of Section 12639, the policy described in this section shall be applied to any portion of the modified project which the department determines to be beyond the scope of the originally authorized project.

SEC. 3. Section 12585.3 is added to the Water Code, to read:

12585.3. The local agency may receive credit against its share of the costs of lands, easements, and rights-of-way as determined in subdivision (b) of Section 12585.2 for lands required for the project which were acquired not more than five years prior to federal authorization of the project. The amount of this credit shall be determined by the department by applying the percentage representing the state portion of the costs of lands, easements, and rights-of-way as determined in subdivision (a) of Section 12585.2 to the actual costs of the local agency in the case of acquisition by purchase or condemnation, and to the fair market value at the time the title is transferred in the case of acquisition free of charge.

SEC. 4. Section 12585.4 is added to the Water Code, to read:

12585.4. Whenever specifically authorized by the Legislature, the

department may lend the local agency the funds necessary to pay the local portion of the costs of lands, easements, and rights-of-way determined in subdivision (b) of Section 12585.2, less any credit for previously acquired lands determined under Section 12585.3. The state loan may not exceed a period of 10 years and the rate of interest on the loan shall be the current rate for the state's Pooled Money Investment Account. The loan shall be repaid in annual installments beginning one year after the loan is made. The annual loan payment may be deducted from the state's annual tax subvention to the local agency, if any. In the event that the local agency does not receive tax subventions from the state adequate to make the loan payment and becomes in default on the loan payments, the local agency, notwithstanding any other provisions of any statute limiting its tax ceiling, shall levy sufficient taxes to repay the loan. Notwithstanding any other provisions of law, any local agency authorized to participate in the construction of federal flood control projects is authorized to accept the loans authorized pursuant to this section.

SEC. 5. Section 12866.1 is added to the Water Code, to read:

12866.1. It is also declared to be the policy of the state that the state shall not provide financial assistance for relocation, reconstruction, or replacement of existing improvements, structures, or utilities for which the owner has no legal right to be compensated for such relocation, reconstruction or replacement.

SEC. 6. Section 12866.2 is added to the Water Code, to read:

12866.2. Notwithstanding any other provisions of this chapter, the following policy shall apply to projects approved by the appropriate committees of the Congress and by the Department of Agriculture after November 10, 1969:

(a) The state shall pay 75 percent of the costs of lands and rights or interests in lands whereon channel improvements and channel rectifications are located and of lands, rights, or interests in lands necessary in connection with the construction, operation, or maintenance of such channel improvements and rectifications, including those necessary for flowage purposes, spoil areas, borrow pits, or for access roads, apportioned to the benefits resulting from the reduction of flood damage.

(b) The local agency shall pay 25 percent of the costs of lands and rights or interests in lands whereon channel improvements and channel rectifications are located and of lands, rights, or interests in lands necessary in connection with the construction, operation, or maintenance of such channel improvements or rectifications, including those necessary for flowage purposes, spoil areas, borrow pits, or for access roads, apportioned to the benefits resulting from the reduction of flood damage and all of such costs apportioned to the benefits resulting from increased or higher utilization of land.

(c) The state shall pay 90 percent of the costs of the relocation, reconstruction, or replacement of existing improvements, structures, or utilities rendered necessary by the project, apportioned to the benefits resulting from the reduction of flood damage.

(d) The local agency shall pay 10 percent of the costs of the relocation, reconstruction, or replacement of existing improvements, structures, or utilities rendered necessary by the project, apportioned to the benefits resulting from the reduction of flood damage and all of such costs apportioned to the benefits resulting from increased or higher utilization of land.

(e) The state's portion of the costs under subdivisions (a) and (c) shall be determined by the department at or prior to the time the report recommending federal authorization is submitted to the Congress. In the case of projects already having federal authorization, the state's portion of such costs shall be determined by the department at the time state authorization is sought by the local agency. The state's portion shall not be changed unless there are major project changes made in the plan of improvement, in which case the department, prior to the next appropriation of state funds for the project, shall review the project and make such new determinations as it deems justified by the project changes.

(f) When a project approved prior to November 10, 1969, is so modified that it becomes subject to the provisions of Section 12873, the policy described in this section shall be applied to any portion of the modified project which the department determines to be beyond the scope of the originally authorized project.

SEC. 7. Section 12866.3 is added to the Water Code, to read:

12866.3. The local agency may receive credit against its share of the costs of lands, easements, and rights-of-way as determined in subdivision (b) of Section 12866.2 for lands required for the project which were acquired not more than five years prior to federal authorization of the project. The amount of this credit shall be determined by the department by applying the percentage representing the state portion of the costs of lands, easements, and rights-of-way as determined in subdivision (a) of Section 12866.2 to the actual costs of the local agency in the case of acquisition by purchase or condemnation, and to the fair market value at the time the title is transferred in the case of acquisition free of charge.

SEC. 8. Section 12866.4 is added to the Water Code, to read:

12866 4. Whenever specifically authorized by the Legislature, the department may lend the local agency the funds necessary to pay the local portion of the costs of lands, easements, and rights-of-way determined in subdivision (b) of Section 12866.2, less any credit for previously acquired lands determined under Section 12866.3. The state loan may not exceed a period of 10 years and the rate of interest on the loan shall be the current rate for the state's Pooled Money Investment Account. The loan shall be repaid in annual installments beginning one year after the loan is made. The annual loan payment shall be deducted from the state's annual tax subvention to the local agency, if any. In the event that the local agency does not receive tax subventions from the state adequate to make the loan payment and becomes in default of the loan payments, the local agency, notwithstanding any other provisions of any statute limiting its tax

ceiling, shall levy sufficient taxes to repay the loan. Notwithstanding any other provisions of law, any local agency authorized to participate in the construction of watershed protection projects is authorized to accept the loans authorized pursuant to this section.

SEC. 9. There is hereby appropriated from the General Fund the sum of eight million dollars ($8,000,000) in augmentation of Item 235 of the Budget Act of 1973–74 for expenditure by the Department of Water Resources for the purposes set forth in that item.

CHAPTER 894

An act making an appropriation for pesticide residue testing.

[Approved by Governor September 28, 1973 Filed with Secretary of State September 28, 1973.]

I am reducing the appropriation contained in Assembly Bill 2302 from $400,000 to $300,000.

The reduced appropriation will be adequate to implement the provisions of this bill With the above reduction, I approve Assembly Bill No 2302

RONALD REAGAN, Governor

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the Department of Agriculture Fund in the State Treasury, from the unexpended moneys derived pursuant to Article 4.5 (commencing with Section 12841) of Chapter 2 of Division 7 of the Food and Agricultural Code, the sum of four hundred thousand dollars ($400,000) to the Department of Food and Agriculture for purposes of acquiring a mobile pesticide residue testing laboratory, for salaries of additional personnel, and for necessary research to carry out the provisions of Article 10.5 (commencing with Section 12980) of Chapter 2, Division 7 of the Food and Agricultural Code.

CHAPTER 895

An act to add Section 21155 to the Public Resources Code, relating to land uses, and making an appropriation therefor.

[Approved by Governor September 28, 1973 Filed with Secretary of State September 28, 1973]

I am deleting the $50,000 appropriation contained in Section 2 of Assembly Bill No 635.

I have been advised that federal funds are available to implement the provisions of this bill.

With the above deletion, I approve Assembly Bill No 635.

RONALD REAGAN, Governor

The people of the State of California do enact as follows:

SECTION 1. Section 21155 is added to the Public Resources Code, to read:

21155. The Secretary of the Resources Agency shall develop an economic practices manual which may be used by local agencies in assessing the economic efficiency and fiscal impact of alternative land use proposals by local agencies and as an aid in evaluating private land use proposals.

The manual shall present economic and fiscal criteria for local agencies to use in developing comprehensive and multidisciplined programs and procedures for evaluating alternative land use policies and private land use proposals. The manual shall include a step-by-step program which local agencies may follow, including, but not limited to, sources of data, methods of summarizing and using the data, formulas for evaluating the economic efficiency and fiscal impact of land use decisions, a guideline on how to prepare a simple statement of results, and a means for equating economic factors with social and environmental factors.

The Secretary of the Resources Agency may obtain private counseling in the preparation of the manual. On or before January 1, 1975, the Secretary of the Resources Agency shall submit a proposed manual to the Legislature for its review. It is the intent of the Legislature hereby to permit the Legislature to review the manual and to comment thereon prior to its final adoption by the Secretary of the Resources Agency and its distribution to local agencies

SEC. 2. The sum of fifty thousand dollars ($50,000), or so much thereof as is necessary, is hereby appropriated from the General Fund in the State Treasury to the Resources Agency for the purposes of Section 21155 of the Public Resources Code; provided, that the amount hereby authorized for expenditure shall be reduced to the extent of, and in the amount of, any federal grant moneys which become available for such purposes.

CHAPTER 896

An act relating to Lake Elsinore, and making an appropriation therefor.

[Approved by Governor September 28, 1973 Filed with Secretary of State September 28, 1973]

The people of the State of California do enact as follows:

SECTION 1. No further payments of principal or interest under the loan made to the Department of Parks and Recreation pursuant to Section 3 of Chapter 2056 of the Statutes of 1961 for the purpose

of purchasing water for the filling and replenishment of water in Lake Elsinore and for the development of necessary facilities at the Lake Elsinore State Recreation Area are required. The Department of Parks and Recreation shall transfer all moneys in the Elsinore Special Deposit Fund in excess of sixty thousand dollars ($60,000) as of December 31, 1973, to the credit of the Harbors and Watercraft Revolving Fund. Thereafter, the department shall annually transfer all moneys in the Elsinore Special Deposit Fund in excess of sixty thousand dollars ($60,000) as of December 31st to the credit of the Harbors and Watercraft Revolving Fund.

Notwithstanding any other provisions of law, all fees and other proceeds from the use of boats or boating facilities at the Lake Elsinore State Recreation Area shall be paid into the State Treasury to the credit of the Elsinore Special Deposit Fund.

SEC. 2. There is hereby appropriated from the Bagley Conservation Fund in the State Treasury to the Department of Parks and Recreation the sum of thirty thousand dollars ($30,000) for a general development plan for the Lake Elsinore State Recreation Area; provided, that such sum shall not be available for expenditure until the City of Elsinore, the County of Riverside, and the Lake Elsinore Park and Recreation District, contribute a total of ninety thousand dollars ($90,000) for expenditure for such purpose.

CHAPTER 897

An act to amend Section 651 of the Education Code, relating to public schools.

[Approved by Governor September 28, 1973 Filed with Secretary of State September 28, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 651 of the Education Code is amended to read:

651. County boards of education shall:

(a) Adopt rules and regulations not inconsistent with the laws of this state, for their own government.

(b) Keep a record of their proceedings.

(c) Approve the annual budget of the county superintendent of schools before its submission to the county board of supervisors.

(d) Approve the annual county school service fund budget of the county superintendent of schools before its submission to the Superintendent of Public Instruction.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any

service required to be carried on or performed by it by this act because the duties, obligations, or responsibilities imposed on local governmental entities or school districts by this act are such that related costs are incurred as a part of their normal operating procedures.

CHAPTER 898

An act to amend Section 4026 of the Health and Safety Code, relating to the quality of domestic water, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 28, 1973 Filed with Secretary of State September 28, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 4026 of the Health and Safety Code is amended to read:

4026. (a) Any person who furnishes or supplies water to a user for domestic purposes within the State of California shall provide at such person's expense an analysis of such water to the State Department of Health.

(b) The State Department of Health shall, after consultation with a voluntary advisory committee whose members shall be appointed by the director from among a group of representatives nominated by the water utility industry, formulate such rules and regulations covering parameters to be tested and their limits, type of testing, frequency of testing, and such other matters as may be necessary to determine the quality of domestic water supplies.

(c) Upon determination that the quality of domestic water fails to comply with the standards established by the department, the department shall forthwith notify such person of that determination.

(d) Upon determination by any person who furnishes or supplies water to a user for domestic purposes that a significant rise in the bacterial count of water has occurred in water which is being supplied to a user for domestic purposes within the State of California, the person who furnishes or supplies such water shall provide, at such person's expense, an analysis of such water within 24 hours to the county health officer and the State Department of Health As used in this subdivision "significant rise in the bacterial count of water" means such rise in the bacterial count of water as the department determines, by regulation, represents an immediate danger to the health of the water users.

SEC. 2. Notwithstanding Section 2164.3 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to such section, nor shall there be any appropriation made by this act, because the duties, obligations or responsibilities imposed on local

government by this act are minor in nature and will not cause financial burden to local government.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act requires any person who furnishes or supplies water to a user for domestic purposes to provide an analysis of such water to the county health officer and the State Department of Health within 24 hours when any significant rise in bacterial count of such water occurs. The protection which this act will afford to the public health by permitting the timely discovery of unsafe water conditions is urgently needed. It is necessary, therefore, that this act go into immediate effect.

CHAPTER 899

An act to amend Section 33114.5 of the Health and Safety Code, relating to community redevelopment.

[Approved by Governor September 28, 1973 Filed with Secretary of State September 28, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 33114.5 of the Health and Safety Code is amended to read:

33114.5. Notwithstanding any other provision of law, whenever the legislative body of a city having a population of less than 200,000 or the legislative body of a county declares itself to be the agency pursuant to Section 33200, the compensation provided for in Section 33114 shall not exceed thirty dollars ($30) per member for each meeting of the agency attended by the member. No member shall receive compensation for attending more than four meetings of the agency during any calendar month. In addition, members shall receive their actual and necessary expenses incurred in the discharge of their duties.

CHAPTER 900

An act relating to the acquisition of lands for the state park system, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 28, 1973 Filed with Secretary of State September 28, 1973]

The people of the State of California do enact as follows:

SECTION 1. The Department of Parks and Recreation shall acquire certain beach property in Huntington Beach for the state park system. Such acquisition shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code). Notwithstanding the provisions of Section 5019 of the Public Resources Code, the Department of Parks and Recreation may acquire such lands subject to a reservation of oil and mineral rights and subject to easements over the surface of such lands in connection with any oil or mineral extraction operation in effect on the effective date of this act; provided, that any such conveyance shall provide that the full fee interest in such lands free and clear of any such reservations or encumbrances shall vest in the department upon termination of such oil or mineral operation.

SEC. 2. The Department of Parks and Recreation may acquire Simi Valley (Strathearn) land for the state park system. Such acquisition shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code). Notwithstanding the provisions of Section 5019 of the Public Resources Code, the Department of Parks and Recreation may acquire such lands subject to a reservation of oil and mineral rights and subject to easements over the surface of such lands in connection with any oil or mineral extraction operation in effect on the effective date of this act.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Certain beach property in Huntington Beach and Simi Valley lands of unique environmental and recreational value are presently being offered for immediate sale, and, in order for the state to acquire and preserve such property, it is necessary that this act take immediate effect.

CHAPTER 901

An act to add Section 43013 to the Government Code, and to add Section 155.13 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor September 28, 1973 Filed with Secretary of State September 28, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 155.13 is added to the Revenue and Taxation Code, to read:

155 13. Notwithstanding any provision of law to the contrary, the

board of supervisors may, in any year, by ordinance, provide that every person who at 12:01 a.m. on the immediately preceding March 1 was the owner of, or had in his possession, or under his control, any taxable property, or who acquired such property after such date and is liable for the taxes thereon for the fiscal year commencing the immediately following July 1, which property was thereafter damaged or destroyed, without his fault, by a misfortune or calamity, may, within the time specified in the ordinance, apply for reassessment of such property by delivering to the assessor a written application showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown therein to be in excess of one thousand dollars ($1,000). The application shall be executed under penalty of perjury, or if executed outside the State of California, verified by affidavit.

Upon receiving a proper application, the assessor shall reassess the property according to its full cash value immediately after the damage or destruction. The assessor shall notify the applicant in writing of the amount of the proposed reassessment. The notice shall state that the applicant may appeal the proposed reassessment to the local board of equalization within 14 days of the date of mailing the notice. If an appeal is requested within the 14-day period, the board shall hear and decide the matter as if the proposed reassessment had been entered on the roll as an assessment made outside the regular assessment period. The decision of the board regarding the damaged value of the property shall be final, provided that a decision of the local board of equalization regarding any reassessment made pursuant to this section shall create no presumption as regards the value of the affected property subsequent to the date of the damage.

If the damaged full cash value of the property as determined above is not at least one thousand dollars ($1,000) less than the full cash value shown on the assessment roll for the year in question, no adjustment shall be made to said roll and no taxes shall be canceled or refunded. Those reassessed values resulting from reductions in full cash value of at least one thousand dollars ($1,000), as determined above, shall be forwarded to the auditor by the assessor or the clerk of the board, as the case may be. The auditor shall enter the reassessed values on the roll. After being entered on the roll, said reassessed values shall not be subject to review except by a court of competent jurisdiction.

If no such application is made and the county assessor determines that the full cash value of such property for the assessment year is reduced from the full cash value of such property for the immediately preceding assessment year by more than one thousand dollars ($1,000) due to the damage or destruction caused by the misfortune or calamity, the assessor shall notify the property owner that the property will be reassessed. The assessor shall assess the property, or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and the assessor, if he reassesses the property, shall

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transmit to the local board of equalization a description of the property so reassessed, the name of the person making the application in connection with the property, if any, or the name of the property owner notified of the reassessment, and the value of the property as so reassessed. Upon such notice as it may find to be proper, the local board of equalization shall equalize any such assessment or reassessment.

As used in this section, "damage" includes property which has diminished in value as a result of restricted access to the property where such diminution in value was caused by the misfortune or calamity.

The tax rate fixed for property on the roll on which the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the reassessment determined in accordance with this section. In the event that the resulting figure is less than the tax theretofore computed, the tax shall be determined as follows:

(a) With respect to property on the secured roll a prorated portion of the tax due on the property as originally assessed at the rate established for property on the secured roll for the current fiscal year, such proration to be determined on the basis of the number of months in the year during which the property was in an undamaged condition plus a proration of the tax due on the property as reassessed in its damaged or destroyed condition at the rate established for property on the secured roll for such fiscal year, such proration to be determined on the basis of the number of months in the year in which the property was in a damaged condition, including the month in which the damage was incurred.

(b) With respect to property on the unsecured roll, he shall be liable for a prorated portion of the tax computed on the original assessment of the property and a prorated portion of the tax computed on the reassessment of the property as determined in the preceding paragraph.

Any tax paid in excess of the total tax due shall be refunded to the taxpayer pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of this division, as an erroneously collected tax or by order of the board of supervisors without the necessity of a claim being filed pursuant to Chapter 5.

This section applies to all counties, whether operating under a charter or under the general laws of this state.

SEC. 2. Section 43013 is added to the Government Code, to read:

43013. Notwithstanding any other provision of law, the legislative body of a chartered city which assesses and collects its own property taxes may, in any year, by ordinance, provide that every person who at 12:01 a.m. on the immediately preceding March 1 was the owner of, or had in his possession or under his control, any taxable property, or who acquired such property after such date and is liable for the taxes thereon for the fiscal year commencing the immediately following July 1, which property was thereafter damaged or destroyed, without his fault, by a misfortune or calamity, may, within

the time specified in the ordinance, make application for the reassessment of such property and deliver to the assessing official of the city a written statement showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown thereon to be in excess of one thousand dollars ($1,000). The application shall be executed under penalty of perjury or, if executed outside the State of California, verified by affidavit.

Upon receiving a proper application, the assessor shall reassess the property according to its full cash value immediately after the damage or destruction. The assessor shall notify the applicant in writing of the amount of the proposed reassessment. The notice shall state that the applicant may appeal the proposed reassessment to the local board of equalization within 14 days of the date of mailing the notice. If an appeal is requested within the 14-day period, the board shall hear and decide the matter as if the proposed reassessment had been entered on the roll as an assessment made outside the regular assessment period. The decision of the board regarding the damaged value of the property shall be final, provided that a decision of the local board of equalization regarding any reassessment made pursuant to this section shall create no presumption as regards the value of the affected property subsequent to the date of the damage.

If the damaged full cash value of the property as determined above is not at least one thousand dollars ($1,000) less than the full cash value shown on the assessment roll for the year in question, no adjustment shall be made to said roll and no taxes shall be canceled or refunded. Those reassessed values resulting from reductions in full cash value of at least one thousand dollars ($1,000), as determined above, shall be forwarded to the auditor by the assessor or the clerk of the board, as the case may be The auditor shall enter the reassessed values on the roll. After being entered on the roll, said reassessed values shall not be subject to review except by a court of competent jurisdiction.

If no such application is made and the county assessor determines that the full cash value of such property for the assessment year is reduced by more than one thousand dollars ($1,000) from the full cash value of the property for the immediately preceding assessment year due to the damage or destruction caused by the misfortune or calamity, the assessor shall notify the property owner that the property will be reassessed. The assessor shall assess the property, or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and the assessor, if he reassesses the property, shall transmit to the local board of equalization a description of the property so reassessed, the name of the person making the application in connection with the property, if any, or the name of the property owner notified of the reassessment, and the value of the property as so reassessed. Upon such notice as it may find to be proper, the local board of equalization shall equalize any such assessment or reassessment.

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As used in this section, "damage" includes property which has diminished in value as a result of restricted access to the property where such diminution in value was caused by the misfortune or calamity.

The tax rate fixed for property on the roll on which the property so assessed appears or the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the equalized assessment or reassessment determined in accordance with this section. In the event that the resulting figure is less than the tax theretofore computed, the tax shall be determined as follows:

(a) With respect to property on the secured roll, a prorated portion of the tax due on the property as originally assessed at the rate established for the property on the secured roll for the current fiscal year, such proration to be determined on the basis of the number of months in the year during which the property was in an undamaged condition plus a proration of the tax due on the property as reassessed in its damaged or destroyed condition at the rate established for property on the secured roll for such fiscal year, such proration to be determined on the basis of the number of months in the year in which the property was in a damaged condition, including the month in which the damage was incurred.

(b) With respect to property on the unsecured roll, a prorated portion of the tax shall be computed on the original assessment of the property and a prorated portion of the tax computed on the reassessment of the property as determined in the preceding paragraph.

Any tax paid in excess of the total tax due shall be refunded to the taxpayer pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of the Revenue and Taxation Code, as an erroneously collected tax.

SEC. 3. This act shall become operative upon the adoption by the people of Assembly Constitutional Amendment No. 30 of the 1973–74 Regular Session.

CHAPTER 902

An act to amend Sections 300, 303, 4040, 4041, 4041.1, 4041.3, 4041.4, 4042, 4042.1, and 4042.2 of, to amend the heading of Article 3 (commencing with Section 300) of Chapter 2 of Part 1 of Division 1 of, to amend and renumber Sections 280, 290, 291, 292, and 293 of, to add Section 301.5 to, to repeal Section 305 of, and to repeal the headings of Article 2.5 (commencing with Section 280) and Article 2.7 (commencing with Section 290) of Chapter 2 of Part 1 of Division 1 of, the Health and Safety Code, relating to health.

[Approved by Governor September 28, 1973 Filed with Secretary of State September 28, 1973]

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The people of the State of California do enact as follows:

SECTION 1. The heading of Article 2.5 (commencing with Section 280) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code is repealed.

SEC. 2. Section 280 of the Health and Safety Code is amended and renumbered to read:

309. It is the policy of the State of California to make every effort to detect, as early as possible, phenylketonuria and other preventable heritable disorders leading to mental retardation or physical defects.

The State Department of Health shall have the responsibility of designating tests and regulations to be used in executing this policy. Such tests shall be in accordance with accepted medical practices and shall be administered to each child born in California at such time as the department has established appropriate regulations and testing methods.

The department shall inform all hospitals or physicians, or both, of required regulations and tests and may alter or withdraw any such requirements whenever sound medical practice so indicates.

The provisions of this section shall not apply if a parent or guardian of the newborn child objects to a test on the ground that the test conflicts with his religious beliefs or practices.

SEC. 3. The heading of Article 2.7 (commencing with Section 290) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code is repealed.

SEC. 4. Section 290 of the Health and Safety Code is amended and renumbered to read:

305. Every licensed physician and surgeon or other person engaged in the prenatal care of a pregnant woman, or attending such woman at time of delivery, shall obtain or cause to be obtained a blood specimen of such woman at the time of the first professional visit or within 10 days thereafter in the case of prenatal care and within 24 hours of delivery if not obtained prior to delivery.

SEC. 5. Section 291 of the Health and Safety Code is amended and renumbered to read:

306. (a) The blood specimen obtained shall be submitted to a licensed clinical laboratory or approved public health laboratory for a determination of rhesus (Rh) blood type and the results reported (1) to the physician and surgeon or other person engaged in the prenatal care of the woman or attending such woman at the time of delivery, and (2) to the woman tested.

(b) The State Department of Health shall adopt such rules and regulations as it determines are reasonably necessary for the implementation of the provisions of subdivision (a) of this section.

SEC. 6. Section 292 of the Health and Safety Code is amended and renumbered to read:

307. The provisions of this article shall not be applicable if the licensed physician and surgeon or other person engaged in the prenatal care of a pregnant woman or attending such woman at time

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of delivery has knowledge of the pregnant woman's blood type and accepts responsibility for the accuracy of such information.

SEC. 7. Section 293 of the Health and Safety Code is amended and renumbered to read:

308. The provisions of this article shall not apply if the pregnant woman objects to the test required by this article on the ground that the test conflicts with her religious beliefs or practices.

SEC. 8. The heading of Article 3 (commencing with Section 300) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code is amended to read:

Article 3. Maternal and Child Health

SEC. 9. Section 300 of the Health and Safety Code is amended to read:

300. The State Department of Health shall maintain a program of maternal and child health.

SEC. 10. Section 301.5 is added to the Health and Safety Code, to read:

301.5. The program may include the provision of educational, preventative, diagnostic and treatment services, including medical care, hospitalization and other institutional care and aftercare, appliances and facilitating services directed toward reducing infant mortality and improving the health of mothers and children. The department may make grants or contracts or advance funds from any funds that are made available for the purposes of this article.

SEC. 11. Section 303 of the Health and Safety Code is amended to read:

303. Upon request the department shall advise all public officers, organizations, and agencies interested in the health and welfare of mothers and children in the state.

SEC. 12. Section 305 of the Health and Safety Code is repealed.

SEC. 13. Section 4040 of the Health and Safety Code is amended to read:

4040. (a) "Bottled water," means any natural spring, well, or other water, distilled water, or any of the foregoing to which chemicals have been added, which is placed in sealed bottles or other containers to be sold for drinking, culinary, or other domestic purposes involving a likelihood of the water being ingested by human beings.

(b) "Water-bottling plant" means any commercially operated facility in which bottled water is produced.

(c) "Water-vending machine" means any self-service device which, upon insertion of a coin, coins, or token, or upon receipt of payment by other means, dispenses unit servings of water in bulk into a customer's container, without the necessity of refilling the machine between each operation.

SEC. 14. Section 4041 of the Health and Safety Code is amended to read:

4041. The state department shall adopt and enforce such regulations as it determines are reasonably necessary to insure that all bottled water which is sold or otherwise distributed in this state is pure, wholesome, and potable and without danger to the lives or health of human beings. The regulations shall include, but not be limited to.

(a) Minimum standards for the sanitary production and distribution of bottled water within this state.

(b) Quality standards for bottled water.

The quality standards of bottled water shall not be less stringent than those standards prescribed by Subpart J, Part 72, Chapter I, Title 42, Code of Federal Regulations.

(c) Minimum standards of cleanliness for any water-vending machine.

(d) Standards for labeling of bottled water, which shall be in accordance with state laws relating to labeling.

SEC. 15. Section 4041.1 of the Health and Safety Code is amended to read:

4041.1. Each bottler, distributor, or vendor of bottled water and each owner or operator of a water-vending machine shall obtain a bacterial analysis by an approved laboratory of water so bottled, distributed, or sold at such times as may be required by regulations of the state department. The analysis shall be submitted to the state department or to a county health department indicating whether the water is pure and wholesome.

SEC. 16. Section 4041.3 of the Health and Safety Code is amended to read:

4041.3. No water-vending machine shall be used in this state which does not at least satisfy the minimum standards adopted by the state department.

SEC. 17. Section 4041.4 of the Health and Safety Code is amended to read:

4041.4. The state department may inspect each water-vending machine for cleanliness and sanitary operation, and it shall require that each such water-vending machine be maintained in a clean and sanitary condition at all times.

SEC. 18. Section 4042 of the Health and Safety Code is amended to read:

4042. No person shall operate a water-bottling plant in this state except pursuant to a license issued by the state department.

SEC. 19. Section 4042.1 of the Health and Safety Code is amended to read:

4042.1. (a) No bottled water produced in an out-of-state bottling plant shall be sold or distributed within this state unless either the out-of-state bottler or the distributor shall have first obtained an out-of-state bottler's or distributor's license.

(b) Applications for an out-of-state bottler's or distributor's license under this section shall be made on a form furnished by the state. The state department may require such information as it deems is

reasonably necessary to carry out the purposes of the section.

SEC. 20. Section 4042.2 of the Health and Safety Code is amended to read:

4042.2. No person shall own or operate any water-vending machine, except pursuant to a license issued by the state.

SEC. 21. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 903

An act to amend Section 13203 of the Vehicle Code, and to amend Section 564 of the Welfare and Institutions Code, relating to vehicles.

[Approved by Governor September 28, 1973 Filed with Secretary of State September 28, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 13203 of the Vehicle Code is amended to read:

13203. In no event shall a court, other than a juvenile court, suspend the privilege of any person to operate a motor vehicle or as a condition of probation prohibit the operation of a motor vehicle for a period of time longer than that specified in this code. Any such prohibited order of a court, whether imposed as a condition of probation or otherwise, shall be null and void, and the department shall restore or reissue a license to any person entitled thereto irrespective of any such invalid order of a court.

SEC. 2. Section 564 of the Welfare and Institutions Code is amended to read:

564. Upon a hearing conducted in accordance with Section 563, upon an admission by the minor of the commission of a traffic violation charged, or upon a finding that the minor did in fact commit such traffic violation, the judge, referee, or traffic hearing officer may

(1) Reprimand the minor and take no further action, or

(2) Direct the probation officer to file a petition as provided for in Article 7 (commencing with Section 650) of this chapter, or

(3) Make any or all of the following orders:

(a) That the driving privileges of the minor be suspended or restricted for a period not to exceed 60 days,

(b) That the minor attend traffic school over a period not to exceed 60 days,

(c) That the minor pay to the general fund of the county a sum, not to exceed fifty dollars ($50),

(d) That the probation officer undertake a program of supervision of the minor for a period not to exceed six months,

(e) That the minor work in a city park or recreational facility or county or regional park for not to exceed 25 hours over a period not to exceed 30 days, during times other than his hours of school attendance or employment. When the order to work is made by a referee or a traffic hearing officer, it shall be approved by a judge of the juvenile court.

The judge, referee, or traffic hearing officer shall retain jurisdiction of the case until all orders made under this section have been fully complied with.

CHAPTER 904

An act to repeal Division 12 (commencing with Section 14000) of, and to add Division 12 (commencing with Section 14000) to, the Public Resources Code, relating to the California Youth Conservation Corps, and making an appropriation therefor.

[Approved by Governor September 28, 1973 Filed with Secretary of State September 28, 1973]

The people of the State of California do enact as follows:

SECTION 1. Division 12 (commencing with Section 14000) of the Public Resources Code is repealed.

SEC. 2. Division 12 (commencing with Section 14000) is added to the Public Resources Code, to read:

DIVISION 12. YOUTH CONSERVATION CORPS

CHAPTER 1. FINDINGS AND DECLARATIONS OF POLICY

14000. The Legislature finds and declares that gainful employment during the summer months of the youth of this state in the healthful outdoor atmosphere in the state park system and other publicly owned land creates an opportunity for understanding and appreciating this state's natural environment.

14001. It is the intent of the Legislature in enacting this division to further the development and maintenance of the natural resources of this state by the youth of this state, and to benefit the state's youth by providing them meaningful educational and work opportunities during the summer months.

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CHAPTER 2. DEFINITIONS

14100. Unless context otherwise requires, the definitions set forth in this chapter govern the construction of this division.

14101. "Corps" means the California Youth Conservation Corps.

14102. "Department" means the Department of Parks and Recreation.

CHAPTER 3 PROGRAM

14300. To carry out the purposes of this division, the department shall establish a program, designated as the California Youth Conservation Corps, to be financed by federal, state, and local government. The department is also authorized to continue the pilot program established by the department in San Diego County.

14301. The corps shall consist of applicants having parental consent from counties in which the department establishes a corps camp, who have attained the age of 15 years but have not attained the age of 19 years. The department shall employ such persons during the summer months for the purposes of developing, preserving, and maintaining environmentally important public lands and waters.

No person shall be employed as a member of the corps in excess of 90 days during any single calendar year.

14302. The department may establish corps camps in any county if the department determines that there are sufficient funds available to establish a corps camp in such county, for the youth of such county. The department's costs of administrating the provisions of this division shall not exceed 10 percent of the total funds available.

In order for a county to participate in the corps camp program for a particular year, the county shall submit an application for participation to the department no later than January 15th of that year. All corps camp projects shall be designated by the department and funds committed for such projects on or before March 15th.

Each participating county shall, from its general funds, contribute a sum of moneys as determined by the department, but not to exceed 10 percent of the total amount of moneys expended, or the value of services, materials, or property used, or both, in a particular county for purposes of the corps camp in such county, or in lieu of such sum or any part thereof, labor, materials, or property equivalent in value thereto, for carrying out the provisions of this division.

14303. The department shall determine the rates of pay, hours, and other conditions of employment in the corps.

14304. The department shall provide transportation, lodging, subsistence, and other services and equipment as it deems necessary or required for the members of the corps in their duties. The department may contract with any public agency or any private person for any of the services or equipment necessary or required to carry out the provisions of this division.

14305. The department may contract with any local school district, county superintendent of schools, or governmental agency as it deems necessary, to develop and implement a system for recruiting and selecting students to participate in the corps program.

14306. The department may contract with any local school district, county superintendent of schools, or governmental agency as it deems necessary, to provide an instructional component and work experience plan in order to provide high school or college credit, or both, for students participating in such program.

14307. In carrying out the provisions of this division, the department may utilize any services, materials, or property of any agency of the state

14308. The department shall adopt rules and regulations to insure the safety, health, and welfare of the members of the corps.

14309. The State Personnel Board shall determine the rate of pay, hours of employment, and other conditions of employment for the staff of the corps camps as provided under Sections 18020, 18705, 18850, and 19261 of the Government Code.

14310. The department shall prepare progress reports detailing the contribution of the program toward achieving the purposes of this division and providing recommendations. The first such report shall be filed with the Governor and the Legislature not later than January 15, 1975, and subsequent reports shall be filed every two years thereafter.

14311. The department shall conduct followup studies of the members of the corps and file reports on such studies with the Governor and the Legislature at the same time as the reports prepared pursuant to Section 14310 are filed.

14312. This division shall be known as the Mobley California Youth Conservation Corps Act.

SEC. 3. The sum of one hundred fifty thousand dollars ($150,000) is appropriated from the General Fund in the State Treasury to the Department of Parks and Recreation for expenditure, during the 1973–74 fiscal year, pursuant to Division 12 (commencing with Section 14000) of the Public Resources Code.

CHAPTER 905

An act to add Section 1751.6 to the Insurance Code, relating to insurance, and making an appropriation therefor.

[Approved by Governor September 28, 1973 Filed with Secretary of State September 28, 1973]

The people of the State of California do enact as follows:

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SECTION 1. Section 1751.6 is added to the Insurance Code, to read:

1751.6. The commissioner may prepare a list of all currently licensed agents, brokers, and solicitors. All such lists shall be at the expense of the insurer, organization or person requesting this service, except that special lists which are a part of the regulatory responsibility of the department may be at the expense of the state in the discretion of the commissioner. The costs and expenses of all such lists shall be paid from the support appropriation for the Department of Insurance current at the time of the preparation of the list but shall be charged to and collected from the insurer, organization or person requesting the list. All list preparation expense moneys collected by the Department of Insurance under the provisions of this section are hereby appropriated to the department and shall be deposited in the General Fund to the credit of the support appropriation for the department current at the time of the deposit. If any such insurer, organization or person refuses to pay such costs and expenses promptly when due, the commissioner may refuse to issue its certificate of authority, certificate of exemption or license, as the case may be, and may revoke any existing certificate of authority, certificate of exemption or license.

CHAPTER 906

An act directing the transfer of certain real property of the Yountville Veterans Home facility.

[Approved by Governor September 28, 1973 Filed with Secretary of State September 28, 1973]

The people of the State of California do enact as follows:

SECTION 1. To accomplish a public purpose of the state, the Director of General Services with the approval of the State Public Works Board shall quitclaim all interests of the state, and the real property and appurtenances thereto, of a certain portion of the Yountville Veterans Home facility to the City of Yountville, described as follows:

The real property situate in the County of Napa, State of California, composed of approximately 0.84 acres located between State Highway 29 and Washington Street in the City of Yountville. Such transfer shall be for a public purpose of broad public benefit, and not a benefit basically of local interest.

The real property situate in the County of Napa, State of California, composed of approximately 0.56 acres located between State Highway 29 and Washington Street in the City of Yountville. Such transfer shall be made upon payment of one thousand three hundred fifty dollars ($1,350) to the Department of Veterans Affairs

for reimbursement for actual cost plus interest of the Post Fund of the Yountville Veterans Home.

SEC. 2. The transfers made pursuant to Section 1 shall be subject to the following conditions:

(a) The city has submitted a general development plan for the property which conforms to the city's general plan pursuant to Article 5 (commencing with Section 65300) of Chapter 3 of Title 7, and which general development plan has been approved by the Director of Parks and Recreation.

(b) The land must be developed according to plan within a time period determined by the state but not to exceed 10 years.

(c) The deed or other instrument of transfer shall provide that the land would revert to the state if the use changed to a use not consistent with parks and recreation purposes during the period of 25 years following the sale.

(d) Any transfer of land pursuant to this section shall reserve to the state any or all oil, gas, oil shale, coal, phosphate, sodium, gold, silver, or other mineral deposits therein, together with the right to prospect for, mine and remove such deposits, and to occupy and use so much of the surface of the land as may be necessary therefor.

CHAPTER 907

An act to amend Section 9021 of the Education Code, relating to public schools.

[Approved by Governor September 28, 1973. Filed with Secretary of State September 28, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 9021 of the Education Code is amended to read:

9021. During school hours, and within one hour before the time of opening and within one hour after the time of closing of school, pupils of the public school shall not be solicited on school premises by teachers or others to subscribe or contribute to the funds of, to become members of, or to work for, any organization not directly under the control of the school authorities, unless the organization is a nonpartisan, charitable organization organized for charitable purposes by an act of Congress or under the laws of the state, the purpose of the solicitation is nonpartisan and charitable, and the solicitation has been approved by the county board of education or by the governing board of the school district in which the school is located.

Nothing in this section shall be construed as prohibiting the solicitation of pupils of the public school on school premises by pupils of that school for any otherwise lawful purpose

CHAPTER 908

An act to add Section 496 to the Public Utilities Code, relating to carriers.

[Approved by Governor September 28, 1973 Filed with Secretary of State September 28, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 496 is added to the Public Utilities Code, to read:

496. (a) For purposes of this section—

(1) The term "carrier" means any common carrier subject to regulation under this part.

(2) The term "warehouseman" means any warehouseman subject to regulation under this part.

(3) The term "antitrust laws" means the provisions of Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code, relating to combinations in restraint of trade.

(b) (1) Any carrier which is a party to an agreement between or among two or more carriers relating to rates, fares, classifications, divisions, allowances, or charges (including charges between carriers and compensation paid or received for the use of facilities and equipment), or rules and regulations pertaining thereto, or procedures for the joint consideration, initiation or establishment thereof, may, under such rules and regulations as the commission may prescribe, apply to the commission for approval of the agreement, and the commission shall by order approve any such agreement, if approval thereof is not prohibited by subdivision (d), (e), or (f), if it finds that the agreement and the rules, regulations, and procedures provided for the operation thereof are fair and reasonable and not contrary to public policy; otherwise the application shall be denied. The approval of the commission shall be granted only upon such terms and conditions as the commission may prescribe as necessary to enable it to grant its approval in accordance with this paragraph.

(2) Any warehouseman which is a party to an agreement between or among two or more warehousemen relating to rates, classifications, allowances, or charges, or rules and regulations pertaining thereto, or procedures for the joint consideration, initiation, or establishment thereof, may, under such rules and regulations as the commission may prescribe, apply to the commission for approval of the agreement, and the commission shall by order approve any such agreement, if approval thereof is not prohibited by subdivision (e), or (f), if it finds that the agreement and the rules, regulations, and procedures provided for the operation thereof are fair and reasonable and not contrary to public policy; otherwise the application shall be denied. The approval of the

commission shall be granted only upon such terms and conditions as the commission may prescribe as necessary to enable it to grant its approval in accordance with this paragraph.

(c) Each conference, bureau, committee, or other organization established or continued pursuant to any agreement approved by the commission under the provisions of this section shall maintain such accounts, records, files, and memoranda and shall submit to the commission such reports, as may be prescribed by the commission, and all such accounts, records, files, and memoranda shall be subject to inspection by the commission or its duly authorized representatives.

(d) The commission shall not approve under this section any agreement between a carrier by highway and a carrier by rail unless it finds that such agreement is of the character described in subdivision (b) and is limited to matters relating to transportation under joint rates or over through routes.

(e) The commission shall not approve under this section any agreement which it finds is an agreement with respect to the pooling or division of traffic, service, or earnings.

(f) The commission shall not approve under this section any agreement which establishes a procedure for the determination of any matter through joint consideration unless it finds that under the agreement there is accorded to each party the free and unrestrained right to take independent action either before or after any determination arrived at through such procedure.

(g) The commission may, upon complaint or upon its own initiative without complaint, investigate and determine whether any agreement previously approved by it under this section, or any term or condition upon which such approval was granted, is not in conformity with subdivision (b), or whether any such term or condition is not necessary for purposes of conformity with subdivision (b). After such investigation, the commission may by order terminate or modify its approval of such agreement if it finds such action necessary to insure conformity with subdivision (b), and may modify the terms and conditions upon which such approval was granted to the extent it finds necessary to insure conformity with subdivision (b) or to the extent it finds such terms and conditions unnecessary to insure such conformity. The effective date of any order terminating or modifying approval, or modifying terms and conditions, may be postponed for such period as the commission determines is reasonably necessary to avoid undue hardship.

(h) No order shall be entered under this section except after interested parties have been afforded reasonable opportunity for hearing.

(i) The parties to any agreement approved by the commission under this section and other persons are, if the approval of such agreement is not prohibited by subdivision (d), (e), or (f), hereby exempted from the antitrust laws with respect to such agreement under the terms and conditions prescribed by the commission.

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(j) Any action of the commission under this section in approving an agreement, or in denying an application for such approval, or in terminating or modifying its approval of an agreement, or in prescribing the terms and conditions upon which its approval is to be granted, or in modifying such terms and conditions, shall be construed as having effect solely with reference to the applicability of subdivision (i).

SEC. 2. The Public Utilities Commission shall study the effectiveness of rate bureau proceedings relating to tariffs of common carriers and warehousemen as authorized by this act, and shall report to the Legislature its findings and recommendations on or before January 1, 1975.

CHAPTER 909

An act relating to assessment payments by the Department of Transportation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 28, 1973. Filed with Secretary of State September 28, 1973]

The people of the State of California do enact as follows:

SECTION 1. The sum of one hundred ninety thousand dollars ($190,000) is hereby appropriated from the State Highway Account in the State Transportation Fund for payment, which shall be made not later than January 1, 1974, by the Department of Transportation to the Tahoe City Public Utility District for sewer assessments levied by the utility district on real property held by the department in the utility district's Sewer Assessment Districts 7-A, 7-B, and 7-C.

SEC. 2. Payments made by the Department of Transportation pursuant to Section 1 of this act shall not be deemed highway expenditures for purposes of Sections 188.8 and 188.9 of the Streets and Highways Code.

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 Department of Transportation may make the sewer assessments levied by the Tahoe City Public Utility District on real property held by the department in the utility district's Sewer Assessment Districts 7-A, 7-B, and 7-C by January 1, 1974, so that the utility district may expeditiously proceed with sewer development to control the discharge of effluents into Lake Tahoe, it is necessary that this act take effect immediately.

CHAPTER 910

An act to amend Sections 4975 and 4979 of, to add Section 4961 to, and to repeal Section 4978 of, the Health and Safety Code, relating to sewer revenue bonds, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 28, 1973. Filed with Secretary of State September 28, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 4961 is added to the Health and Safety Code, to read:

4961. If any section, subsection, sentence, clause, or phrase of this chapter, or the application thereof to any person or circumstance, is for any reason held invalid, the validity of the remainder of the chapter, or the application of such provision to other persons or circumstances, shall not be affected thereby. The Legislature hereby declares that it would have passed this chapter, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases, or the application thereof to any person or circumstance, be held invalid.

SEC. 2. Section 4975 of the Health and Safety Code is amended to read:

4975. If, before the conclusion of the hearing, a petition signed by not less than 15 percent of the owners or by not less than 15 percent of the registered voters in the specified area is filed with the governing body requesting that body to submit the proposition of acquiring or constructing the proposed works to an election of the registered voters in the area, the governing body shall forthwith call an election in the area for that purpose.

SEC. 3. Section 4978 of the Health and Safety Code is repealed.

SEC. 4. Section 4979 of the Health and Safety Code is amended to read:

4979. If the proposal is not rejected at a referendum election, the governing body acquires jurisdiction to proceed.

SEC. 5. The amendment made by Section 1 of this act does not constitute a change in, but is declaratory of, the preexisting law.

SEC. 6. All proceedings heretofore taken for the authorization, issuance and sale of bonds by any district pursuant to Chapter 5 (commencing with Section 4950) of Part 3 of Division 5 of the Health and Safety Code, such district being as therein defined, are hereby validated, ratified and confirmed and such bonds shall constitute legally binding obligations in accordance with their terms.

The validity of such bonds heretofore authorized thereunder shall not be contested in any action or proceeding unless the action or proceeding is commenced within 30 days from and after the effective date hereof.

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SEC. 7. In enacting this act, the Legislature hereby determines and finds that any duties, obligations or responsibilities imposed on local government are minor in nature and do not result in a significant new program for local government, or a significant increase in level of service of an existing mandated program, and no additional economic burden or cost is intended to be imposed hereby. Therefore, and solely as a result of this finding and determination, no appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code for reimbursement of any local agency for any costs that may be incurred by it.

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 assure that registered voters are not denied the right to vote on the issuance of the bonds by property owners, and in order to assure that public agencies which have proceeded in good faith will not be denied the expeditious availability of matching funds urgently required for federal- and state-mandated local water pollution control projects, it is necessary that this act go into effect immediately.

CHAPTER 911

An act to add Section 10652.5 to the Vehicle Code, relating to vehicle storage fees.

[Approved by Governor September 28, 1973 Filed with Secretary of State September 28, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 10652.5 is added to the Vehicle Code, to read:

10652.5. (a) Whenever the name and address of the legal owner of a motor vehicle is known, or may be ascertained from the registration records in the vehicle or from the records of the Department of Motor Vehicles, no fee or service charge may be imposed upon the legal owner for the parking and storage of the motor vehicle for the period commencing with the 16th day of possession and continuing until written notice by certified mail with return receipt requested is sent to the legal owner by the person in possession of the motor vehicle.

(b) The costs of notifying the legal owner may be charged as part of the storage fee when the motor vehicle has been stored for an indefinite period of time and notice is given no sooner than the third day of possession. This subdivision shall also apply if the legal owner refuses to claim possession of the motor vehicle

(c) This section shall not be applicable to any motor vehicle stored by a levying officer acting under the authority of judicial process, nor to any motor vehicle which has been removed from a highway, or public or private property, by a law enforcement officer or employee of the state and is subject to the procedures described in Sections 22852, 22853, and 22854, if the legal owner is in fact notified by the law enforcement officer or employee of the state or by the Department of Justice.

CHAPTER 912

An act to amend Section 19614 of the Business and Professions Code, relating to horseracing.

[Approved by Governor September 28, 1973 Filed with Secretary of State September 28, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 19614 of the Business and Professions Code is amended to read:

19614. Notwithstanding any provision to the contrary in this chapter, any association which handles twenty million dollars ($20,000,000) or less in the parimutuel pools operated by it during the course of a racing meeting shall be exempt from the requirements of Sections 19611 and 19612 which prescribe the amount which shall be paid for purses, and the provisions of subdivision (c) of Section 19615. Any such association shall deduct from the total amount handled in parimutuel pools relating to its meeting 15.75 percent thereof to be distributed as license fees, commissions, and purses, and shall pay a license fee of 5½ percent on the amount handled by it in lieu of any other base rate, or rates, otherwise provided for. The remaining 10.25 percent so deducted shall be distributed as commissions and purses. No such association, or its successor in interest, except the California State Fair and Exposition or a district or county fair, shall pay the reduced license fee provided for herein for more than five years after July 1, 1970.

CHAPTER 913

An act relating to beaches and parks, and in this connection to amend and supplement the Budget Bill for the 1973–74 fiscal year (enacted as the Budget Act of 1973) by adding thereto Section 2.5C, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 28, 1973 Filed with Secretary of State September 28, 1973]

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The people of the State of California do enact as follows:

SECTION 1. Section 2.5C is added to the Budget Bill for the 1973–74 fiscal year enacted as the Budget Act of 1973 (Chapter 129, Statutes of 1973–74), 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 1973–74 fiscal year beginning July 1, 1973, and ending June 30, 1974. Such appropriation shall be paid out of the State Beach, Park, Recreational, and Historical Facilities Fund in the State Treasury.

LOCAL ASSISTANCE

Resources

365C—For grants to counties, cities, or cities and counties pursuant to Section 5096.15(d) of the Public Resources Code, Department of Parks and Recreation, payable from the State Beach, Park, Recreational, and Historical Facilities Fund 180,000

Schedule:

(a) County of San Bernardino, Mojave Narrows Regional Park, for development..... 180,000

366.1C—As of the effective date of this act, the unexpended balance of the appropriation made by Item 349.1(qq), Budget Act of 1970, shall revert to the unappropriated balance of the State Beach, Park, Recreational, and Historical Facilities Fund.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The present provisions of the Budget Act of 1973 do not make sufficient provision for the greatly needed development of Mojave Narrows Regional Park. If the appropriation made by this act is not available for expenditure at the earliest possible date, the development of this important county park 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 914

An act to amend Section 986.4 of the Military and Veterans Code, relating to farm and home purchases.

[Approved by Governor September 28, 1973. Filed with Secretary of State September 28, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 986.4 of the Military and Veterans Code is amended to read:

986.4. The department shall not acquire a home under the provisions of this article where the market value of the improvements exceeds the sum of forty-five thousand dollars ($45,000), to be determined by an appraiser or an authorized representative of the department.

CHAPTER 915

An act to add Section 25372 to the Education Code, relating to state university and college contracts.

[Approved by Governor September 28, 1973. Filed with Secretary of State September 28, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 25372 is added to the Education Code, to read:

25372. At the request and expense of the contractor, and with the approval of the trustees, any amount withheld pursuant to Section 25371 may be deposited with the State Treasurer as the escrow agent, who shall pay such moneys to the contractor upon the placing of securities eligible for the investment of state funds under Section 16430 of the Government Code or bank certificates of deposit into such escrow account by the contractor.

"Approval of the trustees", as used in this section, means that the trustees may, in their discretion, allow or deny the request of the contractor to avail itself of the provisions of this section and that the trustees may, in their discretion, allow the request of the contractor upon the satisfaction of conditions which may be specified by the trustees.

The contractor shall be beneficial owner of any securities in an escrow account pursuant to this section and shall receive any interest thereon.

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Any escrow agreement entered into pursuant to this section shall contain as a minimum, the following provisions:

(a) The amount of securities to be deposited; such amount shall not be less than the amount which would otherwise be withheld pursuant to Section 25371;

(b) The terms and conditions of conversion to cash in case of the default of the contractor; and

(c) The termination of the escrow upon completion of the contract.

SEC. 2. This act shall apply only to contracts governed by the State College Contract Law entered into after the effective date of this act.

CHAPTER 916

An act to amend Section 1584.5 of the Civil Code, relating to mail order forms.

[Approved by Governor September 28, 1973 Filed with Secretary of State September 28, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 1584.5 of the Civil Code is amended to read:

1584.5. No person, firm, partnership, association or corporation, or agent or employee thereof, shall, in any manner, or by any means, offer for sale goods, wares, or merchandise, where the offer includes the voluntary and unsolicited sending of such goods, wares, or merchandise not actually ordered or requested by the recipient, either orally or in writing. The receipt of any such goods, wares, or merchandise shall for all purposes be deemed an unconditional gift to the recipient who may use or dispose of such goods, wares, or merchandise in any manner he sees fit without any obligation on his part to the sender.

If after any such receipt deemed to be an unconditional gift under this section, the sender continues to send bill statements or requests for payment with respect thereto, an action may be brought by the recipient to enjoin such conduct, in which action there may also be awarded reasonable attorneys' fees and costs to the prevailing party.

For the purposes of this section and limited to merchandise offered for sale through the mails, the "voluntary and unsolicited sending of such goods, wares, or merchandise not actually ordered or requested by the recipient, either orally or in writing," includes any merchandise selected by the company and offered to the consumer which will be mailed to him for sale or on approval unless he exercises an option to reject such offer of sale or receipt on approval. Merchandise selected by the seller and offered for sale on a periodic

basis must be affirmatively ordered by a statement or card signed by the consumer as to each periodic offer of merchandise. This paragraph shall not apply to any of the following:

(a) Contractual plans or arrangements complying with this subdivision under which the seller periodically provides the consumer with a form or announcement card which the consumer may use to instruct the seller not to ship the offered merchandise. Any instructions not to ship merchandise included on such form or card shall be printed in type as large as all other instructions and terms stated on such form or card. Such form or card shall specify a date by which it shall be mailed by the consumer (the "mailing date") or received by the seller (the "return date") to prevent shipment of the offered merchandise. The seller shall mail the form or card either at least twenty-five (25) days prior to the return date or at least twenty (20) days prior to the mailing date, or provide a mailing date of at least ten (10) days after receipt by the consumer, except that whichever system the seller chooses for mailing the form or card, such system must be calculated to afford the consumer at least ten (10) days in which to mail his form or card. Such form or card shall be preaddressed to the seller so that it may serve as a postal reply card or, alternatively, the form or card shall be accompanied by a return envelope addressed to seller. Upon the membership contract or application form or on the same page and immediately adjacent to such contract or form, and in clear and conspicuous language, there shall be disclosed the material terms of the plan or arrangement including all of the following:

(1) That aspect of the plan under which the subscriber must notify the seller, in the manner provided for by the seller, if he does not wish to purchase or receive the selection.

(2) Any obligation assumed by the subscriber to purchase a minimum quantity of merchandise.

(3) The right of a contract-complete subscriber to cancel his membership at any time.

(4) Whether billing charges will include an amount for postage and handling.

(b) Other contractual plans or arrangements not covered under subdivision (a), such as continuity plans, subscription arrangements, standing order arrangements, supplements and series arrangements under which the seller periodically ships merchandise to a consumer who has consented in advance to receive such merchandise on a periodic basis.

SEC. 2. This act shall become operative on January 1, 1975.

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CHAPTER 917

An act to amend Section 13143 of the Health and Safety Code, relating to fire safety, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 28, 1973 Filed with Secretary of State September 28, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 13143 of the Health and Safety Code is amended to read:

13143. (a) The State Fire Marshal, with the advice of the State Fire Advisory Board, shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, sanitarium, home for aged, children's nursery, children's home or institution not otherwise excluded from the coverage of this subdivision, school, or any similar occupancy of any capacity, and in any theater, dancehall, skating rink, auditorium, assembly hall, meeting hall, nightclub, fair building, or similar place of assemblage where 50 or more persons may gather together in a building, room or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education, and in any building or structure which is open to the public and is used or intended to be used for the showing of motion pictures when an admission fee is charged and when such building or structure has a capacity of 10 or more persons. Regulations adopted pursuant to this subdivision shall establish minimum standards relating to the means of egress and the adequacy of exits from, the installation and maintenance of fire extinguishing and fire alarm systems in, the storage and handling of combustible or explosive materials or substances, and the installation and maintenance of appliances, equipment, decorations, and furnishings that present a fire, explosion or panic hazard, and such minimum standards shall be predicated on the height and fire-resistive qualities of the building or structure and the type of occupancy for which it is to be used. The regulations shall apply to auxiliary or accessory buildings used or intended for use with any of the occupancies mentioned in this subdivision. Violation of any regulation shall be deemed to be in violation of this chapter.

In preparing and adopting regulations affecting public schools, the State Fire Marshal shall also secure the advice of the Department of Education. No regulation adopted by the State Fire Marshal shall conflict with any rule, regulation, or standard lawfully adopted by the Department of General Services under Article 4 (commencing with Section 15451) of Chapter 2 of Division 11 of the Education Code.

(b) Notwithstanding the provisions of subdivision (a) of this section and Section 13143.6, facilities licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 which provide nonmedical board, room, and care for six or fewer ambulatory children placed with the licensee for such care shall not be subject to the provisions of Article 1 (commencing with Section 13100) or Article 2 (commencing with Section 13140) of this chapter or regulations adopted pursuant thereto. No city, county, or public district shall adopt or enforce any requirement for the prevention of fire or for the protection of life and property against fire and panic with respect to structures used as facilities specified in this subdivision, unless the requirement would be applicable to such a structure regardless of such special occupancy. Nothing in this subdivision shall restrict the application of state or local housing standards to such facilities, if the standards are applicable to residential occupancies and are not based upon the use of the structure as such a facility.

"Ambulatory children," as used in this subdivision, does not include nonambulatory persons, as defined in Section 13131, and relatives of the licensee or the licensee's spouse.

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:

Regulations of the State Fire Marshal, adopted pursuant to Section 13143 of the Health and Safety Code and relating to fire and panic safety, have been unduly restrictive with respect to private homes providing care to six or less foster children. In many areas the enforcement of such regulations or the imposition of special local requirements has resulted in a reduction of available foster care facilities, which are greatly needed throughout the state. In order to avert these problems before they result in even more serious harm to foster care programs, it is necessary that this act go into immediate effect.

CHAPTER 918

An act to amend Section 531 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor September 28, 1973 Filed with Secretary of State September 28, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 531 of the Revenue and Taxation Code is amended to read:

531. If any property belonging on the local roll has escaped

assessment, the assessor shall assess the property on discovery at its value on the lien date for the year for which it escaped assessment. It shall be subject to the tax rate in effect in the year of its escape except as provided in Section 2905 of this code.

Property shall be deemed to have escaped assessment when its owner fails to file a property statement pursuant to the provisions of Section 441, to the extent that this failure results in no assessment or an assessment at a valuation lower than would have obtained had the property been properly reported. Escape assessments made as the result of an owner's failure to file a property statement as herein provided shall be subject to the penalty and interest imposed by Sections 463 and 506, respectively. This paragraph shall not constitute a limitation on any other provision of this article.

CHAPTER 919

An act to amend, repeal, and add Sections 52331 and 52332 of, to add and repeal Sections 52254.3, 52254.5, 52256.5, 52257.5, 52288, 52488, and 52515 of, and to add and repeal Article 2.5 (commencing with Section 52291), Article 3.5 (commencing with Section 52321), and Article 4.5 (commencing with Section 52351) of Chapter 2 of Division 18 of, the Food and Agricultural Code, relating to seeds, and making an appropriation therefor.

[Approved by Governor September 28, 1973. Filed with Secretary of State September 28, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 52254.3 is added to the Food and Agricultural Code, to read:

52254.3. "Board" means the Seed Advisory Board.

This section shall remain in effect only until June 30, 1977, and as of that date is repealed.

SEC. 2. Section 52254.5 is added to the Food and Agricultural Code, to read:

52254.5. "Labeler" means any person whose name and address appears on the label pertaining to or attached to a lot or container of agricultural or vegetable seed, or both agricultural and vegetable seed, for sale and distribution within the state.

This section shall remain in effect only until June 30, 1977, and as of that date is repealed.

SEC. 3. Section 52256.5 is added to the Food and Agricultural Code, to read:

52256.5. "Person" also means any individual, partnership, trust association, cooperative association, or any other business unit or organization.

This section shall remain in effect only until June 30, 1977, and as

of that date is repealed.

SEC. 4. Section 52257.5 is added to the Food and Agricultural Code, to read:

52257.5. "Processor" means any person who cleans, scarifies, or blends to obtain uniform quality, and other operations which would change the purity, germination, or identity of any lot of seed, including, but not limited to, packaging, labeling, blending together of uniform lots of the same kind or variety, or the preparation of a mixture.

This section shall remain in effect only until June 30, 1977, and as of that date is repealed.

SEC. 5. Section 52288 is added to the Food and Agricultural Code, to read:

52288. The Legislature hereby declares that it is the intent of this chapter to enable the seed industry, with the aid of the state, to ensure that the product purchased by the consumer-buyer of seed is properly identified and of the quality represented on the tag or label.

This section shall remain in effect only until June 30, 1977, and as of that date is repealed.

SEC. 6. Article 2.5 (commencing with Section 52291) is added to Chapter 2 of Division 18 of the Food and Agricultural Code, to read:

Article 2.5. Seed Advisory Board

52291. There is in the department a Seed Advisory Board consisting of seven members appointed by the director five of whom shall be labelers registered under the provisions of this chapter and two of whom shall be members of the public. The members of the board who are labelers registered under the provisions of this chapter shall be representative of the functions of seed production, processing, marketing, or utilization.

52292. The term of office for each member of the board is three years. When the board is first appointed, three members shall be appointed for terms of three years, two members shall be appointed for terms of two years, and two members shall be appointed for terms of one year. Thereafter appointment shall be for full three-year terms. Vacancies shall be filled by the director for an unexpired term.

52293. The director shall appoint an alternate for each member of the board. The alternate for members who are labelers registered under the provisions of this chapter shall be selected from the same geographical location and category of seed industry firm represented by the member for whom the alternate is designated to serve.

52294. Alternate members shall serve at board meetings only in the absence of the member for whom they are designated as alternate. Any alternate member when so serving may exercise the full rights and privileges of the regular member of the board.

52295. Members of the board shall receive no salary but may be allowed per diem in accordance with State Board of Control rules for attendance at meetings and other board activities authorized by the

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board and approved by the director.

52296. The board shall be advisory to the director and may make recommendations on all matters pertaining to this chapter including, but not limited to, the overall enforcement program, annual budget, and regulations required to accomplish the purposes of this chapter. The board shall be advisory as to the scope of the enforcement program funded by industry and recommend the dollar volume assessments, which when combined with the registration fee required by this chapter, shall provide adequate funds to support that segment of the program.

52297. The board shall annually elect a chairman from its membership, and from time to time such other officers as it may deem advisable.

52298. The board shall meet at the call of its chairman or the director, or at the request of any four members of the board. The board shall meet at least once a year to review budget proposals and fiscal matters related to such proposals.

52299. This article shall remain in effect only until June 30, 1977, and as of that date is repealed.

SEC. 7. Article 3.5 (commencing with Section 52321) is added to Chapter 2 of Division 18 of the Food and Agricultural Code, to read:

Article 3.5. Funding

52321. All money which is received by the director pursuant to this chapter shall be deposited in the Department of Agriculture Fund and shall be expended only for the purpose of this chapter.

52322. The director shall prepare an annual statement of the operating expenditures and income related to this chapter which shall be presented to the board for review as soon as possible following the termination of any fiscal year. A copy of this statement shall be made available to any interested person upon request.

52323. On June 30, 1977, any remaining funds received by the director pursuant to this chapter shall be refunded on a pro rata basis to all persons from whom registration fees and dollar volume assessments were collected during the 12 months preceding such date, unless the director finds the amounts returnable are so small as to make impractical computation and remitting of such funds. If the director makes such a finding, the funds may be granted to the University of California for seed research.

52324. This article shall remain in effect only until June 30, 1977, and as of that date is repealed.

SEC. 8. Section 52331 of the Food and Agricultural Code is amended to read:

52331. The director, by regulations, shall do all of the following:

(a) Adopt germination standards for vegetable seed.

(b) Adopt tolerances to be applied in all enforcement procedure required by this chapter.

(c) Prescribe methods of procedure in the examination of lots of

any agricultural or vegetable seed, and in securing samples of such lots.

(d) Establish a reasonable schedule of fees for tests, examinations, and services except those which are required for quarantine or other purposes, not directly related to the enforcement of this chapter. The schedule shall be based upon the approximate cost of the service rendered. The director may, however, provide for the examination of seeds for identification purposes without charge.

(e) Adopt such other regulations as will assist in carrying out the purposes of this chapter.

(f) Establish the amount of assessment fee necessary to provide sufficient funds to carry out the provisions of this chapter, and the dates and methods of collecting such assessment.

Every standard or tolerance which is adopted pursuant to this chapter shall be as nearly as practicable like that which is established under the Federal Seed Act (7 U.S.C., Sec. 1551, et seq.).

This section shall remain in effect only until June 30, 1977, and as of that date is repealed.

SEC. 9. Section 52331 is added to the Food and Agricultural Code, to read:

52331. The director, by regulations, shall do all of the following:

(a) Adopt germination standards for vegetable seed.

(b) Adopt tolerances to be applied in all enforcement procedure required by this chapter.

(c) Prescribe methods of procedure in the examination of lots of any agricultural or vegetable seed, and in securing samples of such lots.

(d) Establish a reasonable schedule of fees for tests, examinations, and services except those which are required for enforcement or for quarantine purposes, which schedule shall be based upon the appoximate cost of the service rendered. The director may, however, provide for the examination of seeds for identification purposes without charge.

(e) Adopt such other regulations as will assist in carrying out the purposes of this chapter.

Every standard or tolerance which is adopted pursuant to this chapter shall be as nearly as practicable like that which is established under the Federal Seed Act (7 U.S.C., Sec. 1551, et seq.).

This section shall become operative on June 30, 1977.

SEC. 10. Section 52332 of the Food and Agricultural Code is amended to read:

52332. The director may, by regulation, adopt all of the following:

(a) A list of the plants and crops which he finds are or may be grown in this state from agricultural or vegetable seed.

(b) A list of the plants and crops which he finds are detrimental to agriculture if they occur incidentally in other crops, and which, therefore, are classed as weed seed except if sold alone or as a specific constituent of a definite seed mixture.

(c) A list of noxious weeds which he finds are primary noxious

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weeds, as defined in this chapter.

(d) A list of those noxious weeds which are not classified as primary noxious weeds, and which, therefore, are classed by this chapter as secondary noxious weeds.

(e) A list of seed-certifying agencies which he finds qualified to certify as to the variety, purity, quality, or other matter of agricultural or vegetable seed. The director shall consult with the Director of the University of California Agricultural Experiment Station before approving the qualifications of any agency to certify as to variety, type, strain, or other genetic character of agricultural or vegetable seed.

(f) A list of substances, which are likely to be used for treating grain or other crop seed, that he finds and determines are toxic to human beings or animals if so used, together with an appropriate warning or caution statement for each such substance.

(g) Establish methods and procedures, upon the recommendation of the board, for the conciliation or mediation of dispute between a labeler and any person concerning the conformance with label statements as required by this chapter; provided, however, that such mediation or conciliation shall not affect any enforcement action by the director pursuant to this chapter.

This section shall remain in effect only until June 30, 1977, and as of that date is repealed.

SEC. 11. Section 52332 is added to the Food and Agricultural Code, to read:

52332. The director may, by regulation, adopt all of the following:

(a) A list of the plants and crops which he finds are or may be grown in this state from agricultural or vegetable seed.

(b) A list of the plants and crops which he finds are detrimental to agriculture if they occur incidentally in other crops, and which, therefore, are classed as weed seed except if sold alone or as a specific constituent of a definite seed mixture.

(c) A list of noxious weeds which he finds are primary noxious weeds, as defined in this chapter.

(d) A list of those noxious weeds which are not classified as primary noxious weeds, and which, therefore, are classed by this chapter as secondary noxious weeds.

(e) A list of seed-certifying agencies which he finds qualified to certify as to the variety, purity, quality, or other matter of agricultural or vegetable seed. The director shall consult with the Director of the University of California Agricultural Experiment Station before approving the qualifications of any agency to certify as to variety, type, strain, or other genetic character of agricultural or vegetable seed.

(f) A list of substances, which are likely to be used for treating grain or other crop seed, that he finds and determines are toxic to human beings or animals if so used, together with an appropriate warning or caution statement for each such substance.

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This section shall become operative on June 30, 1977.

SEC. 12. Article 4.5 (commencing with Section 52351) is added to Chapter 2 of Division 18 of the Food and Agricultural Code, to read:

Article 4.5. Registration and Assessment

52351. Every labeler of agricultural or vegetable seed offered for sale or sold in this state, or any person who receives or possesses for sale or sells in this state any such seed which is not grown in this state, shall annually register with the director to obtain authorization to sell agricultural or vegetable seed before he engages in such activity, except any of the following:

(a) An individual grower that processes such seed exclusively for his own planting use.

(b) A person using agricultural or vegetable seed, or both agricultural and vegetable seed, only for purposes of planting seed increase.

(c) Any person licensed to sell nursery stock pursuant to Chapter 1 (commencing with Section 6701) of Part 3 of Division 4, except when he also engages in activities as defined under Section 52257.5.

52352. Each application for an annual registration shall be accompanied by the payment of a fee in the amount of forty dollars ($40) for each fiscal year or portion of a fiscal year beginning July 1.

52353. If a registration is not renewed within one calendar month after the beginning of the fiscal year, a penalty of 20 percent of the annual registration fee due shall be added to the fee.

52354. Each person required to be registered pursuant to Section 52351, shall pay an assessment annually to the director in an amount not to exceed twenty cents ($0.20) per one hundred dollars ($100) gross annual dollar volume sales of agricultural or vegetable seed, or both, in this state for the preceding fiscal year defined in Section 52352, except in the following cases:

(a) No assessment shall be paid by any labeler or any other person for any agricultural or vegetable seed for which such assessment has been previously paid by another labeler or person, except when the identity of the lot has been changed.

(b) No assessment shall be paid on that portion of a person's sales of agricultural or vegetable seed, or both, that is sold in containers of four ounces or less net weight of seed.

(c) No assessment shall be paid on agricultural or vegetable seed, or both, sold and shipped out of this state.

52355. Any registrant who packages or labels seed, or both, with the name and address of the person who only retails the seed within the state shall, at the time of sale to such person, collect from the person whose name and address appears on the label, the assessment due based upon the invoice price for the seed, and pay such assessment to the director, as provided by regulations. The person collecting the assessment as provided under this section may charge, collect, and retain an additional reasonable fee established by the

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director for handling this collection and payment.

52356. Total expenditures from funds derived from registration fees and dollar volume assessments under this chapter shall not exceed 50 percent of the cost of carrying out the provisions of this chapter, excluding the cost derived under subdivision (g) of Section 52332 which shall be paid by the participants.

52357. This article shall remain in effect only until June 30, 1977, and as of that date is repealed.

SEC. 13. Section 52488 is added to the Food and Agricultural Code, to read·

52488. It is unlawful to violate any provisions of this chapter or any regulation adopted pursuant to this chapter.

This section shall remain in effect only until June 30, 1977, and as of that date is repealed.

SEC. 14. Section 52515 is added to the Food and Agricultural Code, to read:

52515. The director may, after hearing, refuse to issue or renew, or may suspend or revoke a registration for any violation of this chapter or any regulation adopted pursuant to this chapter. Proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code.

This section shall remain in effect only until June 30, 1977, and as of that date is repealed.

SEC. 15. It is the intent of the Legislature that the amendments to Section 52331 of the Food and Agricultural Code which are made by Section 8 of this act shall remain in effect only until June 30, 1977, and on that date Section 9 of this act shall become operative to restore Section 52331 to the form in which it read immediately prior to the effective date of this act.

SEC. 16. It is the intent of the Legislature that the amendments to Section 52332 of the Food and Agricultural Code which are made by Section 10 of this act shall remain in effect only until June 30, 1977, and on that date Section 11 of this act shall become operative to restore Section 52332 to the form in which it read immediately prior to the effective date of this act.

SEC. 17. There are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

SEC. 18. The provisions of this act shall become operative on July 1, 1974.

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CHAPTER 920

An act to amend Section 12846 of the Water Code, as added by Assembly Bill No. 641 of the 1973–74 Regular Session, relating to flood control and watershed protection, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 28, 1973 Filed with Secretary of State September 28, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 12846 of the Water Code, as added by Assembly Bill No. 641 of the 1973–74 Regular Session, is amended to read:

12846. The Department of Fish and Game shall be responsible for the management of all fish and wildlife resources at any project subject to the provisions of this chapter.

SEC. 1.2. Section 1 of this act shall become operative only if Assembly Bill No. 641 of the 1973–74 Regular Session is enacted into law, and in such case shall become operative on January 1, 1974.

SEC. 1.5. The sum of eight million dollars ($8,000,000) is hereby appropriated from the General Fund to the Department of Water Resources for expenditure, in augmentation of Item 235 of the Budget Act of 1973.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The funds appropriated by this act are urgently needed to provide necessary flood protection to the people of the state. In order, therefore, to provide such needed flood protection at the earliest possible time it is necessary that this act go into immediate effect.

CHAPTER 921

An act to add Sections 12748, 12748.1, and 12748.2 to the Water Code, relating to flood control, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 28, 1973 Filed with Secretary of State September 28, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 12748 is added to the Water Code, to read:

12748. The plan of improvement for flood control and other purposes on the Napa River in Napa County is hereby adopted and

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authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 222, 89th Congress, as adopted and authorized by the Act of Congress approved October 27, 1965 (Public Law 89-298, the "Flood Control Act of 1965"), as modified by data in the General Design Memorandum transmitted December 8, 1970, by the District Engineer, San Francisco District, Corps of Engineers, to the Director of Water Resources, at an estimated cost to the state of such sum as may be appropriated for state cooperation by the Legislature upon the recommendation and advice of the department. This authorization shall not be deemed to confer preference on this project over the needs of other statewide programs in appropriation of available funds.

The state payments on the Napa River Flood Control Project shall be 75 percent of the costs of lands and rights or interests in lands whereon channel improvements and channel rectifications are located, and of lands, rights, or interests in lands necessary in connection with the construction, operation, or maintenance of such channel improvements or rectifications, including those necessary for flowage purposes, spoil areas, borrow pits, or for access roads, and shall be 90 percent of the costs of the relocation, reconstruction, or replacement of existing improvements, structures, or utilities rendered necessary by the project.

The local agency payments on the Napa River Flood Control Project shall be 25 percent of the costs of lands and rights or interests in lands whereon channel improvements and channel rectifications are located, and of lands, rights, or interests in lands necessary in connection with the construction, operation, or maintenance of such channel improvements or rectifications, including those necessary for flowage purposes, spoil areas, borrow pits or for access roads, and shall be 10 percent of the costs of the relocation, reconstruction, or replacement of existing improvements, structures, or utilities rendered necessary by the project.

The local agency may receive credit against its share of the costs of lands, easements, and rights-of-way for lands required for the project which were acquired not more than five years prior to federal authorization of the project. The amount of this credit shall be determined by the department by applying the 75 percent representing the state portion of the costs of lands, easements, and rights-of-way to the actual costs of the local agency in the case of acquisition by purchase or condemnation, and to the fair market value at the time of title transfer in the case of acquisition free of charge. The department is authorized to loan the local agency the funds necessary to pay such local portion of the costs of lands, easements, and rights-of-way less any credit for acquired lands granted to the local agency by the department. Such loans may not exceed a period of 10 years and the rate of interest on such loans shall be the current rate for the state's Pooled Money Investment Account. Such loans shall be repaid in annual installments beginning

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one year after the loan is made. Annual loan payments may be deducted from the state's annual tax subvention to the local agency, if any. In the event that the local agency does not receive tax subventions from the state adequate to make the loan payment and becomes in default on the loan payments, the local agency, notwithstanding any other provisions of any statute limiting its tax ceiling, shall levy sufficient taxes to repay the loan. Notwithstanding any other provisions of law, the local agency is authorized to accept the loans authorized pursuant to this section.

SEC. 2. Section 12748.1 is added to the Water Code, to read:

12748.1. The Napa County Flood Control and Water Conservation District shall give assurances satisfactory to the Secretary of the Army that the local cooperation, required by the Act of Congress approved October 27, 1965 (Public Law 89-298, the "Flood Control Act of 1965"), will be furnished by the district in connection with the plan of improvement for flood control adopted and authorized in Section 12748.

SEC. 3. Section 12748.2 is added to the Water Code, to read:

12748.2. The Napa County Flood Control and Water Conservation District, in conjunction with the Department of the Army, shall execute the plan of improvement for flood control referred to in Section 12748 and exercise all powers granted to it in the Napa County Flood Control and Water Conservation District Act (Chapter 1449, Statutes of 1951), and the district may make such modifications or amendments to the plans as may be necessary to execute them for the purposes of Chapters 1 (commencing with Section 12570) and 2 (commencing with Section 12639) of this part.

SEC. 4. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Napa River Flood Control Project has been authorized by the federal government and is ready for construction. In order that construction may start, it is necessary to provide the lands, easements, and rights-of-way. This act will permit state reimbursement of the cost of lands, easements, and rights-of-way, so that protection from floods can be provided as early as possible.

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CHAPTER 922

An act to amend Section 2708 of the Public Resources Code, relating to earthquake safety, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 28, 1973 Filed with Secretary of State September 28, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 2708 of the Public Resources Code is amended to read:

2708. Any city or county that has adopted an ordinance requiring the installation of accelerographs in structures shall be exempted from the provisions of Section 2705 if both of the following has occurred:

(a) A minimum of one structure has been instrumented with three accelerographs installed in accordance with such ordinance prior to January 20, 1972.

(b) A written request has been sent to the State Geologist by the governing body of such city or county that it be exempted.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit a city or county under the state strong-motion instrumentation program to secure exemption from the construction permit fee collection requirement of Section 2705 of the Public Resources Code, notwithstanding unforeseen delays in the construction of the structure required by Section 2708 of the Public Resources Code to be instrumented with three accelerographs in order to qualify for such exemption, it is necessary that this act go into immediate effect.

CHAPTER 923

An act to add Part 1.9 (commencing with Section 445) to Division 1 of the Health and Safety Code, relating to medical referral services.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Part 1.9 (commencing with Section 445) is added to Division 1 of the Health and Safety Code, to read:

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PART 1.9. MEDICAL REFERRAL SERVICES

445. No person, firm, partnership, association or corporation, or agent or employee thereof, shall for profit refer or recommend a person to a physician, hospital, health-related facility, or dispensary for any form of medical care or treatment of any ailment or physical condition The imposition of a fee or charge for any such referral or recommendation creates a presumption that the referral or recommendation is for profit.

The provisions of this section shall not apply to referrals or recommendations which are made under the crippled children services program or prepaid health plans.

A physician, hospital, health-related facility or dispensary shall not enter into a contract or other form of agreement to accept for medical care or treatment any person referred or recommended for such care or treatment by a medical referral service business located in or doing business in another state if the medical referral service business would be prohibited under this part if the business were located in or doing business in this state.

A violation of the provisions of this section shall constitute a misdemeanor and upon conviction thereof may be punished by imprisonment in the county jail for not longer than one year, or a fine of not more than five thousand dollars ($5,000), or by both such fine and imprisonment.

Any violation of this section may be enjoined in a civil action brought in the name of the people of the State of California by the Attorney General, except that the plaintiff shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

The provisions of this section shall not apply to any individual, agency, association or corporation not organized or incorporated for pecuniary profit or financial gain or to any organization or association which is exempt from taxation pursuant to subdivision (c) of Section 501 of Title 26 of the United States Code.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

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CHAPTER 924

An act to amend Section 650 of the Business and Professions Code and to add Chapter 2.3 (commencing with Section 1400) to Division 2 of the Health and Safety Code, relating to care facilities.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 650 of the Business and Professions Code is amended to read:

650. Except as provided in Chapter 2.3 (commencing with Section 1400) of Division 2 of the Health and Safety Code the offer, delivery, receipt or acceptance, by any person licensed under this division of any rebate, refund, commission, preference, patronage dividend, discount, or other consideration, whether in the form of money or otherwise, as compensation or inducement for referring patients, clients, or customers to any person, irrespective of any membership, proprietary interest or coownership in or with any person to whom such patients, clients or customers are referred is unlawful.

Except as provided in Chapter 2 3 (commencing with Section 1400) of Division 2 of the Health and Safety Code it shall not be unlawful for any person licensed under this division to refer a person to any laboratory, pharmacy, clinic, or health care facility solely because such licensee has a proprietary interest or coownership in such laboratory, pharmacy, clinic, or health care facility; but such referral shall be unlawful if the prosecutor proves that there was no valid medical need for such referral.

"Health care facility" means a hospital, nursing home, medical care facility, or private mental institution licensed by the Department of Public Health or the Department of Mental Hygiene.

SEC. 2. Chapter 2.3 (commencing with Section 1400) is added to Division 2 of the Health and Safety Code, to read:

CHAPTER 2.3. REFERRAL AGENCIES

Article 1. General Provisions

1400. It is unlawful for any person, association, or corporation to establish, conduct or maintain a referral agency or to refer any person for remuneration to any extended care, skilled nursing home or intermediate care facility or a distinct part of a facility providing extended care, skilled nursing home care, or intermediate care, without first having obtained a written license therefor as provided in this chapter from the director or from an inspection service approved by the director pursuant to Section 1272.

1401. As used in this chapter "referral agency" means a private,

profit or nonprofit agency which is engaged in the business of referring persons for remuneration to any extended care, skilled nursing home or intermediate care facility or a distinct part of a facility providing extended care, skilled nursing home care, or intermediate care.

1402. The director shall fix and determine by regulation the following:

(a) The qualification of the staff of the referral agency which shall include persons with sufficient background either in training or experience in patient care and placement.

(b) Counseling, screening, facility selection and referral procedures to insure placement of persons according to their needs.

(c) Referral records shall contain such information as is required by the director.

(d) Rereferral procedure to insure that when payment is made, not more than one fee shall be charged by the same agency except under such conditions as provided by the director.

(e) The referral agency shall provide such information and reports in such form as is required by the director.

(f) The director has such powers and may formulate and enforce such rules and regulations as are necessary to carry out the provisions of this chapter

1403. Each application for a license or renewal of license under this chapter shall be accompanied by a fee determined annually by the director by regulation which shall be based upon costs to the State General Fund of administering this chapter. Each license shall expire 12 months from its date of issuance and application for renewal accompanied by the fee shall be filed with the director not later than 10 days prior to the date of expiration.

1404. No licensee under this chapter shall have a direct or indirect financial interest in any medical facility doing business with the licensee.

1405. This chapter shall not apply to any local public agency performing referral services without cost to recipients of public social services when otherwise authorized by law.

Article 2. Penalties

1410. The department may suspend or revoke licenses issued under this chapter for violation of any provisions of this chapter or rules and regulations promulgated hereunder. In addition, the department shall assess a civil penalty in the amount of fees received by a licensee as a result of a violation of any provisions of this chapter or rules and regulations promulgated hereunder.

1411. A violation of the provisions of this chapter or rules and regulations promulgated hereunder by a person licensed pursuant to Division 2 (commencing with Section 500) or a person certificated or licensed pursuant to Chapter 17 (commencing with Section 9000) of Division 3 of, the Business and Professions Code may be grounds

for suspension or revocation of the person's license under such division.

1412. Any person, association or corporation referring persons without a license in violation of Section 1400 shall be liable for a civil penalty in the amount of the remuneration illegally received, which shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General in any court of competent jurisdiction.

1413. Civil penalties collected pursuant to this article shall be used to administer the provisions of this chapter.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because:

(a) The Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may be enacted that serve to cause both increased and decreased costs to local governmental entities which, in the aggregate, do not result in significant identifiable cost changes.

(b) Additional fees or self-financing authority have been provided to cover any such costs in Section 1413 of the Health and Safety Code.

SEC. 4. This act shall become operative on July 1, 1974.

CHAPTER 925

An act to add Section 3 to Chapter 1283 of the Statutes of 1971, relating to crimes and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 3 is added to Chapter 1283 of the Statutes of 1971, to read:

Sec. 3. Nothing in this act or any other provision of law shall prohibit the sale, or the possession with the intent to sell, of any product made from the oil of sea turtles for commercial purposes if such sale or possession occurs prior to April 1, 1974.

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:

Businesses within the state have large inventories of perfume and other cosmetics which have sea turtle oil as a base. In order to

provide these businesses with a limited period within which to clear these inventories without incurring substantial financial loss, it is necessary that this act become effective immediately.

CHAPTER 926

An act to add Section 12005.5 to the Health and Safety Code, relating to explosives.

[Approved by Governor September 30, 1973. Filed with Secretary of State September 30, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 12005.5 is added to the Health and Safety Code, to read:

12005.5. This part shall not apply to the possession, handling, storage, transportation, or use of not more than 10 pounds of blasting agents, two pounds of class A or B explosives, or 1,000 feet of detonating cord, or any combination thereof, by authorized employees of the Department of Transportation, acting within the scope of their employment, in the pursuit of seismic explorations.

The Department of Transportation may not undertake such seismic exploration, unless the fire authority having jurisdiction in the area of such proposed seismic exploration has received a written notice from the department at least 48 hours prior to the commencement of such seismic exploration. The notice shall include the time and location of the proposed seismic exploration. In addition, the employee supervising the proposed seismic exploration, or his designated representative, shall consult with the fire authority to determine if the proposed handling, storage, transportation, or use of explosives would constitute an unreasonable hazard to life or property. If the fire authority determines that such a hazard would arise, the department shall not engage in such handling, storage, transportation, or use of explosives.

The state shall be strictly liable for any injury to any person or property proximately caused by the handling, storage, transportation, or use of explosives by the Department of Transportation for the purpose of conducting seismic exploration. All claims for damages against the state arising under this section are governed by the procedures set forth in Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code.

CHAPTER 927

An act to amend Section 4205 of the Civil Code and Section 94.5 of the Penal Code, relating to marriage.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 4205 of the Civil Code is amended to read:

4205. Marriage may be solemnized by any judge or retired judge, commissioner, or assistant commissioner of a court of record or justice court in this state or by any priest, minister, or rabbi of any religious denomination, of the age of 18 years or over.

A marriage may also be solemnized by a judge who has resigned from office.

SEC. 2. Section 94.5 of the Penal Code is amended to read:

94.5. Every judge, justice, retired judge, retired justice, judge who has resigned from office, commissioner, or assistant commissioner of a court of this state, except a judge of a justice court, who accepts any money or other thing of value for performing any marriage, including any money or thing of value voluntarily tendered by the persons about to be married or who have been married by such judge, justice, retired judge, retired justice, commissioner, or assistant commissioner, whether the acceptance occurs before or after performance of the marriage and whether or not performance of the marriage is conditioned on the giving of such money or the thing of value by the persons being married, is guilty of a misdemeanor.

It is not a necessary element of the offense described by this section that the acceptance of the money or other thing of value be committed with intent to commit extortion or with other criminal intent.

This section does not apply to the request for or acceptance of a fee expressly imposed by law for performance of a marriage.

This section does not apply to an acceptance of a fee for performing a marriage on Saturday, Sunday or a legal holiday.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

SEC. 4. Section 4205 of the Civil Code is amended to read:

4205. Marriage may be solemnized by any judge or retired judge, commissioner, or assistant commissioner of a court of record or justice court in this state or by any priest, minister, or rabbi of any

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religious denomination, of the age of 18 years or over or by a person authorized to do so under Section 4205.1.

A marriage may also be solemnized by a judge who has resigned from office.

SEC. 5. It is the intent of the Legislature, if this bill and Assembly Bill No. 1685 are both chaptered and become effective on or before January 1, 1974, both bills amend Section 4205 of the Civil Code, and this bill is chaptered after Assembly Bill No. 1685, that the amendments to Section 4205 proposed by both bills be given effect and incorporated in Section 4205 in the form set forth in Section 4 of this act. Therefore, Section 4 of this act shall become operative only if this bill and Assembly Bill No. 1685 are both chaptered and become effective on or before January 1, 1974, both amend Section 4205, and this bill is chaptered after Assembly Bill No. 1685, in which case Section 1 of this act shall not become operative.

CHAPTER 928

An act relating to University of California Capital Outlay, and making an appropriation therefor.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding any other provision of law, funds appropriated by Item 357 of the Budget Act of 1973 shall be available for minor improvement projects on any campus or facility of the University of California.

CHAPTER 929

An act to establish procedures for the assessment of open-space lands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding any other provision of law to the contrary, the assessment procedures specified under Sections 423 and 423.5 of the Revenue and Taxation Code shall be effective with respect to land subject to taxation for the 1973–1974 fiscal year, if such land is subject to an instrument meeting the requirements of Section 422 of the Revenue and Taxation Code and such instrument is signed

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and recorded on or before May 25, 1973; provided, that prior to 5 o'clock p.m. on March 1, 1973, either the land which is subject to a contract was included in a proposal to establish an agricultural preserve submitted to the planning commission or planning department or the matter of accepting an open-space easement or scenic restriction had been referred to such commission or department.

SEC. 2. It is the intent of the Legislature that land assessed pursuant to the provisions of Section 1 of this act for the 1973–1974 fiscal year shall be included for purposes of computing subventions to local government pursuant to Chapter 3 (commencing with Section 16140) of Part 1 of Division 4 of Title 2 of the Government Code for losses due to such assessment procedures for the 1973–1974 fiscal year. Such subventions to local government satisfy the requirements of Section 2163 of the Revenue and Taxation Code.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Some counties and cities have inadvertently failed to file the instruments reflecting the true status of property as being eligible for the assessment authorized by the Constitution for open-space lands, and in some cases negotiations to sign such instruments were not completed by the lien date in 1973. As a result, some individuals will be confronted with obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the situation by, in effect, removing the procedural bar to the proper valuation of such property for tax purposes. In so doing, the public policy of the state as expressed in the Constitution will be entirely fulfilled and the state as a whole will benefit.

CHAPTER 930

An act to amend Sections 652, 656, and 657 of, and to repeal Section 653 of, the Harbors and Navigation Code, and to add Section 70210.5 to the Public Utilities Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 652 of the Harbors and Navigation Code is amended to read:

652. (a) Motorboats subject to the provisions of this chapter shall be divided into four classes as follows:

Class A. Less than 16 feet in length.

Class 1. Sixteen feet or over and less than 26 feet in length.
Class 2. Twenty-six feet or over and less than 40 feet in length.
Class 3. Forty feet or over.

(b) Every motorboat in all weathers from sunset to sunrise shall carry and exhibit the following lights when underway, and during such time no other lights which may be mistaken for those prescribed shall be exhibited:

(1) Every motorboat of classes A and 1 shall carry the following lights:

First. A bright white light aft to show all around the horizon.

Second. A combined lantern in the forepart of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

(2) Every motorboat of classes 2 and 3 shall carry the following lights:

First. A bright white light in the forepart of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel; namely, from right ahead to two points aft the beam on either side.

Second A bright white light aft to show all around the horizon and higher than the white light forward.

Third. On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The side lights shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.

(3) Each motorboat of every class when propelled by sail alone shall carry only the combined lantern or separate side lights as appropriate to its class, and in addition, one white light at the stern so constructed that it shall show an unbroken light over an area of the horizon of 12 points of the compass so fixed as to show the light 6 points from right aft on each side of the vessel.

(4) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one mile. The word "visible" in this subdivision, when applied to lights, shall mean visible on a dark night with clear atmosphere.

(5) When propelled by sail and machinery any motorboat shall carry the lights required by this section for a motorboat propelled by machinery only.

(6) The department may exempt from compliance with the provisions of this subdivision any motorboat of one horsepower or

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less rented by the owner of a boat livery, if the livery is being operated under a franchise from a city or county on waters where no other vessels are permitted.

(c) Any vessel may carry and exhibit the lights required by the International Regulations for Preventing Collisions at Sea, 1960, Federal Act of September 24, 1963 (33 U.S.C 1051–1053, 1061–1094) as amended, in lieu of the lights required by subdivision (b) of this section.

(d) Every motorboat of class 1, 2, or 3 shall be provided with an efficient whistle or other sound-producing mechanical appliance.

(e) Every motorboat of class 2 or 3 shall be provided with an efficient bell.

(f) Every undocumented vessel shall carry at least one life preserver, or ring buoy, or other device of the sort prescribed by the regulations of the department for each person on board, so placed as to be readily accessible; provided, that every undocumented vessel carrying passengers for hire shall carry so placed as to be readily accessible at least one life preserver of the sort prescribed by the regulations of the department for each person on board. For the purposes of this subdivision, a person water skiing from such vessel shall be considered a person on board.

(g) Every motorboat shall be provided with such number, size, and type of fire extinguishers, capable of promptly and effectually extinguishing burning gasoline, as may be prescribed by the regulations of the department, which fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible.

(h) The provisions of subdivisions (d), (e) and (g) of this section shall not apply to motorboats while competing in any race or, if such boats be designed and intended solely for racing, while engaged in such navigation as is incidental to the tuning up of the boats and engines for the race.

(i) Every motorboat shall have the carburetor or carburetors of every engine therein, except outboard motors, using gasoline as fuel, equipped with such efficient flame arrestor, backfire trap, or other similar device as may be prescribed by the regulations of the department.

(j) Every such motorboat and every such vessel, except open boats, using as fuel any liquid of a volatile nature, shall be provided with such means as may be prescribed by the regulations of the department for properly and efficiently ventilating the bilges of the engines and fuel tank compartments so as to remove any explosive or inflammable gases.

(k) The department may make rules and regulations modifying equipment requirements to the extent necessary to keep these requirements in conformity with the provisions of the federal navigation laws or with the navigation rules promulgated by the United States Coast Guard.

(*l*) The department may establish and maintain for the operation

of vessels on the waters of this state pilot rules in conformity with the pilot rules contained in the federal navigation laws or the navigation rules promulgated by the United States Coast Guard.

(m) No person shall operate or give permission for the operation of a vessel which is not equipped as required by this section or by regulations adopted by the department.

SEC. 2. Section 653 of the Harbors and Navigation Code is repealed.

SEC. 3. Section 656 of the Harbors and Navigation Code, as amended by Chapter 797 of the Statutes of 1972, is amended to read:

656. (a) It shall be the duty of the operator of a vessel involved in a collision, accident or other casualty, so far as he can do so without serious danger to his own vessel, crew, and passengers, to render to other persons affected by the collision, accident or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident or other casualty, and also to give his name, address, and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident or other casualty

(b) Any person who complies with subdivision (a) or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty without objection by any person assisted shall not be held liable for any civil damages sought as a result of the rendering of assistance or for any act or omission in providing or arranging salvage, towage, medical treatment, or other assistance, where the assisting person has acted as an ordinary, reasonably prudent man would have acted under the same or similar circumstances.

(c) The owner, operator, or other person on board a vessel involved in a casualty or accident shall report the casualty or accident in accordance with regulations adopted by the department. The department shall adopt regulations to maintain a uniform casualty and accident reporting system for vessels subject to this code in conformity with federal casualty and accident reporting regulations promulgated by the United States Coast Guard or any successor thereto. Consistent with Public Law 92-75 and the federal regulations contained in Part 173 of Title 33 of the Code of Federal Regulations, a peace officer or harbor policeman, upon receiving an initial report of a casualty involving the death or disappearance of a person as a result of a boating accident, shall immediately forward such report, by quickest means available, to the department.

(d) Neither the report required by this section nor any action taken by the department with regard to such report shall be referred to in any way, or be any evidence of negligence or due care of any party, at the trial of any action at law to recover damages.

(e) All required accident reports, and supplemental reports, shall be without prejudice to the individual so reporting and shall be for the confidential use of the department and any peace officer actually

engaged in the enforcement of this chapter, except that the department shall disclose the names and addresses of persons involved in, or witnesses to, an accident, the registration numbers and descriptions of vessels involved, and the date, time, and location of an accident to any person who may have a proper interest therein, including the operator or operators involved, or the legal guardian thereof, the parent of a minor operator, the authorized representative of an operator or to any person injured therein and the owners of vessels or property damaged thereby.

SEC. 4. Section 657 of the Harbors and Navigation Code is amended to read·

657. In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the department pursuant to Section 656 shall be transmitted to said official or agency of the United States.

SEC. 5. Section 70210 5 is added to the Public Utilities Code, to read:

70210.5. The maximum tax rate set forth in Section 70210 may be increased to an amount approved by a majority of the electors of the district voting at a special election called for such purpose.

SEC. 5.5. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section, nor shall there be any appropriation made by this act because the duties, obligations, or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Chapter 454 of the Statutes of 1972 requires a vessel operator to stop and lie to when lawfully ordered to do so by a peace officer or harbor policeman and provides that violation of the provision would constitute a misdemeanor However, Chapter 1121 of the Statutes of 1972, which will become effective July 1, 1973, eliminated the misdemeanor provision which was not the intent of that chapter. This act will restore such provision. Furthermore, newly revised federal regulations revise boat accident reporting requirements effective July 1, 1973, and it is essential that the provisions of this act regarding vessel casualty and accident reporting be made effective on or before that date. It is therefore necessary that this act take immediate effect.

CHAPTER 931

An act to amend Sections 19955 and 19955.5 of the Health and Safety Code, relating to buildings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 19955 of the Health and Safety Code is amended to read:

19955. (a) The purpose of this part is to insure that public accommodations or facilities constructed in this state with private funds adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of Title 1 of the Government Code. For the purposes of this part "public accommodation or facilities" means a building, structure, facility, complex, or improved area which is used by the general public and shall include auditoriums, hospitals, theaters, restaurants, hotels, motels, stadiums, and convention centers.

As used in this section, "hospitals" includes, but is not limited to, hospitals, nursing homes, and convalescent homes.

When sanitary facilities are made available for the public, clients, or employees in such accommodations or facilities, they shall be made available for the physically handicapped.

Any new requirements imposed by the amendments to this section enacted by the Legislature at its 1973–74 Regular Session shall only apply to public accommodations or facilities constructed on or after the effective date of the amendments.

SEC. 2. Section 19955.5 of the Health and Safety Code is amended to read:

19955.5. All passenger vehicle service stations, shopping centers and office buildings constructed in this state with private funds shall adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of Title 1 of the Government Code. As used in this section, "office building" means a building or structure of more than 10,000 square feet of gross floor area wherein commercial activity or service is performed or a profession is practiced, or wherein any combination thereof is performed or practiced in all or the majority of such building or structure.

In multistoried buildings, floors or levels above and below the first floor or ground level are exempt from the requirements of this section if a ramp or elevator is not available to provide public access to such floors or levels.

When sanitary facilities are made available for the public, clients, or employees in such stations, centers, or buildings, they shall be made available for the physically handicapped.

Any new requirements imposed by the amendments to this section

enacted by the Legislature at its 1973–74 Regular Session shall only apply to such stations, centers, or buildings constructed on or after the effective date of the amendments.

SEC. 3. Section 19955.5 of the Health and Safety Code, as amended by Section 2 of this act, is amended to read:

19955.5. All passenger vehicle service stations, shopping centers, offices of physicians and surgeons, and office buildings constructed in this state with private funds shall adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of Title 1 of the Government Code. As used in this section, "office building" means a structure wherein commercial activity or service is performed or a profession is practiced, or wherein any combination thereof is performed or practiced in all or the majority of such building or structure.

In multistoried buildings, floors or levels above and below the first floor or ground level are exempt from the requirements of this section if a ramp or elevator is not available to provide public access to such floors or levels.

When sanitary facilities are made available for the public, clients, or employees in such stations, centers, or buildings, they shall be made available for the physically handicapped.

Any new requirements imposed by the amendments to this section enacted by the Legislature at its 1973–74 Regular Session shall only apply to such stations, centers, offices, and buildings constructed on or after the effective date of the amendments.

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill No. 2396 are both chaptered and become effective on or before January 1, 1974, both bills amend Section 19955.5 of the Health and Safety Code, and this bill is chaptered after Assembly Bill No. 2396, that Section 19955.5 of the Health and Safety Code, as amended by Section 2 of this act, shall remain operative until the effective date of Assembly Bill No. 2396, and that on the effective date of Assembly Bill No. 2396, Section 19955.5 of the Health and Safety Code, as amended by Section 2 of this act, be further amended in the form set forth in Section 3 of this act to incorporate the changes in Section 19955.5 proposed by Assembly Bill No. 2396. Therefore, if this bill and Assembly Bill No. 2396 are both chaptered and become effective on or before January 1, 1974, and Assembly Bill No. 2396 is chaptered before this bill and amends Section 19955.5, Section 3 of this act shall become operative on the effective date of Assembly Bill No. 2396.

SEC. 5. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act, because local agencies have the authority to increase fees to cover any additional costs which may result from this act.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Serious questions have been raised regarding the meaning and application of the provisions of Sections 19955 and 19955.5 of the Health and Safety Code. This has caused a delay in construction projects and raised the threat of litigation. In order that these questions may be resolved without delay, construction of the delayed projects resumed, and litigation avoided, it is imperative that this act, which will clarify the meaning and application of the provisions of Section 19955 and 19955.5, take effect immediately.

CHAPTER 932

An act relating to the state park system, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the unencumbered balance of funds transferred to a special account in the General Fund in the State Treasury under the provisions of Item 257, Budget Act of 1969; Item 214, Budget Act of 1970; Item 208, Budget Act of 1971; and Item 212, Budget Act of 1972, to the Department of Parks and Recreation the sum of thirty thousand dollars ($30,000) to prepare a General Development Plan for Hearst San Simeon State Historical Monument.

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 develop as soon as possible the urgently needed general development plan for the staging area at the Hearst San Simeon State Historical Monument to provide the necessary additional visitor services which are needed due to the substantial increase in visitor attendance at that monument, it is necessary that the provisions of this act become effective immediately.

CHAPTER 933

An act to add Section 30101.7 to the Streets and Highways Code, relating to toll bridges.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 30101.7 is added to the Streets and Highways Code, to read:

30101.7. (a) The authority shall grant toll free passage on all toll bridges, tubes, and other toll highway crossings under its jurisdiction to vehicles in a funeral procession of a person who died while on active duty with the armed services of the United States.

(b) The authority shall submit a claim for the loss in revenues resulting from subdivision (a) to the State Controller, who shall reimburse the authority in the amount submitted in the claim from funds appropriated by the Legislature to him for such purposes.

(c) The State Controller, in consultation with the authority, shall adopt such rules and regulations as are necessary to implement this section.

CHAPTER 934

An act to add Section 1780 to, and to amend Sections 1778 and 1779 of, the Government Code, relating to vacancies in office.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 1780 is added to the Government Code, to read:

1780. Notwithstanding any other provision of law, a vacancy in the office of an elected member of the governing board of a special district, other than a school district or a district organized pursuant to Division 6 (commencing with Section 11501) of the Public Utilities Code, shall be filled by the remaining district board members by appointment if they act within a period of 90 days immediately subsequent to the creation of such vacancy and if they post notice of such vacancy in three conspicuous places in the district not later than 20 days subsequent to the effective date of such vacancy. If such vacancy is not so filled within such 90-day period, the city council of the city in which the district is wholly located or, if the district is not wholly located within a city, the board of supervisors of the county in which the larger portion of the district is located may fill the vacancy by appointment, if the city council, or county board of supervisors, acts within 120 days of the effective date of such vacancy. If such vacancy is filled by appointment, either by authority of the district board, the city council or the county board of supervisors, such appointment shall be for the balance of the unexpired term of the vacant office or until the next general district election, whichever occurs first. If such vacancy is not filled by appointment

within 120 days immediately subsequent to its creation, the district board shall forthwith call a special election for the purpose of filling the vacancy. The person elected to fill the vacancy shall serve for the balance of the unexpired term of the vacant office.

Notwithstanding the foregoing, if an election involving the total territory of the district will be conducted not more than four nor less than one month subsequent to the effective date of such vacancy, the vacancy shall be filled at such election.

SEC. 2. Section 1778 of the Government Code, is amended to read:

1778. A vacancy in the office of an appointed member of the governing board of a special district shall be filled by appointment by the board of supervisors of the county in which the larger portion of the district is located unless, by the terms of the act under which the district is formed, another method of appointment is expressly provided.

SEC. 3. Section 1779 of the Government Code, is amended to read:

1779. A vacancy on any appointed governing board of a special district shall be filled by the appointing authority within 90 days immediately subsequent to its occurrence. If no action is taken for a period of 90 days immediately subsequent to a vacancy on such a board, the board of supervisors of the county in which the larger portion of the district is located shall have authority to fill the vacancy by appointment.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 935

An act to amend Section 25955 of the Health and Safety Code, relating to abortions.

[Approved by Governor September 30, 1973. Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 25955 of the Health and Safety Code is amended to read:

25955. (a) No hospital, facility, or clinic that is organized or operated by a church, religious organization, or religious order, if the governing board so determines, shall be required to admit or not to admit a patient for the purpose of performing an abortion. The

refusal of such hospital, facility, or clinic to admit a person for the purpose of an abortion or permit an abortion to be performed on its premises shall not form the basis of any claim for damages nor shall such hospital, facility, or clinic be subject to any penalty whatsoever by reason of such refusal. Any such hospital, facility, or clinic which does not permit the performance of abortions on its premises shall post notice of such proscription in an area of such hospital, facility, or clinic which is open to patients and prospective admittees.

(b) No employer or other person shall require a physician, a registered nurse, a licensed vocational nurse, or any other person employed or with staff privileges at a hospital, facility, or clinic to directly participate in the induction or performance of an abortion, if such employee or other person has filed a written statement with the employer or the hospital, facility, or clinic indicating a moral, ethical, or religious basis for refusal to participate in the abortion.

No such employee or person with staff privileges in a hospital, facility, or clinic shall be subject to any penalty or discipline by reason of his refusal to participate in an abortion. No such employee of a hospital, facility, or clinic which does not permit the performance of abortions, or person with staff privileges therein, shall be subject to any penalty or discipline on account of such person's participation in the performance of an abortion in other than such hospital, facility, or clinic.

No employer shall refuse to employ any person because of such person's refusal for moral, ethical, or religious reasons to participate in an abortion, unless such person would be assigned in the normal course of business of any hospital, facility, or clinic to work in those parts of the hospital, facility, or clinic where abortion patients are cared for. No provision of this chapter prohibits any hospital, facility, or clinic which permits the performance of abortions from inquiring whether an employee or prospective employee would advance a moral, ethical, or religious basis for refusal to participate in an abortion before hiring or assigning such a person to that part of a hospital, facility, or clinic where abortion patients are cared for.

The refusal of a physician, nurse, or any other person to participate or aid in the induction or performance of an abortion pursuant to this subdivision shall not form the basis of any claim for damages.

Any violation of this subdivision by an employer is a misdemeanor.

(c) No medical school or other facility for the education or training of physicians, nurses, or other medical personnel shall refuse admission to a person or penalize such person in any way because of such person's unwillingness to participate in the performance of an abortion for moral, ethical, or religious reasons. No hospital, facility, or clinic shall refuse staff privileges to a physician because of such physician's refusal to participate in the performance of abortion for moral, ethical, or religious reasons.

(d) This section shall not apply to medical emergencies and spontaneous abortions.

SEC. 2. Section 25955 of the Health and Safety Code is amended

to read:

25955. (a) No employer or other person shall require a physician, a registered nurse, a licensed vocational nurse, or any other person employed or with staff privileges at a hospital, facility, or clinic to directly participate in the induction or performance of an abortion, if such employee or other person has filed a written statement with the employer or the hospital, facility, or clinic indicating a moral, ethical, or religious basis for refusal to participate in the abortion.

No such employee or person with staff privileges in a hospital, facility, or clinic shall be subject to any penalty or discipline by reason of his refusal to participate in an abortion. No such employee of a hospital, facility, or clinic which does not permit the performance of abortions, or person with staff privileges therein, shall be subject to any penalty or discipline on account of such person's participation in the performance of an abortion in other than such hospital, facility, or clinic.

No employer shall refuse to employ any person because of such person's refusal for moral, ethical, or religious reasons to participate in an abortion, unless such person would be assigned in the normal course of business of any hospital, facility, or clinic to work in those parts of the hospital, facility, or clinic where abortion patients are cared for. No provision of this chapter prohibits any hospital, facility, or clinic which permits the performance of abortions from inquiring whether an employee or prospective employee would advance a moral, ethical, or religious basis for refusal to participate in an abortion before hiring or assigning such a person to that part of a hospital, facility, or clinic where abortion patients are cared for.

The refusal of a physician, nurse, or any other person to participate or aid in the induction or performance of an abortion pursuant to this subdivision shall not form the basis of any claim for damages.

(b) No medical school or other facility for the education or training of physicians, nurses, or other medical personnel shall refuse admission to a person or penalize such person in any way because of such person's unwillingness to participate in the performance of an abortion for moral, ethical, or religious reasons. No hospital, facility, or clinic shall refuse staff privileges to a physician because of such physician's refusal to participate in the performance of abortion for moral, ethical, or religious reasons.

(c) Nothing in this chapter shall require a nonprofit hospital or other facility or clinic which is organized or operated by a religious corporation or other religious organization and licensed pursuant to Chapter 1 (commencing with Section 1200) or Chapter 2 (commencing with Section 1250) of Division 2, or any administrative officer, employee, agent, or member of the governing board thereof, to perform or to permit the performance of an abortion in such facility or clinic or to provide abortion services. No such nonprofit facility or clinic organized or operated by a religious corporation or other religious organization, nor its administrative officers,

employees, agents, or members of its governing board shall be liable, individually or collectively, for failure or refusal to participate in any such act. The failure or refusal of any such corporation, unincorporated association or individual person to perform or to permit the performance of such medical procedures shall not be the basis for any disciplinary or other recriminatory action against such corporations, unincorporated associations, or individuals. Any such facility or clinic which does not permit the performance of abortions on its premises shall post notice of such proscription in an area of such facility or clinic which is open to patients and prospective admittees.

(d) This section shall not apply to medical emergency situations and spontaneous abortions.

Any violation of this section is a misdemeanor.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 1597 are both chaptered and become effective January 1, 1974, both bills amend Section 25955 of the Health and Safety Code, and this bill is chaptered after Assembly Bill No. 1597, that Section 25955 be amended 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. 1597 are both chaptered and become effective January 1, 1974, both amend Section 25955, and this bill is chaptered after Assembly Bill No. 1597, in which case Section 1 of this act shall not become operative.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 936

An act to amend Section 20053 of the Education Code, relating to community colleges.

[Approved by Governor September 30, 1973. Filed with Secretary of State September 30, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 20053 of the Education Code is amended to read:

20053. As used in this chapter, the term "weekly student contact hours" means the product of the number of students and the scheduled class periods in which they are enrolled, in graded and ungraded community college classes convened prior to 10 o'clock

p.m. during a census week. A class period is not less than 50 minutes and not more than 60 minutes.

SEC. 2. It is the intent of the Legislature in amending the definition of weekly student contact hours pursuant to this act to include ungraded, as well as graded, classes and to include classes convened prior to 10:00 p.m. rather than 4:30 p.m., that the Board of Governors of the California Community Colleges increase the space and utilization standards used to evaluate plans and projects for capital construction to produce expanded enrollment capacity in the community colleges.

SEC. 3. Sections 1 and 2 of this act shall become operative on July 1, 1974.

CHAPTER 937

An act to add Section 16554.1 to the Education Code, relating to school facilities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 16554.1 is added to the Education Code, to read:

16554.1. Notwithstanding the provisions of Sections 16553 and 16554 or any other provisions of law, when a nonpartisan charitable organization organized under the laws of this state has constructed or will construct, subject to the provisions of Article 4 (commencing with Section 15451) of Chapter 2 of Division 11, a school athletic and youth center facility at no cost to a school district, upon a school-district-owned site to be owned by and for the benefit of the school occupying such site, the governing board of the school district, in accepting the donation and prescribing the conditions and restrictions with respect thereto, may permit the general use of said facility under this article for specified supervised recreational activities which are sponsored by or conducted by the donor organization, and may also permit the donor organization to use the facility for such purpose at such times when the facility is not being used by the school district for the educational program and related school activities of the designated beneficiary school, unless the use and occupancy of the facility by the donor organization would otherwise interfere with the regular conduct of such school. Any such use granted to the donor organization shall, however, immediately and forever terminate if the donor organization denies the use of the facility to any person because of the race, religion, creed, national origin, ancestry, or sex of such person.

This section shall apply only to elementary school districts in San Diego County which had an average daily attendance of 425 or less during the 1970–71 school year, and which, during the 1970–71 school year, had a modified assessed valuation per pupil in average daily attendance of between forty-five thousand dollars ($45,000) and fifty thousand dollars ($50,000).

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Construction of a $250,000 athletic and youth center facility is ready to commence in a small community in San Diego County with the facility to be donated to the local school district, but work cannot begin until an agreement is signed with the local district to provide proper guaranteed access to the facility by the prospective donor group. Current law prohibits such a guarantee from being issued, and thus the citizens of the community are being denied a needed, donated recreational facility. It is, therefore, necessary that this act take effect immediately.

CHAPTER 938

An act to amend Sections 17551, 20010, 21054, 21203, 21204, 21282, 21455, 21456, 21531, 21705, 21744, 21745, 21748, 22001, 22008, and 22031 of, to amend and renumber Section 20151 of, to add Sections 16525, 16526, 20016, 20019, 20020, 20151, 20757, 21238, 21703, 21709, 21710, 22003, 22004, 22004.1, 22009, and 22010 to, and to repeal Sections 20002.5, 20008.2, 20008.4, 20757, 21062, 21084, 21085, 21086, 21087, 21454, 21703, 21741, 21742, 22004, and 22085 of, the Food and Agricultural Code, relating to animals.

[Approved by Governor September 30, 1973. Filed with Secretary of State September 30, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 16525 is added to the Food and Agricultural Code, to read:

16525. It is unlawful for any person to remove any animal, hide or carcass, which is seized by an inspector or peace officer pursuant to any provision of this division, Division 10 (commencing with Section 20001), or Division 11 (commencing with Section 23001), from the premises where the inspector or peace officer confined it at the time of seizure, except upon release of such animal, hide or carcass, by the inspector or peace officer who seized the animal, hide, or carcass.

SEC. 2. Section 16526 is added to the Food and Agricultural Code, to read:

16526. Any expense which is incurred in caring for any property seized pursuant to this part shall be paid by the person presenting the property for inspection. The cost of caring for the property so held is a lien upon the property. The lien may be enforced in the manner prescribed by Section 3052 of the Civil Code.

SEC. 3. Section 17551 of the Food and Agricultural Code is amended to read:

17551. It is unlawful for any person with the intent to steal any bovine animal, horse, colt, jack, jenny, or mule which belongs to another person, or prevent its identification by the true owner to do any of the following:

(a) Mark or brand any such animal with any brand or mark except the recorded brand or brand and mark of the owner of the animal.

(b) Alter or deface a brand or mark on such an animal.

SEC. 4. Section 20002.5 of the Food and Agricultural Code is repealed.

SEC. 5. Section 20008.2 of the Food and Agricultural Code is repealed.

SEC. 6. Section 20008.4 of the Food and Agricultural Code is repealed.

SEC. 7. Section 20010 of the Food and Agricultural Code is amended to read:

20010. "Inspector" means a hide and brand inspector. It includes the chief, area supervisors, supervising hide and brand inspectors, investigators, and persons employed on a collaborative basis pursuant to Section 483 to carry out the provisions of this division.

SEC. 8. Section 20016 is added to the Food and Agricultural Code, to read:

20016. "Licensed frozen food locker plant" means an establishment defined and licensed pursuant to Chapter 14 (commencing with Section 28800) of Division 22 of the Health and Safety Code.

SEC. 9. Section 20019 is added to the Food and Agricultural Code, to read:

20019. "Processor" means an establishment in which, for compensation directly or indirectly, meat or meat products are cut, wrapped, or frozen to be delivered for frozen storage by the ultimate customer.

SEC. 10. Section 20020 is added to the Food and Agricultural Code, to read:

20020. "Point of sale" as used in Section 22004.1 means the first place where the transaction occurs when the hide is sold or otherwise transferred by the person who slaughtered the animal.

SEC. 11. Section 20151 of the Food and Agricultural Code is amended and renumbered to read:

20152. The provisions of this division, including the payment of fees, are applicable to all state and county institutions which are engaging in livestock operations.

SEC. 12. Section 20151 is added to the Food and Agricultural

Code, to read:

20151. The Legislature finds and declares that the provisions of this division are enacted in the exercise of the police power of this state for the purpose of protecting the cattle industry of this state from losses of livestock by theft and straying.

The Legislature further finds and declares that such protection should be afforded through a system of brand inspection of cattle as such cattle are moved and marketed within this state, and that an investigative unit be maintained within the department for the purpose of assisting local law enforcement agencies in combating cattle theft in this state.

SEC. 13. Section 20757 of the Food and Agricultural Code is repealed.

SEC. 14. Section 20757 is added to the Food and Agricultural Code, to read:

20757. (a) Except as provided in subdivision (b), the fee for rerecording a forfeited or canceled brand shall be twenty-five dollars ($25). This amount shall accompany the application to rerecord.

(b) When a twenty-five dollar ($25) penalty has been paid pursuant to Section 20222, within 30 days of the date the application to rerecord is received by the director, the fee to rerecord shall be five dollars ($5).

SEC. 15. Section 21054 of the Food and Agricultural Code is amended to read:

21054. Inspection is not required in cases where cattle are being transported to or from a fair or livestock exhibit within this state's boundaries if the shipment is accompanied by a certificate of the manager or an official of the fair or exhibit, which shows all of the following:

(a) Any brands and marks.

(b) The names of the shipper and consignee.

(c) The point of origin and destination of the shipment.

(d) Proof of ownership as defined in Section 16522.

SEC. 17. Section 21062 of the Food and Agricultural Code is repealed.

SEC. 18. Section 21084 of the Food and Agricultural Code is repealed.

SEC. 19. Section 21085 of the Food and Agricultural Code is repealed.

SEC. 20. Section 21086 of the Food and Agricultural Code is repealed.

SEC. 21. Section 21087 of the Food and Agricultural Code is repealed.

SEC. 22. Section 21203 of the Food and Agricultural Code is amended to read:

21203. The certificate of inspection shall be signed by the inspector and shall show all of the following:

(a) The place and date of inspection and the number of animals inspected.

(b) The sex, the brand, if any, on each branded animal recorded in the name of the owner of the animal, or the marks and brands under which the animal was offered for inspection, and such additional marks and brands as may be required by the chief.

(c) The sex, natural marks, and breed of unbranded animals.

(d) If the animals are to be transported, the names of the shipper and of the consignee and the origin and destination of the shipment.

(e) If the animals are to be transported, the length of time necessary to move the shipment between the point of inspection and the point of destination. The inspector shall determine the amount of time needed for this purpose, based upon the information provided to him at the time of inspection.

Such certificate shall only be valid for transportation purposes during the period of time specified thereon by the inspector.

SEC. 23. Section 21204 of the Food and Agricultural Code is amended to read:

21204. One copy of the certificate of inspection shall accompany the shipment.

SEC. 25. Section 21238 is added to the Food and Agricultural Code, to read:

21238. Except as otherwise provided in Section 21236, it is unlawful for any person to possess, or present to an inspector or any peace officer, any brand inspection certificate that has been altered, defaced, or otherwise changed.

SEC. 26. Section 21282 of the Food and Agricultural Code is amended to read:

21282. Any fees which are due and payable for brand inspections which are not paid as required by this article may be recovered by the director pursuant to Section 281. Inspection services may be refused for nonpayment of prior services which have been rendered.

When the brand inspection fees due are not paid in accordance with Section 21281, a penalty assessment shall be added to such fees and collected as follows:

(a) When the brand inspection fees due are greater than twenty-five dollars ($25), then 20 percent of such fees shall be added to the inspection fees.

(b) When the brand inspection fees due are twenty-five dollars ($25) or less, five dollars ($5) shall be added to the inspection fees.

SEC. 27. Section 21454 of the Food and Agricultural Code is repealed.

SEC. 28. Section 21455 of the Food and Agricultural Code is amended to read:

21455. Every person not a licensed slaughterer that slaughters any cattle or calves and does not send the carcass and hide to a licensed frozen food locker plant pursuant to Section 22003 shall do all of the following:

(a) Keep in his possession the hide, with the brands attached to it, without any alteration or disfiguration, until the hide is inspected or released.

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(b) Exhibit the hide to any inspector or peace officer on demand.

SEC. 29. Section 21456 of the Food and Agricultural Code is amended to read:

21456. A person shall not have in his possession a carcass or any meat from a carcass which was not slaughtered by a licensed slaughterer, unless he has in his possession and exhibits to any inspector or peace officer on demand one of the following:

(a) The hide of the animal from which the meat was obtained, with the ears and the brands attached to it, without alteration or disfiguration.

(b) A certificate of inspection or release of the hide or of the carcass with the hide on it, which was issued pursuant to this article.

SEC. 30. Section 21531 of the Food and Agricultural Code is amended to read:

21531. Unless the shipment is exempted under Section 21453 or released pursuant to Section 21532, no common carrier, or owner or driver of any conveyance shall receive for transportation or transport any hide or carcass until it has been inspected and the carrier, owner, or driver has been furnished with a duplicate brand inspection certificate that is signed by an inspector, which shows all of the following:

(a) Any brand and mark.

(b) The name of the shipper and consignee.

(c) The origin and destination of the shipment.

SEC. 31. Section 21703 of the Food and Agricultural Code is repealed.

SEC. 32. Section 21703 is added to the Food and Agricultural Code, to read:

21703. Bills of sale or consignment required by any provision of Division 9 (commencing with Section 16301) or Division 10 (commencing with Section 20001) shall be made on the "Bill of Sale or Consignment" form approved by the director, and shall state all of the following information for animals sold or consigned:

(a) The date of sale or consignment.

(b) The loading point.

(c) The name and address of the owner or the consigner, or both.

(d) The destination.

(e) The number and description of the animals including their brands, if any.

(f) The name and address of the buyer or consignee, or both.

(g) The name of the transporter or carrier and the license number of the vehicle used to transport the animals.

(h) The signature of the owner or his authorized agent.

SEC. 33. Section 21705 of the Food and Agricultural Code is amended to read:

21705. If by any provision of this division a certificate, bill of sale, or other document is required to accompany any shipment of animals, nothing in this division shall be construed to make the carrier, driver, or any person other than the shipper responsible for

the accuracy of the information required in the document.

The person transporting is, however, responsible for having the documents required by this division in possession during shipment, and the driver shall deliver such document to the person receiving the cattle at destination so it can be presented to the inspector prior to inspection.

SEC. 34. Section 21709 is added to the Food and Agricultural Code, to read:

21709. Except as otherwise provided in Section 21706, it is unlawful for any person to possess, or to present to an inspector or peace officer, any invoice of sale or bill of sale that has been altered, defaced, or otherwise changed.

SEC. 35. Section 21710 is added to the Food and Agricultural Code, to read:

21710. It is unlawful for any person to falsify any of the bill of sale information required by Sections 21702 and 21703, or to present such falsified documents to an inspector or peace officer.

SEC. 36. Section 21741 of the Food and Agricultural Code is repealed.

SEC. 37. Section 21742 of the Food and Agricultural Code is repealed.

SEC. 38. Section 21744 of the Food and Agricultural Code is amended to read:

21744. Cattle shall not be released from a public stockyard, public salesyard, public cattle sales market, or any other public consignment sale or private auction sale unless they are accompanied by a brand inspection certificate or by a bill of sale or certificate of sale which is issued and signed by a representative of the salesyard, as agents for the consignor.

SEC. 39. Section 21745 of the Food and Agricultural Code is amended to read:

21745. The bill of sale or certificate of sale which is required pursuant to Section 21744 shall contain all of the following information on a form that is approved by the chief:

(a) Date of sale.

(b) Name and address of the buyer.

(c) Description of each animal that is sold which includes its brands and brand location, sex and breed of unbranded animals.

(d) Origin and destination of the animals.

(e) The name of the person conducting the sale.

SEC. 40. Section 21748 of the Food and Agricultural Code is amended to read:

21748. It is unlawful for any person to release any cattle which are sold at public auction unless the required brand inspection certificate has been prepared by the inspector in advance of the release of the cattle from the premises where the auction was conducted.

SEC. 41. Section 22001 of the Food and Agricultural Code is amended to read:

22001. Except as otherwise provided in this chapter, a person shall not, unless he has a slaughterer's license, slaughter, or request or hire any person that is not a licensed slaughterer to slaughter, any bovine animal.

SEC. 42. Section 22003 is added to the Food and Agricultural Code, to read:

22003. Cattle which are slaughtered by or for the producer of the cattle at his premises and for his own consumption may be transported with the hide on, after complete removal of the viscera, head, and feet, to any licensed frozen food locker plant to be skinned, split, and quartered by the operator of the plant.

SEC. 43. Section 22004 of the Food and Agricultural Code is repealed.

SEC. 44. Section 22004 is added to the Food and Agricultural Code, to read:

22004. Carcasses and hides received by the licensed frozen food locker plant or processor shall be identified in a manner prescribed by regulation and inspected, or released, by the brand inspector. It shall be the responsibility of the person who slaughtered the animal to identify each carcass and hide. Operators of licensed frozen food locker plants or processors shall only receive a carcass when the hide and carcass have been properly identified in accordance with this provision. The director shall adopt the regulations reasonably necessary for implementing this section.

SEC. 45. Section 22004.1 is added to the Food and Agricultural Code, to read:

22004.1. It is the responsibility of the person who slaughters an animal and delivers the carcass to a licensed frozen food locker plant or processor pursuant to Section 22003 or 22004 to obtain a brand inspection of the hide prior to moving it beyond the first point of sale.

SEC. 46. Section 22008 of the Food and Agricultural Code is amended to read:

22008. Every person that is not a licensed slaughterer that slaughters cattle shall do all of the following:

(a) Keep a record in a book which he keeps for that purpose of all cattle which are slaughtered by him. Such record shall include the name, address and telephone number of the person for whom the cattle are slaughtered, a full description of the cattle, including the brands and marks, and the date of slaughter.

(b) Exhibit the record book on demand of any inspector or peace officer.

(c) Notify a brand inspector within 24 hours if he slaughters a bovine animal and does not deliver the carcass and hide to a frozen food locker plant licensed pursuant to Chapter 12 (commencing with Section 28700) of Division 22 of the Health and Safety Code.

SEC. 47. Section 22009 is added to the Food and Agricultural Code, to read:

22009. Any person who is requested to custom cut or otherwise process for another person any meat from a bovine animal that was

not slaughtered by a licensed slaughterer pursuant to Article 2 (commencing with Section 22031) of this chapter, or which was not slaughtered in accordance with either Section 22004 or 22008, shall, before cutting or processing the meat, notify a brand inspector that such meat has been received.

SEC. 48. Section 22010 is added to the Food and Agricultural Code, to read:

22010. Any person receiving meat pursuant to Section 22009 shall keep a record in a book which he keeps for that purpose that discloses the following information on all such meat received:

(a) The name, address, and telephone number of the person delivering the meat.

(b) The license number of the vehicle used in delivering the meat.

(c) The date the meat was received.

Such person shall keep these records for one year and shall exhibit the records upon demand of any inspector or peace officer.

SEC. 49. Section 22031 of the Food and Agricultural Code is amended to read:

22031. A person shall not engage in the business of slaughtering cattle unless he first procures a license and executes a bond pursuant to this article for each slaughterhouse in which he operates, except that this requirement does not apply to rendering plants.

SEC. 50. Section 22085 of the Food and Agricultural Code is repealed.

SEC. 51. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section, nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 939

An act to amend, repeal, and add Sections 20462, 20463, 21051, 21052, 21053, 21058, 21081, 21111, 21112, 21141, 21206, 21207, 21208, 21283, 21285, 21286, 21288, 21291, 21453, 21563, and 64691 of, to amend, repeal, and add the heading of Article 2 (commencing with Section 21081) and Article 3 (commencing with Section 21111) of Chapter 6 of Division 10 of, to amend and repeal Sections 21059, 21082, and 21083 of, to add, repeal, and add Sections 21064 and 21066 to, to add and repeal Sections 20013, 20014, 20015, 20017, 20018, 21057, 21172.5, 21290, and 64691.7 of, to repeal and add Sections 21062, 21113, 21142, and 21143 to, and to add Sections 21062.5 and 21290.5 to, the Food and Agricultural Code, relating to animals.

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[Approved by Governor September 30, 1973. Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 20013 is added to the Food and Agricultural Code, to read:

20013. "Feedlot" means a beef cattle feedlot or feed yard having more than 500 head of cattle at one time during the calendar year in which cattle are being fed for slaughter.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 2. Section 20014 is added to the Food and Agricultural Code, to read:

20014. "Beef cattle" means bovine animals of any breed being grown primarily for meat production.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 3. Section 20015 is added to the Food and Agricultural Code, to read:

20015. "Registered feedlot" means a feedlot defined in Section 20013 that is registered with the bureau in accordance with Sections 21081 and 21082.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 4. Section 20017 is added to the Food and Agricultural Code, to read:

20017. "Modified point of origin inspection area" means any area designated by the director, by regulation, pursuant to Section 21111.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 5. Section 20018 is added to the Food and Agricultural Code, to read:

20018. "Upon entry into a registered feedlot" means brand inspection of the cattle as soon after arrival at the feedlot as is consistent with the provisions of Section 21172.5.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 6. Section 20462 of the Food and Agricultural Code is amended to read:

20462. There is in the department the Livestock Identification Advisory Board, which consists of seven members.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 7. Section 20462 is added to the Food and Agricultural Code, to read:

20462. There is in the department the Livestock Identification

Advisory Board, which consists of five members.

This section shall become operative on January 1, 1976.

SEC. 8. Section 20463 of the Food and Agricultural Code is amended to read:

20463. The director shall appoint the members to the board as follows:

(a) Two shall be beef cattle producers.

(b) Two shall be dairymen.

(c) One shall be engaged in the livestock marketing business.

(d) Two shall be operators of registered feedlots.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 9. Section 20463 is added to the Food and Agricultural Code, to read:

20463. The director shall appoint the members to the board as follows:

(a) Two shall be engaged in the beef cattle industry.

(b) Two shall be engaged in the dairy industry.

(c) One shall be engaged in the livestock marketing business.

This section shall become operative on January 1, 1976.

SEC. 10. Section 21051 of the Food and Agricultural Code is amended to read:

21051. Except as otherwise provided in this chapter, cattle shall be inspected as follows:

(a) Prior to movement or rebranding, whichever occurs first, when cattle are sold or ownership is transferred.

(b) Prior to transportation out of an area which has modified point-of-origin inspection.

(c) Prior to transportation out of the state.

(d) Upon entry into a registered feedlot.

(e) Prior to slaughter.

(f) Prior to release or sale from a public stockyard, public saleyard, or public or private cattle sales market.

(g) Prior to release from a posted stockyard or posted saleyard.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 11. Section 21051 is added to the Food and Agricultural Code, to read:

21051. Except as otherwise provided in this chapter, cattle shall be inspected prior to any of the following:

(a) Movement or rebranding, whichever occurs first, when cattle are sold or ownership is transferred.

(b) Transportation out of an area which has full point-of-origin inspection.

(c) Transportation out of the state.

(d) Transportation across an established cattle movement zone line or boundary.

(e) Slaughter.

(f) Release or sale from a public stockyard, public saleyard, or

public or private cattle sales market.

(g) Release from a posted stockyard or posted saleyard.

This section shall become operative on January 1, 1976.

SEC. 12. Section 21052 of the Food and Agricultural Code is amended to read:

21052. It is unlawful for any person that owns or has custody of cattle to transport, slaughter, release, sell, or receive at a registered feedlot such cattle without the inspection which is required by Section 21051.

For the purposes of this section, a common carrier which transports cattle does not have custody of the cattle.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 13. Section 21052 is added to the Food and Agricultural Code, to read:

21052. It is unlawful for any person that owns or has custody of cattle to transport such cattle or to slaughter, release, or sell such cattle without the inspection which is required by Section 21051.

For the purposes of this section, a common carrier which transports cattle does not have custody of the cattle.

This section shall become operative on January 1, 1976.

SEC. 14. Section 21053 of the Food and Agricultural Code is amended to read:

21053. Inspection is not required prior to transportation from a modified point-of-origin inspection area, or prior to movement if being sold, if the cattle are being moved or shipped direct to one of the following destinations:

(a) A registered feedlot in this state.

(b) A licensed slaughterhouse in this state.

(c) A public salesyard or public cattle sales market in this state that is licensed pursuant to Section 21733 or posted by the United States Department of Agriculture under the Packers and Stockyards Act.

All cattle shipped without inspection prior to transportation under this section shall be inspected at the destination point.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 15. Section 21053 is added to the Food and Agricultural Code, to read:

21053. Inspection is not required in any of the following cases where sale is not made and cattle are shipped by the owner for purposes other than marketing or slaughter:

(a) The cattle are accompanied by a certificate of ownership and are moved only between points in the same county or to a point in a county the boundary line of which passes through the ranch to or from which the animals are removed by the owner for transportation.

(b) The cattle are moved only between points in a cattle movement zone which is established by the director pursuant to

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Article 3 (commencing with Section 21111) of this chapter. Inspection may, however, be required pursuant to Article 4 (commencing with Section 21141) of this chapter.

This section shall become operative on January 1, 1976.

SEC. 16. Section 21057 is added to the Food and Agricultural Code, to read:

21057. Except as provided in Section 21206, inspection is not required prior to slaughter at a licensed slaughterhouse when the cattle are being shipped direct from one of the following:

(a) A registered feedlot in this state.

(b) A public salesyard or cattle sales market in this state that is licensed pursuant to Section 21733 or posted by the United States Department of Agriculture under the Packers and Stockyards Act.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 17. Section 21058 of the Food and Agricultural Code is amended to read:

21058. All cattle shipped pursuant to Section 21057 shall be accompanied by one of the following:

(a) Bill of sale meeting the requirements of Section 21703.

(b) Salesyard invoice meeting the requirements of Sections 21744 and 21745.

(c) Certificate of consignment meeting the requirements of Section 21703.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 18. Section 21058 is added to the Food and Agricultural Code, to read:

21058. Inspection is not required prior to transportation to a point and from an area designated by the chief pursuant to Section 21081 as one in which inspection may be made en route or at destination.

This section shall become operative on January 1, 1976.

SEC. 19. Section 21059 of the Food and Agricultural Code is amended to read:

21059. Inspection is not required in the following cases when cattle are shipped for pasture or feeding purposes and there is no change of ownership:

(a) When the cattle are moved only between points in the same modified point-of-origin inspection area.

(b) When the cattle are only moved across a modified point-of-origin inspection area boundary which bisects the ranch or property of the owner and shipper of the cattle.

This section does not apply to cattle entering a registered feedlot.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 21. Section 21062 of the Food and Agricultural Code is repealed.

SEC. 22. Section 21062 is added to the Food and Agricultural Code, to read:

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21062. All cattle shipped to a registered feedlot, licensed slaughterhouse, or licensed or posted livestock salesyard or market in this state for inspection at destination pursuant to this chapter shall be accompanied by a bill of sale, or certificate of consignment. The original document shall be presented to the inspector prior to the inspection of the cattle.

This section shall remain in effect only until January 1, 1976, and as of that date it is repealed.

SEC. 22.5. Section 21062.5 is added to the Food and Agricultural Code, to read:

21062.5 All cattle shipped to a licensed slaughterhouse, or licensed or posted livestock salesyard or market in this state for inspection at destination pursuant to this chapter shall be accompanied by a bill of sale, or certificate of consignment. The original document shall be presented to the inspector prior to the inspection of the cattle.

This section shall become operative on January 1, 1976.

SEC. 23. Section 21064 is added to the Food and Agricultural Code, to read:

21064. A copy of the document required by Section 21062 shall be kept on file in the office of the registered feedlot, licensed slaughterhouse, or salesyard or market for a period of one year after the transaction.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 24. Section 21064 is added to the Food and Agricultural Code, to read:

21064. A copy of the document required by Section 21062.5 shall be kept on file in the office of the licensed slaughterhouse, or salesyard or market for a period of one year after the transaction.

This section shall become operative on January 1, 1976.

SEC. 25. Section 21066 is added to the Food and Agricultural Code, to read:

21066. All cattle transported within a modified point-of-origin area with no change in ownership for pasture or feeding purposes shall be accompanied by a certificate of consignment which contains the information specified in Section 21703.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 26. Section 21066 is added to the Food and Agricultural Code, to read:

21066. All cattle transported within a point-of-origin area or cattle movement zone with no change in ownership for pasture or feeding purposes shall be accompanied by a certificate of consignment which contains the information specified in Section 21703.

This section shall become operative on January 1, 1976.

SEC. 27. The heading of Article 2 (commencing with Section 21081) of Chapter 6 of Division 10 of the Food and Agricultural Code

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is amended to read:

Article 2. Feedlot Registration

This heading shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 28. The heading of Article 2 (commencing with Section 21081) is added to Chapter 6 of Division 10 of the Food and Agricultural Code, to read:

Article 2. En Route or Destination Inspection

This heading shall become operative on January 1, 1976.

SEC. 29. Section 21081 of the Food and Agricultural Code is amended to read:

21081. The operator of a feedlot as defined in Section 20013 shall register each such feedlot with the director.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 30. Section 21081 is added to the Food and Agricultural Code, to read:

21081. If the chief determines that in any particular area in which there is operating a licensed slaughterhouse, public saleyard, or stockyard, or other cattle sales market, or a registered feedlot the volume of shipments or other factors render it impossible or impractical to have inspection prior to shipment, he may, by order, authorize inspection en route or at the point of destination.

This section shall become operative on January 1, 1976.

SEC. 31. Section 21082 of the Food and Agricultural Code is amended to read:

21082. Registration consists of filing of a registration application with the bureau which shall show the location of the feedlot, its capacity, the names and addresses of the owners, and any other information which the director may require.

This registration shall be filed and approved by the director in order for a feedlot to receive cattle for inspection in accordance with subdivision (d) of Section 21051 and subdivision (a) of Section 21053, or to ship cattle in accordance with subdivision (a) of Section 21057.

Feedlots operating on and after the effective date of this section shall have 15 days from that date in which to apply for registration.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 32. Section 21083 of the Food and Agricultural Code is amended to read:

21083. The director may cancel the registration of any feedlot from which cattle were shipped without the inspection required by subdivision (d) of Section 21051. When such cancellation occurs, the cattle from any such feedlot shall be inspected at slaughter in accordance with subdivision (e) of Section 21051.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 33. The heading of Article 3 (commencing with Section 21111) of Chapter 6 of Division 10 of the Food and Agricultural Code is amended to read:

Article 3. Modified Point-of-Origin Inspection Areas

This heading shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 34. The heading of Article 3 (commencing with Section 21111) is added to Chapter 6 of Division 10 of the Food and Agricultural Code, to read:

Article 3. Cattle Movement Zones

This heading shall become operative on January 1, 1976.

SEC. 35. Section 21111 of the Food and Agricultural Code is amended to read:

21111. The director shall, by regulation, establish and maintain modified point-of-origin inspection areas statewide. He shall observe the following guidelines in designating the boundaries of the modified point-of-origin inspection areas:

(a) Those areas designated in Article 2 (commencing with Section 856) of subchapter 3 of Chapter 2 of Title 3 of the California Administrative Code as full point-of-origin inspection areas prior to the effective date of this section shall become modified point-of-origin inspection areas.

(b) Except those areas designated in subdivision (a) of this section, the areas designated in Article 3 (commencing with Section 892) of subchapter 3 of Chapter 2 of Title 3 of the California Administrative Code as cattle movement zones prior to the effective date of this section shall become modified point-of-origin inspection areas.

(c) The modified point-of-origin inspection areas established pursuant to subdivisions (a) and (b) of this section may be redrawn when the cattlemen owning cattle in the affected area request such action by a two-thirds vote of those present at a public hearing held at a central location in the area.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 36. Section 21111 is added to the Food and Agricultural Code, to read:

21111. The director shall, by regulation, establish cattle movement zones.

This section shall become operative on January 1, 1976.

SEC. 37. Section 21112 of the Food and Agricultural Code is amended to read:

21112. A modified point-of-origin inspection area may consist of

one or more counties or geographical areas.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 38. Section 21112 is added to the Food and Agricultural Code, to read:

21112. In formulating a cattle movement zone, the director shall consult with the Livestock Identification Advisory Board. He may consult with interested parties in each proposed zone.

This section shall become operative on January 1, 1976.

SEC. 39. Section 21113 of the Food and Agricultural Code is repealed.

SEC. 40. Section 21113 is added to the Food and Agricultural Code, to read:

21113. A cattle movement zone may consist of one or more counties or geographical areas.

This section shall become operative on January 1, 1976.

SEC. 41. Section 21141 of the Food and Agricultural Code is amended to read:

21141. The director may, by regulation, provide that full point-of-origin inspection shall be maintained in any geographical area when all of the following conditions prevail:

(a) There is an unusually high incidence of cattle loss as evidenced by reports taken by local law enforcement personnel or brand inspectors.

(b) The cattlemen owning cattle in the affected area request such action by a two-thirds vote of those present at a public meeting held at a central location in the area.

(c) The public meeting provided for in subdivision (b) shall be publicized at least one week in advance of the meeting date in a local newspaper of general circulation, and industry associations shall be notified one week in advance of the meeting.

(d) Such full point-of-origin inspection shall not be maintained for a period greater than one year without being reaffirmed pursuant to this section. The director may, however, terminate such full point-of-origin inspection when he determines, after a public hearing, that such inspection is no longer necessary in order to carry out the provisions of this chapter.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 42. Section 21141 is added to the Food and Agricultural Code, to read:

21141. The director shall, by regulation, provide that full point-of-origin inspection shall be maintained in any county or geographical area which is described within the regulation if at least 65 percent of the persons that own cattle within the county or geographical area are present at a public hearing which is called by the director for the consideration of the regulation and vote in favor of full point-of-origin inspection.

This section shall become operative on January 1, 1976.

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SEC. 43. Section 21142 of the Food and Agricultural Code is repealed.

SEC. 44. Section 21142 is added to the Food and Agricultural Code, to read:

21142. At the public hearing, before the cattle owners vote on whether or not they desire full point-of-origin inspection, the director shall inform them of all relevant facts and of the cost of full point-of-origin inspection.

This section shall become operative on January 1, 1976.

SEC. 45. Section 21143 of the Food and Agricultural Code is repealed.

SEC. 46. Section 21143 is added to the Food and Agricultural Code, to read:

21143. Notwithstanding any other provision of this article, the director, under cooperative agreement with any individual, association, or board of supervisors, may provide full point-of-origin inspection in any county or geographical area.

This section shall become operative on January 1, 1976.

SEC. 47. Section 21172.5 is added to the Food and Agricultural Code, to read:

21172.5. The brand inspection of cattle as provided for in this chapter shall be conducted in such a way as to minimize the disruption of normal cattle raising operations. Both the feedlot management and personnel and the brand inspector shall jointly handle the cattle at a time and in a manner that is not detrimental to the livestock involved. However, nothing in this section shall prevent any cattle from being brand inspected pursuant to Section 21051.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 48. Section 21206 of the Food and Agricultural Code is amended to read:

21206. Cattle which are shipped for slaughter from either of the following points of origin may be inspected by the director without any charge prior to slaughter on a monitoring basis sufficient to assure that uninspected cattle are not being slaughtered:

(a) Registered feedlots.

(b) Public salesyards or livestock markets in this state that are licensed by the state or posted by the United States Department of Agriculture under the Packers and Stockyards Act.

The director shall adopt the regulations necessary to implement this section.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 49. Section 21206 is added to the Food and Agricultural Code, to read:

21206. Cattle which are shipped for slaughter that have been inspected prior to shipment shall be given a brand inspection at destination. A charge shall not be made for such inspection if the

duplicate copy of a certificate of inspection or a salesyard bill of sale is produced and either:

(a) The certificate or salesyard bill of sale was issued within five days prior to slaughter.

(b) The cattle, which are owned by the slaughterer, are held in enclosures that are used exclusively by the slaughterer, which are located within one mile of the slaughterhouse, and the cattle are driven, not transported, from the enclosure to the slaughterhouse.

This section shall become operative on January 1, 1976.

SEC. 50. Section 21207 of the Food and Agricultural Code is amended to read:

21207. Whenever the director upon the inspection provided for by Section 21206 finds any cattle that have not been inspected in accordance with subdivisions (d), (f) and (g) of Section 21051, he shall inspect the cattle and charge for the inspection.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 51. Section 21207 is added to the Food and Agricultural Code, to read:

21207. No brand inspection provided for by Section 21206 is required for any cattle if a release agreement is approved by the director in advance and all of the following requirements are complied with:

(a) The cattle are brand inspected by a California inspector within two days, excluding holidays, prior to the slaughter.

(b) The cattle are accompanied to the slaughter plant by a California brand inspection certificate or a California salesyard bill of sale issued within two days, excluding holidays, prior to the slaughter.

(c) The cattle are kept separate and are not commingled with cattle requiring brand inspection prior to the slaughter.

(d) The slaughterer keeps a record in a book describing all cattle slaughtered pursuant to this section and retains with such record the California brand inspection certificate or California salesyard bill of sale that accompanies the cattle from the point of inspection to the slaughter plant.

(e) The records of such slaughter are available to a California brand inspector at all times.

The director may require the slaughterer to comply with the provisions of Section 21206 whenever he finds that the slaughterer has violated any provision of this division or has not complied with the provisions of this section.

Notwithstanding any other provision of this chapter, a California brand inspector shall inspect all such cattle which are alive and on the premises at the time he performs his regular daily inspection or any spot-check inspection.

This section shall become operative on January 1, 1976.

SEC. 52. Section 21208 of the Food and Agricultural Code is amended to read:

21208. In addition to any other penalty, any person who slaughters cattle at a slaughter plant without the brand inspection required by this chapter, shall pay a penalty fee of twenty-five dollars ($25) for each head of cattle so slaughtered.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 53. Section 21208 is added to the Food and Agricultural Code, to read:

21208. In addition to any other penalty, any person who slaughters cattle at a slaughter plant without the brand inspection required by Section 21051, and who is not exempt by the provisions of Section 21207, shall pay a penalty fee of twenty-five dollars ($25) for each head of cattle so slaughtered.

This section shall become operative on January 1, 1976.

SEC. 54. Section 21283 of the Food and Agricultural Code is amended to read:

21283. Except as otherwise provided in this article, the fee shall be paid at the point of inspection and is eighteen cents ($0.18) for each animal which is inspected.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 55. Section 21283 is added to the Food and Agricultural Code, to read:

21283. Except as otherwise provided in this article, the fee shall be paid at the point of inspection and is fifteen cents ($0.15) for each animal which is inspected.

This section shall become operative on January 1, 1976.

SEC. 56. Section 21285 of the Food and Agricultural Code is amended to read:

21285. The fee is eighteen cents ($0.18) for the inspection before sale of each animal at a public salesyard which is posted by the Secretary of Agriculture of the United States or at a public salesyard if the animal originated in another state and it was shipped to this state, consigned to such public stockyard or public salesyard.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 57. Section 21285 is added to the Food and Agricultural Code, to read:

21285. The fee is fifteen cents ($0.15) for the inspection before sale of each animal at a public salesyard which is posted by the Secretary of Agriculture of the United States or at a public salesyard if the animal originated in another state and it was shipped to this state, consigned to such public stockyard or public salesyard.

This section shall become operative on January 1, 1976.

SEC. 58. Section 21286 of the Food and Agricultural Code is amended to read:

21286. The fee is eighteen cents ($0.18) for the inspection of each animal which originated in another state and was shipped to this state for slaughter, if such animal is unloaded in an enclosure which

is used exclusively by the slaughterer that is located within one mile of the slaughterhouse and the cattle are driven, not transported, from the enclosure to the slaughterhouse.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 59. Section 21286 is added to the Food and Agricultural Code, to read:

21286. The fee is fifteen cents ($0.15) for the inspection of each animal which originated in another state and was shipped to this state for slaughter, if such animal is unloaded in an enclosure which is used exclusively by the slaughterer that is located within one mile of the slaughterhouse and the cattle are driven, not transported, from the enclosure to the slaughterhouse.

This section shall become operative on January 1, 1976.

SEC. 60. Section 21288 of the Food and Agricultural Code is amended to read:

21288. The fee for the inspection of cattle, other than suckling calves which are accompanying their mothers, is fifteen cents ($0.15) if the cattle are transported for purposes other than sale or slaughter and no change of ownership is involved. The fee which is prescribed by this section applies to pasture cattle which are transported out of a modified point-of-origin area or out of this state.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 61. Section 21288 is added to the Food and Agricultural Code, to read:

21288. The fee for the inspection of cattle, other than suckling calves which are accompanying their mothers, is twelve cents ($0.12) if the cattle are transported for purposes other than sale or slaughter and no change of ownership is involved. The fee which is prescribed by this section applies to pasture cattle which are transported out of a point-of-origin area or out of this state.

This section shall become operative on January 1, 1976.

SEC. 62. Section 21290 is added to the Food and Agricultural Code, to read:

21290. Any person that receives cattle from any cattle sale market, either public or private, including any public stockyard where sales of cattle are held, may, upon request and upon payment of a fee of eighteen cents ($0.18) per head before accepting delivery of any cattle from such market or stockyard, have a reinspection of such cattle.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 62.5. Section 21290.5 is added to the Food and Agricultural Code, to read:

21290.5. Any person that receives cattle from any cattle sale market, either public or private, including any public stockyard, where sales of cattle are held, may, upon request and upon payment of a fee of fifteen cents ($0.15) per head before accepting delivery

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of any cattle from such market or stockyard, have a reinspection of such cattle.

This section shall become operative on January 1, 1976.

SEC. 63. Section 21291 of the Food and Agricultural Code is amended to read:

21291. The fees which are provided in Sections 21283, 21285, 21286, 21288, 21289, and 21290 may:

(a) Be raised a total of three cents ($0.03) above the fees specified in such sections by the director upon a finding and recommendation of the Livestock Identification Advisory Board that the current schedule of fees are insufficient to cover the cost of administering and enforcing the provisions of this division by the bureau.

(b) Be lowered by the director upon a finding and recommendation of the Livestock Identification Advisory Board, from time to time, whenever it finds that the costs of administering and enforcing the provisions of this division may be maintained with the lower fees.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 64. Section 21291 is added to the Food and Agricultural Code, to read:

21291. The fees which are provided in Sections 21283, 21285, 21286, 21288, 21289, and 21290.5 may:

(a) Be raised a total of three cents ($0.03), above the fees specified in such sections by the director upon a finding and recommendation of the Livestock Identification Advisory Board that the current schedule of fees are insufficient to cover the cost of administering and enforcing the provisions of this division by the bureau.

(b) Be lowered by the director upon a finding and recommendation of the Livestock Identification Advisory Board, from time to time, whenever it finds that the costs of administering and enforcing the provisions of this division may be maintained with the lower fees.

This section shall become operative on January 1, 1976.

SEC. 65. Section 21453 of the Food and Agricultural Code is amended to read:

21453. A new inspection need not be made of the hide or carcass of an animal which was previously inspected as follows:

(a) Inspected pursuant to subdivision (e) of Section 21051.

(b) Inspected pursuant to subdivisions (d), (f) and (g) of Section 21051 and slaughtered in accordance with Section 21057.

(c) Inspected pursuant to Section 22004 and subdivision (c) of Section 22008.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 66. Section 21453 is added to the Food and Agricultural Code, to read:

21453. A new inspection need not be made of the hide or carcass of an animal which was inspected at the place of shipping or of

slaughter within 15 days prior to slaughter.

This section shall become operative on January 1, 1976.

SEC. 67. Section 21563 of the Food and Agricultural Code is amended to read:

21563 Except as otherwise provided in this article, the fee shall be paid at the point of inspection and is eighteen cents ($0.18) for each carcass or hide which is inspected.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 68. Section 21563 is added to the Food and Agricultural Code, to read:

21563. Except as otherwise provided in this article, the fee shall be paid at the point of inspection and is fifteen cents ($0.15) for each carcass or hide which is inspected.

This section shall become operative on January 1, 1976.

SEC. 69. Section 64691 of the Food and Agricultural Code is amended to read:

64691. In order to carry out the programs and administer the activities which are conducted pursuant to this chapter, a fee of ten cents ($0.10) per head on cattle and calves shall be charged and collected from the seller or from the seller's account and paid to the director as specified in Section 64691.7 by each operator of any stockyard, livestock auction market, slaughterhouse, packing plant, feedlot, or seller's agent, who shall deduct such an amount from the proceeds of sale or from other moneys owed to the seller. Such fee shall be charged on all cattle and calves except the following:

(a) Hides, skins, or reduction animals.

(b) Any cattle that are transported for purposes other than for sale or slaughter and without a change of ownership.

(c) Any animal which is less than three months of age.

(d) Any animal sold for milk or calf production.

Such fees shall not be charged or collected more than once from each owner upon the same animal.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 70. Section 64691 is added to the Food and Agricultural Code, to read:

64691. In order to carry out the programs and administer the activities which are conducted pursuant to this chapter, a fee of ten cents ($0.10) per head on cattle and calves shall be charged and collected from the seller or from the seller's account at the same time that brand inspection fees are collected as provided in Article 9 (commencing with Section 21281), Chapter 6, Division 10 of this code. Each operator of any stockyard, livestock auction market, slaughterhouse, packing plant, or sellers' agent, shall deduct from the proceeds of sale or from other moneys owed to the seller, the amount of such fee and shall pay such fees to the director. Such fee shall be charged on all cattle and calves except the following:

(a) Hides, skins, or reduction animals.

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(b) Any cattle that are transported for purposes other than for sale or slaughter and without a change of ownership.

(c) Any animal which is less than three months of age.

(d) Any animal sold for milk or calf production.

Such fees shall not be charged or collected more than once from each owner upon the same animal.

This section shall become operative on January 1, 1976.

SEC. 71. Section 64691.7 is added to the Food and Agricultural Code, to read:

64691.7 The fees required under Section 64691 shall be due and payable at the same time that brand inspection fees are collected as provided in Article 9 (commencing with Section 21281) of Chapter 6 of Division 10, except for the cattle slaughtered at a slaughterhouse which is licensed pursuant to Article 2 (commencing with Section 22031) of Chapter 10 of Division 10, which were received from a registered feedlot as defined in Section 20015.

The fees for the cattle which were slaughtered at a licensed slaughterhouse shall be charged and collected by the slaughterhouse operator for all such cattle received and slaughtered from such feedlots, and shall be paid to the director at the end of each month for all cattle slaughtered during that month. The slaughterhouse operator shall be responsible for the payment of such fees, even if he has not collected such money from the seller of the cattle which he has slaughtered.

This section shall remain in effect only until January 1, 1976, and as of that date is repealed.

SEC. 72. It is the intent of the Legislature that the amendments to Section 20462 of the Food and Agricultural Code which are made by Section 6 of this act shall remain in effect only until January 1, 1976, and on that date Section 7 of this act shall become operative to restore Section 20462 to the form in which it read immediately prior to the effective date of this act.

SEC. 73. It is the intent of the Legislature that the amendments to Section 20463 of the Food and Agricultural Code which are made by Section 8 of this act shall remain in effect only until January 1, 1976, and on that date Section 9 of this act shall become operative to restore Section 20463 to the form in which it read immediately prior to the effective date of this act.

SEC. 74. It is the intent of the Legislature that the amendments to Section 21051 of the Food and Agricultural Code which are made by Section 10 of this act shall remain in effect only until January 1, 1976, and on that date Section 11 of this act shall become operative to restore Section 21051 to the form in which it read immediately prior to the effective date of this act.

SEC. 75. It is the intent of the Legislature that the amendments to Section 21052 of the Food and Agricultural Code which are made by Section 12 of this act shall remain in effect only until January 1, 1976, and on that date Section 13 of this act shall become operative to restore Section 21052 to the form in which it read immediately

prior to the effective date of this act.

SEC. 76. It is the intent of the Legislature that the amendments to Section 21053 of the Food and Agricultural Code which are made by Section 14 of this act shall remain in effect only until January 1, 1976, and on that date Section 15 of this act shall become operative to restore Section 21053 to the form in which it read immediately prior to the effective date of this act.

SEC. 77. It is the intent of the Legislature that the amendments to Section 21058 of the Food and Agricultural Code which are made by Section 17 of this act shall remain in effect only until January 1, 1976, and on that date Section 18 of this act shall become operative to restore Section 21058 to the form in which it read immediately prior to the effective date of this act.

SEC. 79. It is the intent of the Legislature that the amendments to the heading of Article 2 (commencing with Section 21081) of Chapter 6 of Division 10 of the Food and Agricultural Code which are made by Section 27 of this act shall remain in effect only until January 1, 1976, and on that date Section 28 of this act shall become operative to restore the heading of Article 2 (commencing with Section 21081) of Chapter 6 of Division 10 to the form in which it read immediately prior to the effective date of this act.

SEC. 80. It is the intent of the Legislature that the amendments to Section 21081 of the Food and Agricultural Code which are made by Section 29 of this act shall remain in effect only until January 1, 1976, and on that date Section 30 of this act shall become operative to restore Section 21081 to the form in which it read immediately prior to the effective date of this act.

SEC. 81. It is the intent of the Legislature that the amendments to the heading of Article 3 (commencing with Section 21111) of Chapter 6 of Division 10 of the Food and Agricultural Code which are made by Section 33 of this act shall remain in effect only until January 1, 1976, and on that date Section 34 of this act shall become operative to restore the heading of Article 3 (commencing with Section 21111) of Chapter 6 of Division 10 to the form in which it read immediately prior to the effective date of this act.

SEC. 82. It is the intent of the Legislature that the amendments to Section 21111 of the Food and Agricultural Code which are made by Section 35 of this act shall remain in effect only until January 1, 1976, and on that date Section 36 of this act shall become operative to restore Section 21111 to the form in which it read immediately prior to the effective date of this act.

SEC. 83. It is the intent of the Legislature that the amendments to Section 21112 of the Food and Agricultural Code which are made by Section 37 of this act shall remain in effect only until January 1, 1976, and on that date Section 38 of this act shall become operative to restore Section 21112 to the form in which it read immediately prior to the effective date of this act.

SEC. 84. It is the intent of the Legislature that the amendments to Section 21141 of the Food and Agricultural Code which are made

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by Section 41 of this act shall remain in effect only until January 1, 1976, and on that date Section 42 of this act shall become operative to restore Section 21141 to the form in which it read immediately prior to the effective date of this act.

SEC. 85. It is the intent of the Legislature that the amendments to Section 21206 of the Food and Agricultural Code which are made by Section 48 of this act shall remain in effect only until January 1, 1976, and on that date Section 49 of this act shall become operative to restore Section 21206 to the form in which it read immediately prior to the effective date of this act.

SEC. 86. It is the intent of the Legislature that the amendments to Section 21207 of the Food and Agricultural Code which are made by Section 50 of this act shall remain in effect only until January 1, 1976, and on that date Section 51 of this act shall become operative to restore Section 21207 to the form in which it read immediately prior to the effective date of this act.

SEC. 87. It is the intent of the Legislature that the amendments to Section 21208 of the Food and Agricultural Code which are made by Section 52 of this act shall remain in effect only until January 1, 1976, and on that date Section 53 of this act shall become operative to restore Section 21208 to the form in which it read immediately prior to the effective date of this act.

SEC. 88. It is the intent of the Legislature that the amendments to Section 21283 of the Food and Agricultural Code which are made by Section 54 of this act shall remain in effect only until January 1, 1976, and on that date Section 55 of this act shall become operative to restore Section 21283 to the form in which it read immediately prior to the effective date of this act.

SEC. 89. It is the intent of the Legislature that the amendments to Section 21285 of the Food and Agricultural Code which are made by Section 56 of this act shall remain in effect only until January 1, 1976, and on that date Section 57 of this act shall become operative to restore Section 21285 to the form in which it read immediately prior to the effective date of this act.

SEC. 90 It is the intent of the Legislature that the amendments to Section 21286 of the Food and Agricultural Code which are made by Section 58 of this act shall remain in effect only until January 1, 1976, and on that date Section 59 of this act shall become operative to restore Section 21286 to the form in which it read immediately prior to the effective date of this act.

SEC. 91. It is the intent of the Legislature that the amendments to Section 21288 of the Food and Agricultural Code which are made by Section 60 of this act shall remain in effect only until January 1, 1976, and on that date Section 61 of this act shall become operative to restore Section 21288 to the form in which it read immediately prior to the effective date of this act.

SEC. 92. It is the intent of the Legislature that the amendments to Section 21291 of the Food and Agricultural Code which are made by Section 63 of this act shall remain in effect only until January 1,

1976, and on that date Section 64 of this act shall become operative to restore Section 21291 to the form in which it read immediately prior to the effective date of this act.

SEC. 93. It is the intent of the Legislature that the amendments to Section 21453 of the Food and Agricultural Code which are made by Section 65 of this act shall remain in effect only until January 1, 1976, and on that date Section 66 of this act shall become operative to restore Section 21453 to the form in which it read immediately prior to the effective date of this act.

SEC. 94. It is the intent of the Legislature that the amendments to Section 21563 of the Food and Agricultural Code which are made by Section 67 of this act shall remain in effect only until January 1, 1976, and on that date Section 68 of this act shall become operative to restore Section 21563 to the form in which it read immediately prior to the effective date of this act.

SEC. 95. It is the intent of the Legislature that the amendments to Section 64691 of the Food and Agricultural Code which are made by Section 69 of this act shall remain in effect only until January 1, 1976, and on that date Section 70 of this act shall become operative to restore Section 64691 to the form in which it read immediately prior to the effective date of this act.

SEC. 96. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations or responsibilities imposed on local government by this act.

CHAPTER 940

An act to amend Sections 17261, 17301.2, 17301.3, 17303, 17460, 17461, 17462, 17606, and 17701 of, to add Sections 17301, 17301.4, 17301.12, 17303.1, 17303.5, 17303.6, 17351.1, 17401.1, and 17601.05 to, to repeal Sections 17301 and 17303.5 of, to add Article 18 (commencing with Section 18451) and Article 19 (commencing with Section 18471) to Chapter 3 of Division 14 of, and to repeal Article 18 (commencing with Section 18451) of Chapter 3 of Division 14 of, the Education Code, relating to financial support for the public schools, and making an appropriation therefor.

[Approved by Governor September 30, 1973. Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 17261 of the Education Code is amended to read:

17261. On the basis of computations made by the State Board of Equalization, the secretary of that board shall certify on or before October 1st of each year to the Superintendent of Public Instruction

and to the Chancellor of the California Community Colleges the factor, carried to three decimal places, by which the total assessed value of all tangible property on the current local roll of each county must be modified to conform to the statewide average assessment level.

SEC. 2. Section 17301 of the Education Code is repealed.

SEC. 3. Section 17301 is added to the Education Code, to read:

17301. (a) The State Controller shall during each fiscal year transfer from the General Fund of the state to that portion of the State School Fund restricted for elementary and high school purposes, hereinafter called Section A of the State School Fund such sums, in addition to the sums accruing from other sources, as shall provide in Section A of 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 elementary, high, and unified school districts and to all county superintendents of schools in the state, as certified by the Superintendent of Public Instruction, of 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 Section A of 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 Section A of 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 thirteen dollars and forty-two cents ($213.42) for the fiscal year 1974–75 and fiscal years thereafter, per pupil in average daily attendance during the preceding fiscal year credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state, as certified by the Superintendent of Public Instruction, less the amount, if any, by which seventy-nine cents ($0.79) multiplied by the number of units of average daily attendance credited during the preceding fiscal year to all elementary, high, and unified school districts and to all county superintendents of schools in the state 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 Section A of the State School Fund under subdivisions (a) and (b) of this section, the Controller shall transfer from the General Fund to Section A of 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 Section A of 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 Section A of 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 Section A of 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 (commencing with Section 17300), 2 (commencing with Section 17351), and 3 (commencing with Section 17401) of this chapter, in Sections 11256 and 17251, and in Chapter 3 (commencing with Section 17601) of this division.

(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, excluding defined adults, 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 as follows:

For the 1974–75 fiscal year, each elementary and high school foundation program shall be increased by sixty dollars ($60) except that if the percentage increase of the statewide ratio of assessed valuation per unit average daily attendance in kindergarten and grades 1 to 12, inclusive, determined in subdivision (e) is less than seven, the sixty dollars ($60) shall be reduced proportionately, but to no less than fifty dollars ($50). The foundation program for defined adults in high school districts shall be increased by twenty-seven dollars ($27).

For the 1975–76 fiscal year, each elementary and high school foundation program shall be increased by sixty-three dollars ($63) except that if the percentage increase of the statewide ratio of assessed valuation per units of average daily attendance in kindergarten and grades 1 to 12, inclusive, determined in subdivison (e) is less than seven, the sixty-three dollars ($63) shall be reduced proportionately, but to no less than fifty-three dollars ($53). The foundation program for defined adults in high school districts shall be increased by twenty-nine dollars ($29).

For the 1976–77 fiscal year, each elementary and high school

foundation program shall be increased by sixty-six dollars ($66) except that if the percentage increase of the statewide ratio of assessed valuation per units of average daily attendance in kindergarten and grades 1 to 12, inclusive, determined in subdivision (e) is less than seven, the sixty-six dollars ($66) shall be reduced proportionately, but to no less than fifty-six dollars ($56). The foundation program for defined adults in high school districts shall be increased by thirty-one dollars ($31).

The Superintendent of Public Instruction shall prepare a report for the Legislature, to be submitted by December 1, 1976, which shall show the most current trends in costs for school districts, equalization of school district expenditures per average daily attendance, equalizations of property taxation for schools, adequacy levels in expenditures per average daily attendance, school enrollment, assessed valuations, assessed valuation per average daily attendance, and general cost changes in the state for the purpose of giving the Legislature information that the Legislature may use to enact new provisions about increases or decreases in the foundation programs for public schools support. For the 1977–78 fiscal year and fiscal years thereafter, and if the Legislature does not provide otherwise, the increase in elementary and high school foundation programs shall be 6 percent times an amount which is determined as follows: (1) Multiply the unit elementary school foundation program for unified districts which have an elementary average daily attendance of 901 or more by the elementary foundation program units of average daily attendance of unified districts with 901 or more elementary average daily attendance, plus (2) multiply the unit high school foundation program for unified districts which have a high school average daily attendance of 301 or more, by the average daily attendance of unified districts with 301 or more high school average daily attendance, and (3) divide the result by the sum of the average daily attendance in unified districts with 901 or more elementary average daily attendance plus the average daily attendance in unified districts with 301 or more high school average daily attendance.

The increase in the foundation program for defined adults in high schools shall be 6 percent times the foundation program for defined adults of the prior year.

(f) The amounts transferred pursuant to this section shall include the amounts required to be transferred by Section 16130 of the Government Code, exclusive of the amounts required to be transferred pursuant to Section 16130 of the Government Code for the educational need factor and the Early Childhood Educational Program (Chapter 1147, Statutes of 1972).

SEC. 4. Section 17301.2 of the Education Code is amended to read:

17301.2. (a) The State Controller shall during each fiscal year, commencing with the 1974–75 fiscal year, transfer from the General Fund to Section A of the State School Fund such amount, in addition

to all other amounts appropriated and transferred to Section A of the State School Fund, as shall provide in Section A of 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 elementary, high, and unified school districts and to all county superintendents of schools in the state as certified by the Superintendent of Public Instruction, of eleven dollars and sixty-four cents ($11.64) in the 1974–75 fiscal year and an additional one dollar and fifty-nine cents ($1.59) in each fiscal year thereafter to a maximum of eighteen dollars ($18).

The amounts transferred pursuant to this section shall be apportioned and disbursed by the Superintendent of Public Instruction as an increase per unit of average daily attendance in the foundation programs prescribed in Section 17668.5.

(b) The State Controller shall during each fiscal year, commencing with the 1974–75 fiscal year, transfer from the General Fund to Section B of the State School Fund such amount, in addition to all other amounts appropriated and transferred to Section B of the State School Fund, as shall provide in Section B of 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 community college districts in the state as certified by the Chancellor of the California Community Colleges of fourteen dollars and fifty-six cents ($14.56) in the 1974–75 fiscal year and an additional two dollars and eighty cents ($2.80) in each fiscal year thereafter to a maximum of twenty-five dollars and seventy-six cents ($25.76).

The amounts transferred pursuant to this section shall be apportioned and disbursed by the Chancellor of the California Community Colleges as an increase per unit of average daily attendance in the foundation programs prescribed in Section 17668.5.

SEC. 5. Section 17301.3 of the Education Code is amended to read:

17301.3. (a) The amount to be transferred to Section A of the State School Fund under Section 17301 shall in each fiscal year be adjusted for errors of average daily attendance reported in prior fiscal years. Adjustment of such errors will be subject to the time limitations as provided in Section 17414. Such adjustments with regard to the amount to be transferred to Section A of the State School Fund shall be at the state's rate of contribution under Section 17301 in effect in the fiscal year to which the error applied, and shall be applied in accordance with the purposes set forth under Section 17303. The amount of any adjustment shall not, however, cause the amount to be transferred to Section A of the State School Fund during any fiscal year under Section 17301 to be less than one hundred eighty dollars ($180) per pupil in average daily attendance during the preceding fiscal year credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state.

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(b) If in any fiscal year the amount transferred to Section A of the State School Fund under Sections 17305 and 17307 is reported to be in error, the Superintendent of Public Instruction shall notify the Controller of such error, and he shall add to or withhold from the next apportionment moneys due the district by transfers from or returns to the General Fund of such erroneous amounts.

SEC. 6. Section 17301.4 is added to the Education Code, to read:

17301.4. (a) The amount to be transferred to Section B of the State School Fund under Section 17301.12 shall in each fiscal year be adjusted for errors of average daily attendance reported in prior fiscal years. Adjustment of such errors will be subject to the time limitations as provided in Section 17414. Such adjustments with regard to the amount to be transferred to Section B of the State School Fund shall be at the state's rate of contribution under Section 17301.12 in effect in the fiscal year to which the error applied, and shall be applied in accordance with the purposes set forth under Section 17303.1. The amount of any adjustment shall not, however, cause the amount to be transferred to Section B of the State School Fund during any fiscal year under Section 17301.12 to be less than one hundred eighty dollars ($180) per pupil in average daily attendance during the preceding fiscal year credited to all community colleges and adult schools maintained in conjunction with community colleges in the state.

SEC. 7. Section 17301.12 is added to the Education Code, to read:

17301.12. (a) The State Controller shall during each fiscal year transfer from the General Fund of the state to that portion of the State School Fund restricted for community college purposes, hereinafter called Section B of the State School Fund, such sums, in addition to the sums accruing from other sources, as shall provide in Section B of 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 community colleges and adult schools maintained in conjunction with community colleges in the state, as certified by the Chancellor of the California Community Colleges, of 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 Section B of the State School Fund as are certified from time to time by the Chancellor of the California Community Colleges to be necessary to meet actual computed apportionments from the State School Fund for the purposes set forth in Section 17303.1; provided that the total of such additional amounts transferred in a fiscal year shall not exceed, except pursuant to subdivision (c) of this section, three hundred one dollars and eighty-nine cents ($301.89) for the 1974–75 fiscal year and fiscal years thereafter, per pupil in average daily attendance during the preceding fiscal year credited to all community colleges and adult schools maintained in conjunction with community colleges in the state, as certified by the Chancellor of the California Community Colleges.

(c) In addition to the amounts authorized to be transferred to Section B of 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 Section B of the State School Fund during the fiscal year, upon certification of the Chancellor of the California Community Colleges, if necessary to meet actual computed apportionments for the fiscal year for the purposes set forth in Section 17303.1, an amount not to exceed 1 percent of the total apportionment from Section B of the State School Fund in the preceding fiscal year for the purposes set forth in Section 17303.1.

(d) He shall also transfer to Section B of 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 Section 17303.1 and such additional amounts shall be allowed and apportioned by the Chancellor of the California Community Colleges and warrants therefor drawn by the Controller in the manner provided in Articles 1 (commencing with Section 17300), 2 (commencing with Section 17351), and 3 (commencing with Section 17401) of this chapter, in Sections 11256 and 17251, and in Chapter 3 (commencing with Section 17601) of this division.

SEC. 8. Section 17303 of the Education Code is amended to read:

17303. The amount transferred to Section A of the State School Fund 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. 9. Section 17303.1 is added to the Education Code, to read:

17303.1. The amount transferred to Section B of the State School Fund pursuant to subdivision (a) of Section 17301.12 shall be expended for community college basic aid, equalization aid, and allowances for adults in programs maintained in conjuction with community colleges, to be apportioned on account of average daily attendance.

SEC. 10. Section 17303.5 of the Education Code is repealed.

SEC. 11. Section 17303.5 is added to the Education Code, to read:

17303.5. The amount transferred to Section A of the State School Fund 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-nine cents ($0.79) multiplied by the average daily attendance credited during the preceding fiscal year to all elementary, high, and unified school districts and to all county

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superintendents of schools in the state, for allowance to county school service funds pursuant to subdivision (a) of Section 18352.

(b) Seven dollars and eighteen cents ($7.18) multiplied by the total average daily attendance credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state, during the preceding school year for the purposes of Article 10 (commencing with Section 18051) of Chapter 3 of this division.

(c) Twenty-four dollars and fifty-four cents ($24.54) multiplied by the total average daily attendance credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state, during the preceding school year, for the purposes of Chapter 8 (commencing with Section 6801), Chapter 8.2 (commencing with Section 6870), Chapter 9 (commencing with Section 6901), of Division 6, and Sections 18060, 18062, and 18104.

(d) Four dollars and twenty-two cents ($4.22) multiplied by the total average daily attendance credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state during the preceding school service funds pursuant to subdivision (b) of Section 18352.

(e) Two dollars and seventy-three cents ($2.73) multiplied by the average daily attendance during the preceding fiscal year credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state for allowances to school districts for the purposes of Section 6426.

(f) One hundred sixty dollars and twenty-one cents ($160.21) multiplied by the average daily attendance during the preceding fiscal year credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state during the preceding school year for basic aid, equalization aid, allowances for adults, and allowances to the county school tuition funds to be apportioned on account of average daily attendance

(g) Thirteen dollars and seventy-five cents ($13.75) multiplied by the average daily attendance during the preceding school year credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state for purposes of Chapter 7.1 (commencing with Section 6750) of Division 6.

SEC. 12. Section 17303.6 is added to the Education Code, to read:

17303.6. The amount transferred to Section B of the State School Fund pursuant to subdivision (b) of Section 17301.1 shall be expended in accordance with the following schedule:

(a) Two hundred eighty-nine dollars and seventy cents ($289.70) multiplied by the total average daily attendance credited to community college districts during the preceding fiscal year for basic aid and equalization aid to be apportioned to community college districts on account of average daily attendance.

(b) Five dollars and eighty-five cents ($5.85) multiplied by total average daily attendance credited to community college districts during the preceding fiscal year for the purposes of Chapter 8

(commencing with Section 6801), Chapter 9 (commencing with Section 6901), of Division 6, and Sections 18060 and 18062.

(c) One dollar and seventy-six cents ($1.76) multiplied by the total average daily attendance credited to community college districts during the preceding fiscal year for the purposes of Chapter 7.1 (commencing with Section 6750) of Division 6.

(d) One dollar and seventy-six cents ($1.76) multiplied by the total average daily attendance credited to community college districts during the preceding fiscal year for the purposes of Article 10 (commencing with Section 18051) of Chapter 3 of this division.

(e) Two dollars and eighty-two cents ($2.82) multiplied by the average daily attendance during the preceding school year credited to all community college districts for the purpose of Article 12 (commencing with Section 18151) of this chapter.

SEC. 13. Section 17351.1 is added to the Education Code, to read:

17351.1. Whenever the term "Superintendent of Public Instruction" is used in this article it shall be deemed to mean "Chancellor of the California Community Colleges," for purposes of apportionments to community college districts.

SEC. 14. Section 17401.1 is added to the Education Code, to read:

17401.1. Whenever the term "Superintendent of Public Instruction" is used in this article it shall be deemed to mean "Chancellor of the California Community Colleges," for purposes of apportionments to community college districts.

SEC. 15. Section 17460 of the Education Code is amended to read:

17460. Loans may be made from moneys in the Public School District Organization Revolving Fund to newly organized elementary, high school, or unified school districts upon application of the governing board of any such district, certified by the county superintendent of schools and approved by the Superintendent of Public Instruction for use by the district during the period from the date the action to form the district was completed and the date the district becomes effective for all purposes. Money loaned to a district pursuant to this section shall be used only to meet (a) the expenses of office rental, office supplies, postage, telephone, and telegraphing; (b) the expenses of necessary elections required by law or authorized by Section 1703 of this code; and (c) the expenses of employing, the salary of, and necessary travel expenses of officers and necessary clerical help for the governing board.

During each of the two successive fiscal years commencing with the first fiscal year of the existence of the school district for all purposes, the State Controller shall deduct from apportionments made to such school district an amount equal to one-half of the amount loaned to such school district under this section and pay the same amount into the Public School District Organization Revolving Fund in the State Treasury.

SEC. 16. Section 17461 of the Education Code is amended to read:

17461. Loans may be made by the Chancellor of the California Community Colleges from the Community College District

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Organization Revolving Fund at any time during the period from the date the action to form the district was completed and the date the district becomes effective for all purposes, or during the first three years of the existence of any newly formed community college district in amounts necessary to enable the district to meet the current expenses of operation. A loan may be made upon approval, by the Chancellor of the California Community Colleges, of an application therefor submitted by the governing board of a newly formed community college district. A loan may be made only if the Chancellor of the California Community Colleges determines that the applicant newly formed community college district is in need of funds to meet the current expenses of operation, and that the general purpose tax rate of the district for the fiscal year in which the application is submitted is at least equal to the average of such rates applicable at that time in other districts maintaining community colleges in the same county or in adjacent counties.

For purposes of this section the Chancellor of the California Community Colleges may prescribe the form in which applications are to be submitted, and may require the submission of such information and data by the applicant district as he may deem necessary to make any required determinations.

During each of the five fiscal years immediately succeeding the fiscal year in which a loan is made under this section, the State Controller shall deduct from apportionments made from Section B of the State School Fund to the newly formed community college district an amount equal to one-fifth of the amount loaned to the district, and pay the same amount into the Community College District Organization Revolving Fund.

SEC. 17. Section 17462 of the Education Code is amended to read:

17462. Upon approval of the Board of Governors of the California Community Colleges, an advance of apportionments from Section B of the State School Fund may be made to any community college district applying therefor for the purpose of meeting the cost of developing preliminary plans for the construction of community college facilities in the district.

The Board of Governors may approve an advance in apportionments to a district when it has first been shown to the satisfaction of the board that: (a) the district has no uncommitted funds available to meet the cost of developing preliminary plans; and (b) the inability to develop preliminary plans will delay the placing of an application for state support for construction, and the ultimate completion of the community college facility.

The Controller shall withhold from apportionments from Section B of the State School Fund to the district receiving an advance apportionment, one-third of the amount advanced, in each of the three subsequent fiscal years, plus interest as determined by the Director of Finance.

SEC. 18. Section 17601.05 is added to the Education Code, to read:

17601.05. Whenever the term "Superintendent of Public Instruction" is used in this chapter it shall be deemed to mean "Chancellor of the California Community Colleges," for purposes of apportionments to community college districts.

SEC. 19. Section 17606 of the Education Code is amended to read:

17606. "Miscellaneous funds" as used in Section 17603.5 means the amount the county superintendent of schools has determined and reported to the Superintendent of Public Instruction and the Chancellor of the California Community Colleges in accordance with regulations the Superintendent of Public Instruction and the Chancellor of the California Community Colleges are hereby authorized to adopt that the district has received and which has been deposited to the credit of the general fund of the district for a fiscal year on account of in-lieu taxes or income from bonuses, royalties, rentals or any other income from district property or property within the district or state not being assessed for tax purposes and not being used for school purposes. Federal forest reserve funds received by a district shall not be considered miscellaneous funds as defined by this section.

SEC. 20. Section 17701 of the Education Code is amended to read:

17701. On or before November 15th of each year, the county auditor of each county shall furnish to the Superintendent of Public Instruction and the Chancellor of the California Community Colleges the assessed valuation and tax rates of each school district or portion of school district situated within his county, as shown by the equalized assessment roll of the county for the year.

SEC. 21. Article 18 (commencing with Section 18451) of Chapter 3 of Division 14 of the Education Code is repealed.

SEC. 22. Article 18 (commencing with Section 18451) is added to Chapter 3 of Division 14 of the Education Code, to read:

Article 18. Recomputations of Allowances for Section A of the State School Fund

18451. The total amount apportioned from Section A of the State School Fund shall not exceed the amount provided by law therefor. If the total amount provided for Section A of the State School Fund is greater than the total apportioned, the balance from any specified expenditure authorization in Sections 17303 and 17303.5 shall be used to decrease deficits in apportionments from Section A of the State School Fund in the order prescribed in Section 18460.

18453. If the total amount allowed for each subdivision in Sections 17303 and 17303.5 is less than the apportionments named in the subsections, the apportionments shall be reduced proportionately or as otherwise prescribed. Prior to the close of the fiscal year, such reductions shall be restored to the extent possible pursuant to Section 18451.

18460. Balances available from any apportionments from Section A of the State School Fund and funds provided by subdivision (c) of

Section 17301 shall be used to the extent necessary as follows:

(a) First, to restore any reduction in apportionments for basic aid, and equalization aid, for elementary, high, and unified school districts and for all county superintendents of schools.

(b) Second, to restore any reduction in apportionments pursuant to Section 18061.

(c) Third, to restore any reduction in apportionments pursuant to Sections 18060, 18062, 18102, 18102.2, 18102.4, and paragraphs (c), (d), (e), (f), and (g) of subdivision (1) of Section 18102.9.

(d) Fourth, to restore any reduction in apportionments pursuant to Section 18102.6 and paragraphs (a) and (b) of subdivision (1) of, and paragraph (b) of subdivision (2) of Section 18102.9.

(e) Fifth, to restore any reduction in apportionments pursuant to Section 6426.

Any remaining balances otherwise transferable under subdivisions (b) and (c) of Section 17301 shall revert to the General Fund.

SEC. 23. Article 19 (commencing with Section 18471) is added to Chapter 3 of Division 14 of the Education Code, to read:

Article 19. Recomputations of Allowances for Section B of the State School Fund

18471. The total amount apportioned from Section B of the State School Fund shall not exceed the amount provided by law therefor. If the total amount provided for Section B of the State School Fund is greater than the total apportioned, the balance from any specified expenditure authorization in Sections 17303.1 and 17303.6 shall be used to decrease deficits in apportionments from Section B of the State School Fund in the order prescribed in Section 18480.

18473. If the total amount allowed for each subdivision in Sections 17303.1 and 17303.6 is less than the apportionments named in the subdivision, the apportionments shall be reduced proportionately or as otherwise prescribed. Prior to the close of the fiscal year, such reductions shall be restored to the extent possible pursuant to Section 18471.

18480. Balances available from any apportionments from Section B of the State School Fund and funds provided by subdivision (c) of Section 17301.1 shall be used to the extent necessary as follows:

(a) First, to restore any reduction in apportionments for basic aid and equalization aid for community college districts.

(b) Second, to restore any reduction in apportionments pursuant to Section 18061.

(c) Third, to restore any reduction in apportionments pursuant to Sections 18060, 18062, 18102, 18102.2, 18102.4, and paragraphs (c), (d), (e), (f), and (g) of subdivision (1) of Section 18102.9.

(d) Fourth, to restore any reduction in apportionments pursuant to Section 18102.6 and paragraphs (a) and (b) of subdivision (1) of, and paragraph (b) of subdivision (2), of Section 18102.9.

Any remaining balances otherwise transferable under subdivisions

(b) and (c) of Section 17301.1 shall revert to the General Fund.

SEC. 24. Commencing with the 1974–75 fiscal year, the School District Organization Revolving Fund in the State Treasury is dissolved and there is created in its place the Public School District Organization Revolving Fund and the Community College District Organization Revolving Fund. The balance remaining in the School District Organization Revolving Fund, and all loan repayments due to the School District Organization Revolving Fund shall be divided so that two-thirds is deposited to the Public School District Organization Revolving Fund and one-third is deposited to the Community College District Organization Revolving Fund.

SEC. 25. The provisions of this act shall become operative July 1, 1974.

CHAPTER 941

An act to amend Sections 2270, 2271, 2272, 2274, 2275, 2280, and 2282 of, to repeal Sections 2273, 2276, and 2281 of, and to add Sections 2280.1 and 2281 to, the Health and Safety Code, relating to mosquito abatement or vector control districts.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 2270 of the Health and Safety Code is amended to read:

2270. The district board may:

(a) Take all necessary or proper steps for the extermination of mosquitoes, flies, or other insects either in the district or in territory not in the district but so situated with respect to the district that mosquitoes, flies, or other insects from such territory migrate into the district.

(b) Subject to the paramount control of the county or city in which they exist, abate as nuisances all stagnant pools of water and other breeding places for mosquitoes, flies, or other insects either in the district or in territory not in the district but so situated with respect to the district that mosquitoes, flies, or other insects from such territory migrate into the district.

(c) Purchase such supplies and materials, employ such personnel and contract for such services as may be necessary or proper in furtherance of the objects of this chapter.

(d) If necessary or proper, in the furtherance of the objects of this chapter, build, construct, repair, and maintain, necessary dikes, levees, cuts, canals, or ditches upon any land, and acquire by purchase, condemnation, or by other lawful means, in the name of the district, any lands, rights-of-way, easements, property, or

material necessary for any of those purposes.

(e) Make contracts to indemnify or compensate any owner of land or other property for any injury or damage necessarily caused by the use or taking of property for dikes, levees, cuts, canals, or ditches.

(f) Enter upon without hindrance any lands, within or without the district, for the purpose of inspection to ascertain whether breeding places of mosquitoes, flies, or other insects exist upon such lands; or to abate public nuisances in accordance with this article; or to ascertain if notices to abate the breeding of mosquitoes, flies, or other insects upon such lands have been complied with; or to treat with appropriate chemical or biological control agents any breeding places of mosquitoes, flies or other insects upon such lands.

(g) Sell or lease any land, rights-of-way, easements, property or material acquired by the district.

Every sale of real property pursuant to this subdivision shall be made to the highest bidder at public auction after five days' notice given pursuant to Section 2204 of this code, and at such place within the district as the district board shall specify.

(h) Borrow money in any fiscal year and repay it in the same or in the next ensuing fiscal year. The amount borrowed in any fiscal year is not to exceed fifteen cents ($0.15) on each one hundred dollars ($100) of assessed valuation of property in the district.

(i) Issue warrants payable at the time stated therein to evidence the obligation to repay money borrowed or any other obligation incurred by the district, warrants so issued to draw interest at a rate fixed by the board not to exceed 5 percent per year, payable annually or semiannually as the board may prescribe.

(j) Provide a civil service system for any or all employees of the district.

(k) Assess civil penalties as determined by the discretion of the board, but not to exceed $500 per day for each day that a notice or hearing order to abate a nuisance has not been complied with.

Any sum which may be collected shall become part of the district's general fund to be used solely for vector control purposes for the entire district.

(*l*) Do any and all things necessary or incident to the powers granted by, and to carry out the objects specified in, this chapter.

SEC. 2. Section 2271 of the Health and Safety Code is amended to read:

2271. Any breeding place for mosquitoes, flies, or other insects upon any land which exists by reason of any use made of the land on which it is found or of any artificial change in its natural condition, is a public nuisance. The presence of mosquito, fly, or other insect larvae or pupae in any place shall constitute prima facie evidence that such place is a breeding place for mosquitoes, flies, or other insects.

SEC. 3. Section 2272 of the Health and Safety Code is amended to read:

2272. The nuisance may be abated in any action or proceeding by

any remedy provided by this chapter or any other law.

SEC. 4. Section 2273 of the Health and Safety Code is repealed.

SEC. 5. Section 2274 of the Health and Safety Code is amended to read:

2274. Whenever a nuisance specified in this chapter exists upon any property either in the district or in territory not in the district but so situated with respect to the district that mosquitoes, flies, or other insects from such territory migrate into the district, the district board may notify in writing the owner or party in possession, or the agent of either, of the existence of the nuisance. The contents of the written notice shall conform to the requirements of Section 2275.

SEC. 6. Section 2275 of the Health and Safety Code is amended to read:

2275. The notice shall:

(a) State the finding of the district that a public nuisance exists on the property and the location of such nuisance on such property.

(b) Direct the owner or party in possession to abate the nuisance within a specified time by destroying the larvae or pupae that are present.

(c) Direct the owner or party in possession to perform, within a specified time, any work necessary to prevent the recurrence of breeding in the places specified in the notice.

(d) Inform the owner or party in possession that failure to comply with the requirements of subdivision (b) of this section shall subject the owner or party in possession to civil penalties of not more than five hundred dollars ($500) per day for each day the nuisance continues after the time specified for the abatement of the nuisance in the notice.

(e) Inform the owner or party in possession that before complying with the requirements of the notice, the owner or party in possession may appear at a hearing before the district board at a time and place stated in the notice.

SEC. 7. Section 2276 of the Health and Safety Code is repealed.

SEC. 8. Section 2280 of the Health and Safety Code is amended to read:

2280. Before complying with the requirements of the notice the owner or party in possession may appear at a hearing before the board at a time and place fixed by the board and stated in the notice. At the hearing the district board shall determine whether the initial finding as set forth in the notice is correct and shall permit the owner or party in possession to present testimony in his behalf. If, after hearing all the facts, the board makes a determination that a nuisance exists on the property, the board shall order compliance with the requirements of the notice or with alternate instructions issued by the board.

Any failure to comply with any order of the board issued pursuant to this section shall subject the owner or party in possession to civil penalties as determined by the discretion of the board which shall not exceed five hundred dollars ($500) per day for each day such

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order is not complied with.

SEC. 9. Section 2280.1 is added to the Health and Safety Code, to read:

2280.1. Any judicial review of administrative procedure provided for in this chapter shall be pursuant to Section 1094.5 of the Code of Civil Procedure.

SEC. 10. Section 2281 of the Health and Safety Code is repealed.

SEC. 11. Section 2281 is added to the Health and Safety Code, to read:

2281. Any recurrence of the nuisance within 30 days of the time specified for abatement of the nuisance may be deemed to be a continuation of the original nuisance.

SEC. 12. Section 2282 of the Health and Safety Code is amended to read:

2282. In the event that the nuisance is not abated within the time specified in the notice or at the hearing, the district board may abate the nuisance by destroying the larvae or pupae and by taking appropriate measures to prevent the recurrence of further breeding.

SEC. 13. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations or responsibilities imposed on local government by this act.

CHAPTER 942

An act to amend Section 24304 of the Education Code, relating to the California State University and Colleges.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 24304 of the Education Code is amended to read:

24304. Any nonacademic employee shall be required to serve only one probationary period to gain permanent status in a position or in a substantially similar position. If such an employee is promoted to a position with substantially different duties or to a position that requires additional duties and abilities, he shall serve an additional probationary period; but if he does not become permanent in the new position, he shall have the right to return to any class in which he was permanent or to the class in which he was serving before his promotion. An employee who is promoted before he completed the probationary period in the lower class shall earn permanent status in the lower class at the end of one year from the original appointment date in the lower class or shall earn credit toward permanent status in the lower class for the period of time he performed satisfactorily

in the lower class, provided the duties in the higher class are similar to the duties in the lower class.

CHAPTER 943

An act to amend Section 5911 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 5911 of the Vehicle Code is amended to read:

5911. Whenever application is made to the department for a transfer of registration of a vehicle to a new owner or legal owner and the applicant is unable to present the certificate of ownership or registration card issued for the vehicle by reason of the same being lost or otherwise not available, the department may receive the application and examine into the circumstances of the case and may require the filing of affidavits or other information, and when the department is satisfied that the applicant is entitled to a transfer of registration, the department may transfer the registration of the vehicle, or reregister the vehicle under a new registration number, and issue a new certificate of ownership and registration card to the person or persons found to be entitled thereto. The department, however, shall not issue a new certificate of ownership and registration card to the applicant if the department has received notice by registered or certified mail in which it is indicated that the existing ownership certificate is being held for nonpayment of the vehicle. Such notice may be forwarded by the registered owner, recorded lienholder, or by a person exempted from recording ownership by Section 5906.

CHAPTER 944

An act to amend Sections 74662, 74663, 74664, 74665, 74666, and 74677 of the Government Code, relating to courts.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 74662 of the Government Code is amended to read:

74662. In the San Jose-Milpitas Judicial District there shall be one

clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 55.5. The clerk may appoint:

(a) One chief deputy court clerk who shall receive a salary as specified in range 50.5.

(b) Five deputy court clerks, grade IV, each of whom shall receive a salary as specified in range 44.5.

(c) Twenty-four deputy court clerks, grade III, each of whom shall receive a salary as specified in range 43.5.

(d) Forty deputy court clerks, grade II, each of whom shall receive a salary as specified in range 37.5.

(e) Twenty-one deputy court clerks, grade I, each of whom shall receive a salary as specified in range 34.5.

(f) One Spanish-English interpreter who shall receive a salary as specified in range 39.5.

SEC. 2. Section 74663 of the Government Code is amended to read:

74663. In the Santa Clara Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 52.5. The clerk may appoint:

(a) One senior deputy court clerk who shall receive a salary as specified in range 48 0.

(b) Five deputy court clerks, grade III, each of whom shall receive a salary as specified in range 43.5.

(c) Seven deputy court clerks, grade II, each of whom shall receive a salary as specified in range 37.5.

(d) Five deputy court clerks, grade I, each of whom shall receive a salary as specified in range 34.5.

SEC. 3. Section 74664 of the Government Code is amended to read:

74664. In the Los Gatos-Campbell-Saratoga Judicial District there shall be one clerk who shall also act as secretary to the judge and who shall receive a salary as specified in range 52.5. The clerk may appoint:

(a) One senior deputy court clerk who shall receive a salary as specified in range 48.0.

(b) Two deputy court clerks, grade III, who shall receive a salary as specified in range 43.5.

(c) Four deputy court clerks, grade II, each of whom shall receive a salary as specified in range 37.5.

(d) Six deputy court clerks, grade I, each of whom shall receive a salary as specified in range 34.5.

SEC. 4. Section 74665 of the Government Code is amended to read:

74665. In the Sunnyvale-Cupertino Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 52.5. The clerk may appoint:

(a) One senior deputy court clerk who shall receive a salary as specified in range 48.0.

(b) Four deputy court clerks, grade III, each of whom shall

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receive a salary as specified in range 43.5.

(c) Eight deputy court clerks, grade II, each of whom shall receive a salary as specified in range 37.5.

(d) Three deputy court clerks, grade I, each of whom shall receive a salary as specified in range 34.5.

SEC. 5. Section 74666 of the Government Code is amended to read:

74666. In the Palo Alto-Mountain View Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 53.5. The clerk may appoint:

(a) One senior deputy court clerk who shall receive a salary as specified in range 49.0.

(b) Eight deputy court clerks, grade III, each of whom shall receive a salary as specified in range 43.5.

(c) Twelve deputy court clerks, grade II, each of whom shall receive a salary as specified in range 37.5.

(d) Ten deputy court clerks, grade I, each of whom shall receive a salary as specified in range 34.5.

SEC. 6. Section 74677 of the Government Code is amended to read:

74677. Each clerk and each of his respective assistants, deputies, and other employees shall receive salaries computed in accordance with the range established for the position or classifications in order to provide compensation comparable to other positions and classifications in the county service as such comparability is determined by the board of supervisors. Whenever reference to a numbered salary range is made in any section of this article, the following schedule of biweekly salaries shall apply:

Salary range number	Hourly rate	Biweekly rate					Equivalent monthly rate	
	Step 1	Step 1	Step 2	Step 3	Step 4	Step 5	Step 1	Step 5
32	$2 902	$232.16	$237.92	$249 60	$262.08	$275.36	$503	$597
32 5	2 902	232 16	243 76	255 84	268.72	282 48	503	612
33	2 974	237.92	249 60	262 08	275 36	289 52	515	627
33 5	3.047	243 76	255 84	268 72	282.48	296 64	528	643
34	3 120	249 60	262.08	275 36	289.52	303 68	541	658
34.5	3.198	255.84	268.72	282 48	296 64	311.20	554	674
35	3.276	262 08	275.36	289.52	303.68	318.64	568	690
35 5	3 359	268 72	282.48	296.64	311 20	326 56	582	708
36	3 442	275 36	289 52	303 68	318 64	334 48	597	725
36 5	3 531	282 48	296.64	311 20	326.56	342.80	612	743
37	3 619	289 52	303 68	318.64	334.48	351.12	627	761
37 5	3.708	296 64	311 20	326 56	342.80	359.84	643	780
38	3.796	303.68	318 64	334 48	351.12	368 56	658	799
38.5	3.890	311 20	326.56	342.80	359 84	377.76	674	818
39	3 983	318 64	334 48	351.12	368.56	386 88	690	838

39 5	4 082	326 56	342 80	359 84	377 76	396.48	708	859
40	4 181	334.48	351 12	368.56	386 88	406.00	725	880
40 5	4 285	342 80	359 84	377 76	396 48	416.00	743	901
41	4.389	351 12	368 56	386 88	406 00	426.00	761	923
41 5	4 498	359 84	377 76	396 48	416 00	436.80	780	946
42	4 607	368 56	386.88	406 00	426 00	447 60	799	970
42 5	4 722	377 76	396 48	416 00	436 80	458 88	818	994
43	4 836	386 88	406.00	426 00	447 60	470 08	838	1,019
43 5	4 956	396 48	416 00	436.80	458.88	481.76	859	1,044
44	5 075	406 00	426 00	447.60	470.08	493 36	880	1,069
44 5	5.200	416 00	436 80	458.88	481 76	505 84	901	1,096
45	5 325	426 00	447 60	470 08	493.36	518.32	923	1,123
45 5	5.460	436.80	458 88	481 76	505.84	531 20	946	1,151
46	5 595	447 60	470 08	493.36	518 32	544.16	970	1,179
46 5	5 736	458.88	481 76	505 84	531 20	557.84	994	1,209
47	5 876	470 08	493 36	518 32	544 16	571.60	1,019	1,238
47 5	6 022	481 76	505.84	531 20	557 84	585 76	1,044	1,269
48	6 167	493 36	518.32	544 16	571 60	599 84	1,069	1,300
48.5	6 323	505.84	531 20	557 84	585.76	614.88	1,096	1,332
49	6 479	518 32	544 16	571 60	599 84	629 84	1,123	1,365
49 5	6 640	531.20	557 84	585 76	614 88	645.60	1,151	1,399
50	6 802	544 16	571 60	599 84	629 84	661 44	1,179	1,433
50 5	6 973	557 84	585 76	614 88	645.60	678 08	1,209	1,469
51	7.145	571 60	599 84	629 84	661 44	694.72	1,238	1,505
51 5	7 322	585 76	614 88	645.60	678.08	712.16	1,269	1,543
52	7 498	599 84	629 84	661 44	694 72	729.68	1,300	1,581
52 5	7 686	614 88	645 60	678 08	712.16	748.00	1,332	1,621
53	7.873	629 84	661 44	694 72	729.68	766 24	1,365	1,660
53 5	8 070	645 60	678 08	712 16	748.00	785 44	1,399	1,702
54	8 268	661 44	694.72	729.68	766.24	804 56	1,433	1,743
54 5	8.476	678 08	712 16	748.00	785 44	824 48	1,469	1,786
55	8.684	694 72	729 68	766 24	804 56	844.48	1,505	1,830
55.5	8.902	712 16	748 00	785 44	824 48	865 68	1,543	1,876
56	9.121	729 68	766 24	804 56	844.48	886 88	1,581	1,922
56 5	9 350	748 00	785 44	824 48	865 68	908 96	1,621	1,969

The above salary schedule is an excerpt of the basic pay plan as adopted by the board of supervisors on August 8, 1972, and includes the same range numbers and rates of pay utilized for all employees of Santa Clara County.

Should the board of supervisors increase or decrease salaries, or adopt a revised pay plan, the new schedule of salaries and ranges shall apply equally and be effected for all employees of municipal courts in the same manner and on the same date as for other county officers and employees, but all such changes or adjustments shall be effective only until January 1, 1976.

SEC. 7. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because

this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 945

An act to amend Sections 73682 and 73683 of the Government Code, relating to courts.

[Approved by Governor September 30, 1973. Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 73682 of the Government Code is amended to read:

73682. There shall be one clerk to be appointed by the judges of the court in the manner provided by law who shall be the clerk, administrator and secretary of the court. He shall receive a monthly salary at the rate specified in range 88 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 70.
(b) Seven court clerks at salary range 66.
(c) Two deputy clerks II at salary range 66.
(d) One calendar clerk at salary range 66.
(e) Eight deputy clerks I at salary range 54.
(f) One senior stenographer-clerk at salary range 59.
(g) Two intermediate stenographer-clerks at salary range 53.
(h) Two junior stenographer-clerks at salary range 46.
(i) Twenty-six intermediate typist-clerks at salary range 48.
(j) Twenty-six junior typist-clerks at salary range 42.
(k) The clerk may appoint any combination of stenographer-clerks (f), (g), and (h) not to exceed a total of two and may appoint any combination of typist-clerks (i) and (j) not to exceed a total of 26.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, no appropriation is made by this act nor shall any reimbursement be made for any costs that may be incurred by local agencies pursuant to the act, because the affected local agency has requested the Legislature to revise state law in accordance with the provisions of this act in order to carry on any program or service required by the act.

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CHAPTER 946

An act to add Chapter 3 (commencing with Section 13210) to Part 2 of Division 12 of the Health and Safety Code, relating to structures.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Chapter 3 (commencing with Section 13210) is added to Part 2 of Division 12 of the Health and Safety Code, to read:

CHAPTER 3. HIGH RISE STRUCTURES

13210. As used in this chapter:

(a) "Existing high rise structure" means a high rise structure, the construction of which is commenced or completed prior to July 1, 1974.

(b) "High rise structure" means every building of any type of construction or occupancy which exceeds 75 feet in height, except buildings used as hospitals, as defined in Section 1250.

(c) "New high rise structure" means a high rise structure, the construction of which is commenced on or after July 1, 1974.

13211. The State Fire Marshal, with the advice of the State Fire Advisory Board, shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire and panic in high rise structures. Such regulations shall differentiate between existing high rise structures and new high rise structures.

13212. Regulations applicable to new high rise structures shall be adopted on or before July 1, 1974, and shall become effective July 1, 1974. Such regulations shall include, but not be limited to, requirements with respect to the following elements:

(a) Fully automatic smoke and fire detection systems.

(b) Fully automatic, hydraulically designed fire suppression units.

(c) An intrastructure communication system for those engaged in fire suppression activities.

(d) Provision of maximum safety for occupants of the high rise structure and for those engaged in fire suppression.

13213. Regulations applicable to existing high rise structures shall be adopted on or before January 1, 1975. Such regulations shall provide to the greatest feasible extent for the safety of occupants of the high rise structure and persons involved in fire suppression activities. All existing high rise structures shall be conformed to the requirements contained in such regulations within three years after the adoption of the regulations.

13214. The provisions of this chapter and the regulations of the State Fire Marshal adopted pursuant thereto shall be enforced in the

same manner as provided in Sections 13145 and 13146. The State Fire Marshal, his deputies, or his salaried assistants, the chief of any city or county fire department or fire protection district and their authorized representatives may enter any building, premises, or portion thereof not used for dwelling purposes at any reasonable hour for the purpose of enforcing this chapter. The owner, lessee, manager or operator of any such building or premises shall permit the State Fire Marshal, his deputies, his salaried assistants or the chief of any city or county fire department or fire protection district or their authorized representatives to enter and inspect the building or premises at the time and for the purpose stated in this chapter.

13215. It is unlawful for any person to construct or maintain any high rise structure in violation of the provisions of this chapter or regulations adopted pursuant thereto.

13216. The governing body of any city or county may impose greater restrictions with respect to high rise structures than are imposed by the regulations of the State Fire Marshal adopted pursuant to this chapter.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 947

An act to repeal Sections 5079.1 and 5079.3 of the Public Resources Code, to amend Section 149.2 of, to amend and renumber Sections 100.11, 100.12, 100.13, 105.5, and 105.7 of, and to add Chapter 3.5 (commencing with Section 156) to Chapter 1 of Division 1 of, the Streets and Highways Code, and to amend Section 39005 of the Vehicle Code, relating to nonmotorized transportation.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 5079.1 of the Public Resources Code is repealed.

SEC. 2. Section 5079.3 of the Public Resources Code is repealed.

SEC. 3. Section 100.11 of the Streets and Highways Code is amended and renumbered to read:

157. The department, when operating through the Division of Highways, shall not construct a state highway as a freeway that will

result in the severance or destruction of an existing major route for nonmotorized transportation traffic and light motorcycles, unless it provides a reasonable alternate route or such a route exists.

SEC. 4. Section 100.12 of the Streets and Highways Code is amended and renumbered to read:

157.2. The department shall also incorporate nonmotorized transportation facilities in the design of freeways on the state highway system along corridors where such facilities do not exist, upon a finding, following a public hearing, that such facilities would conform to the master plans of local agencies for the development of such facilities and would not duplicate existing or proposed routes, and that community interests would be enhanced by the construction of such facilities.

If the department finds further as a result of a public hearing that there is no highway purpose, as specified in subdivision (a) of Section 156.10, served by the incorporation of such facilities in the design of a freeway which would justify the use of highway funds and the exercise of the power of eminent domain for their construction, the cost for construction of such facilities, other than design costs, shall be contributed by local agencies or by others.

SEC. 5. Section 100.13 of the Streets and Highways Code is amended and renumbered to read:

157.4. In each annual budget report prepared by the commission and the department under Section 143.1, an amount of not less than three hundred sixty thousand dollars ($360,000) shall be set aside for the construction of nonmotorized transportation facilities to be used in conjunction with the state highway system.

SEC. 6. Section 105.5 of the Streets and Highways Code is amended and renumbered to read:

156.8. Upon the request of a public agency, as defined by Section 6500 of the Government Code, the department may enter into an agreement with such agency for the construction and maintenance of nonmotorized transportation facilities which generally follow a state highway right-of-way where the department has determined that such facility will not constitute a safety hazard or interfere with the normal flow of traffic.

The department's contribution, if any, to the cost of constructing such facilities shall be based upon a finding that the traffic safety or capacity of the highway will be increased. The agreements may provide for the handling and accounting of funds, the acquisition or conveyance of right-of-way, maintenance, and any other phase of the project.

SEC. 7. Section 105.7 of the Streets and Highways Code is amended and renumbered to read:

156.10. (a) The department may construct and maintain nonmotorized transportation facilities approximately paralleling any state highway where the separation of nonmotorized traffic from motor vehicle traffic will increase the traffic capacity or safety of the highway.

(b) Where the separation of nonmotorized traffic from motor vehicle traffic will increase the traffic capacity or safety of the highway, the department shall pay for the construction and maintenance of separate nonmotorized transportation facilities approximately paralleling the highway.

(c) The Legislature finds and declares that the construction and maintenance of such nonmotorized transportation facilities constitute a highway purpose under Article XXVI of the California Constitution, and justify the expenditure of highway funds and the exercise of the power of eminent domain therefor.

SEC. 8. Section 149.2 of the Streets and Highways Code is amended to read:

149.2. Prior to March 1 of each year, the department shall prepare and submit an annual report to the Legislature summarizing programs it has undertaken for the development of exclusive busways. Such report shall also summarize the existing directives received by the department from the Federal Highway Administration concerning the availability of federal funds for such programs, together with an estimate of the fiscal impact of such federal participation in the programs.

SEC. 9. Article 3.5 (commencing with Section 156) is added to Chapter 1 of Division 1 of the Streets and Highways Code, to read:

Article 3.5. Nonmotorized Transportation Facilities

156. As used in this article, "nonmotorized transportation facility" means a facility designed primarily for the use of pedestrians, bicyclists, or equestrians. It may be designed primarily for one or more of such uses.

156.2. The department, in cooperation with local agencies, may publish a statewide map illustrating state highway routes available for the use of bicyclists and where bicyclists are prohibited from using a state highway, illustrating, in such a case, alternate routes available to the bicyclist.

156.4. The department, after consultation with the Department of Parks and Recreation and local agencies, shall establish general design criteria that may be used as a guide to assess the advisability of including nonmotorized transportation facilities adjacent to state, county, and city roadways, and as a guide for the configuration of such facilities.

156.6. The department, after consultation with local agencies, shall adopt rules and regulations prescribing uniform specifications for all traffic control devices to be used in conjunction with nonmotorized transportation facilities.

The Department of Motor Vehicles shall include such traffic control devices in the driver's license examination prescribed by Section 12804 of the Vehicle Code.

156.7. Prior to March 1 of each year, the department shall prepare and submit an annual report to the Legislature summarizing

programs it has undertaken for the development of nonmotorized transportation facilities. Such report shall also summarize the existing directives received by the department from the Federal Highway Administration concerning the availability of federal funds for such programs, together with an estimate of the fiscal impact of such federal participation in the programs.

SEC. 10. Section 39005 of the Vehicle Code is amended to read:

39005. After December 31, 1974, no bicycle retailer shall sell any new bicycle in this state unless such bicycle has permanently stamped or cast on its frame a serial number unique to the particular bicycle of each manufacturer pursuant to the regulations adopted under this division.

CHAPTER 948

An act to amend Section 39297.6 of the Health and Safety Code, relating to air pollution.

[Approved by Governor September 30, 1973. Filed with Secretary of State September 30, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 39297.6 of the Health and Safety Code is amended to read:

39297.6. (a) Notwithstanding Section 39296, with respect to wood waste from trees, vines, or bushes on property being developed for commercial or residential purposes, or with respect to the disposal of brush cuttings on the property where the brush was grown when the cuttings resulted from brush clearance done in compliance with local ordinances to reduce fire hazard, the governing body of an air pollution control district may, upon its own motion or the request of any person, authorize the disposal, by open outdoor fires, of such waste, on the property where it was grown, under the following conditions:

(1) That the governing body of the district finds that it is more desirable to dispose of such waste by burning than to dispose of it by other available means, such as, but not limited to, by removing it to sanitary fills.

(2) That the district has developed criteria for such disposal, which shall include provisions to improve the combustibility of such waste to reduce its smoke level.

(3) That the board has approved the criteria developed pursuant to paragraph (2).

(4) That such authorization, if granted, shall be in the form of a permit issued by the district air pollution control officer, and such permit shall allow burning only on permissive burn days as designated by the board pursuant to Section 39298.

(5) The governing body of the district may adopt rules and regulations to authorize any burning authorized under this section, to review each proposed burn prior to authorizing the air pollution control officer to issue a permit for the burn, or to delegate to the air pollution control officer the authority to approve or disapprove each proposed burn after consideration of the amount of waste to be burned, the season of the year, the ambient air quality, the proximity of the waste to developed areas, or such other or additional criteria as the governing body of the district may establish.

(6) No authorization under this subdivision shall be granted after January 1, 1977, or such earlier date as the board may determine, based upon a finding that an alternative method of disposal has been developed which is technologically and economically feasible.

(b) The board shall conduct studies of alternative methods of disposing of wood waste from trees, vines, or bushes, other than by open outdoor fires.

(c) The Legislature hereby finds and declares that because sanitary landfill sites are very difficult to obtain, these valuable sites should be reserved for high-priority waste such as garbage and low-volume rubbish, and that the disposal, by open outdoor fires, of high-volume wood waste will help prolong the life of such landfill sites. However, it is the intent of the Legislature that the disposal, by open outdoor fires, of such waste be reasonably regulated so as to not create a public nuisance nor significantly reduce the quality of the ambient air.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because the Legislature recognizes that during any legislative session, a variety of changes to law relating to crimes and infractions may be enacted that serve to cause both increased and decreased costs to local governmental entities which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 949

An act to amend Section 2913 of the Business and Professions Code, relating to psychologists.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 2913 of the Business and Professions Code is amended to read:

2913. A person other than a licensed psychologist may be employed by a licensed psychologist, by a licensed physician and surgeon who is board certified in psychiatry by the board of psychiatry and neurology of the American Medical Association, by a clinic which provides mental health services under contract pursuant to Section 5614 of the Welfare and Institutions Code, or by a psychological corporation registered under Section 2995.2 of the Business and Professions Code, to perform limited psychological functions provided that:

(a) Such person is termed a "psychological assistant."

(b) Such person has completed at least one fully matriculated year of graduate training in psychology from an accredited or approved university or college.

(c) Such person is at all times under the immediate supervision, as defined in regulations published by the board upon the recommendation of the psychology examining committee, of a licensed psychologist, or board certified psychiatrist, who shall be responsible for insuring that the extent, kind, and quality of the psychological services he performs are consistent with his training and experience and be responsible for his obedience to the provisions of this chapter and regulations duly adopted hereunder, including those provisions set forth in Section 2960.

(d) The licensed psychologist, board-certified psychiatrist, contract clinic, or psychological corporation, has registered the psychological assistant with the committee. Such registration shall be renewed annually in accordance with regulations adopted by the committee.

No licensed psychologist may register, employ or supervise more than three such psychological assistants at any given time unless specifically authorized to do so by the committee. No board-certified psychiatrist may register, employ, or supervise more than one such psychological assistant at any given time. No contract clinic or psychological corporation may register, employ, or provide supervision for more than three psychological assistants for each designated full-time staff psychologist who is qualified and supervises such psychological assistants, and in no case shall such contract clinic or psychological corporation employ more than 10 such assistants at any one time. No contract clinic may register, employ or provide supervision for more than one psychological assistant for each designated full-time staff psychiatrist who is qualified and supervises such psychological assistants. No psychological assistant may provide psychological services to the public for a fee, monetary or otherwise except as an employee of a licensed psychologist, licensed physician, contract clinic, or psychological corporation that specializes in psychology.

(e) Such psychological assistant shall comply with regulations that the committee may, from time to time, duly adopt relating to the

fulfillment of requirements in continuing education.

(f) No person shall practice as a psychological assistant who is found by the committee to be in violation of the provisions of Section 2960 and the rules and regulations duly adopted thereunder.

CHAPTER 950

An act to add and repeal Chapter 3 (commencing with Section 2290.1) to Title 8 of Part 4 of Division 3 of the Civil Code, relating to management of institutional funds.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Chapter 3 (commencing with Section 2290.1) is added to Title 8 of Part 4 of Division 3 of the Civil Code, to read:

CHAPTER 3. UNIFORM MANAGEMENT OF INSTITUTIONAL FUNDS ACT

2290.1. In this chapter:

(1) "Institution" means a private incorporated or unincorporated organization organized and operated exclusively for educational purposes and accredited by the Association of Western Colleges and Universities to the extent that it holds funds exclusively for any of such purposes.

(2) "Institutional fund" means a fund held by an institution for its exclusive use, benefit, or purposes, but does not include (i) a fund held for an institution by a trustee that is not an institution or (ii) a fund in which a beneficiary that is not an institution has an interest, other than possible rights that could arise upon violation or failure of the purposes of the fund.

(3) "Endowment fund" means an institutional fund, or any part thereof, not wholly expendable by the institution on a current basis under the terms of the applicable gift instrument.

(4) "Governing board" means the body responsible for the management of an institution or of an institutional fund.

(5) "Historic dollar value" means the aggregate fair value in dollars of (i) an endowment fund at the time it became an endowment fund, (ii) each subsequent donation to the fund at the time it is made, and (iii) each accumulation made pursuant to a direction in the applicable gift instrument at the time the accumulation is added to the fund. The determination of historic dollar value made in good faith by the institution is conclusive.

(6) "Gift instrument" means a will, deed, grant, conveyance, agreement, memorandum, writing, or other governing document

(including the terms of any institutional solicitations from which an institutional fund resulted) under which property is transferred to or held by an institution as an institutional fund.

2290.2. The governing board may appropriate for expenditure for the uses and purposes for which an endowment fund is established so much of the net appreciation, realized and unrealized, in the fair value of the assets of an endowment fund over the historic dollar value of the fund as is prudent under the standard established by Section 2290.6. Appropriations shall be based upon an average fair value covering a period of up to the five preceding fiscal years of the institution and shall be set at any reasonable date prior to each fiscal year. This section does not limit the authority of the governing board to expend funds as permitted under other law, the terms of the applicable gift instrument, or the charter of the institution.

2290.3. (a) Section 2290.2 does not apply if the applicable gift instrument indicates the donor's intention that net appreciation shall not be expended.

(b) With respect to gift instruments in effect prior to the effective date of this section, a restriction upon the expenditure of net appreciation need not be implied solely from a designation of a gift as an endowment, or from a direction or authorization in the applicable gift instrument to use only "income," "dividends," or "rents, issues or profits," or "to preserve the principal intact," or a direction which contains other words of similar import.

(c) With respect to gift instruments executed or becoming effective after the effective date of this section, a restriction upon the expenditure of net appreciation may not be implied from a designation of a gift as an endowment or from a direction or authorization in the applicable gift instrument to use only "income," "interest," "dividends," or "rents, issues or profits," or "to preserve the principal intact," or a direction which contains other words of similar import.

2290.4. In addition to an investment otherwise authorized by law or by the applicable gift instrument, the governing board, subject to any specific limitations set forth in the applicable gift instrument, may do any or all of the following:

(1) Invest and reinvest an institutional fund in any real or personal property deemed advisable by the governing board, whether or not it produces a current return, including mortgages, stocks, bonds, debentures, and other securities of profit or nonprofit corporations, shares in or obligations of associations, or partnerships, and obligations of any government or subdivision or instrumentality thereof.

(2) Retain property contributed by a donor to an institutional fund for as long as the governing board deems advisable.

(3) Include all or any part of an institutional fund in any pooled or common fund maintained by the institution.

(4) Invest all or any part of an institutional fund in any other pooled or common fund available for investment, including shares or

interests in regulated investment companies, mutual funds, common trust funds, investment partnerships, real estate investment trusts, or similar organizations in which funds are commingled and investment determinations are made by persons other than the governing board.

2290.5. Except as otherwise provided by the applicable gift instrument or by applicable law relating to governmental institutions or funds, the governing board may (1) delegate to its committees, officers or employees of the institution or the fund, or agents, including investment counsel, the authority to act in place of the board in investment and reinvestment of institutional funds, (2) contract with independent investment advisors, investment counsel or managers, banks, or trust companies, so to act, and (3) authorize the payment of compensation for investment advisory or management services.

2290.6. In investing, reinvesting, purchasing, acquiring, exchanging, selling and managing property, appropriating appreciation and delegating investment management for the benefit of an institution, the members of the governing board shall exercise the judgment, care and prudence, under the circumstances then prevailing, which men of discretion and intelligence exercise in the management of their affairs. In exercising judgment under this section, the members of the governing board shall consider the long and short term needs of the institution in carrying out its purposes, its present and anticipated financial requirements, expected total return on its investments, general economic conditions, the appropriateness of a reasonable proportion of higher risk investment with respect to institutional funds as a whole, income, growth, and long term net appreciation, as well as the probable safety of funds.

2290.7. (a) With the written consent of the donor, the governing board may release, in whole or in part, a restriction imposed by the applicable gift instrument on the use or investment of an institutional fund.

(b) If written consent of the donor cannot be obtained by reason of his death, disability, unavailability, or impossibility of identification, the governing board may apply in the name of the institution to the superior court of the county in which the principal activities of the institution are conducted, or other court of competent jurisdiction for release of a restriction imposed by the applicable gift instrument on the use or investment of an institutional fund. The Attorney General shall be notified of the application and shall be given an opportunity to be heard. If the court finds that the restriction is obsolete, or impracticable, it may by order release the restriction in whole or in part. A release under this subdivision may not change an endowment fund to a fund that is not an endowment fund.

(c) A release under this section may not allow a fund to be used for purposes other than the educational, religious, charitable, or other eleemosynary purposes of the institution affected.

(d) This section does not limit the application of the doctrine of cy pres.

2290.8. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared severable.

2290.9. This chapter shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among those states which enact it.

2290.10. Any institution electing to avail itself of the powers granted under this chapter shall periodically file with the Registrar of Charitable Trusts such report or reports as may reasonably be required by the Attorney General. Such reports shall be confidential and shall be limited to information relating to the assets of the institution covered by this chapter and the results of the use of the powers granted by this chapter with respect to such assets. Any institution electing not to avail itself of the powers conferred by this chapter shall file a written statement to such effect with the registrar.

2290.11. Nothing in this chapter shall be deemed to alter the status of governing boards under other chapters of this title, or other laws of the state.

2290.12. This chapter may be cited as the "Uniform Management of Institutional Funds Act."

SEC. 2. Nothing in this act shall be construed as modifying or repealing Sections 2271 or 2271.2 of the Civil Code, or Section 10251 of the Corporations Code.

SEC. 3. This act shall remain in effect until January 1, 1979 and as of that date is repealed.

SEC. 4. The Legislature finds that many private colleges and universities, faced with increased costs, inflationary pressures and diminished donations, could benefit by an improvement in the investment performance of their endowment funds. Substantial and responsible authority exists for the proposition that prudent investment policies demand a balancing of income and long-term growth needs and that a wise investment program should take long-term appreciation as well as dividends and interest into account in investing for the highest overall return consistent with the safety and preservation of the funds invested. The Legislature further finds that substantial benefits to the public may accrue by permitting trustees' endowment funds to appropriate for current use under certain circumstances realized or unrealized net appreciation of the funds.

The Legislature declares, therefore, that it is in the public interest to authorize a pilot study for a limited period of time of these expanded investment and expenditure policies by a limited class of reputable, substantially endowed educational institutions faced with these problems.

CHAPTER 951

An act to amend Section 23127 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 23127 of the Vehicle Code is amended to read:

23127. No person shall operate an unauthorized motor vehicle on any state, county, city, private, or district hiking or horseback riding trail or bicycle path that is clearly marked by an authorized agent or owner with signs at all entrances and exits and at intervals of not more than one mile indicating no unauthorized motor vehicles are permitted on the hiking or horseback riding trail or bicycle path, except bicycle paths which are contiguous or adjacent to a roadway dedicated solely to motor vehicle use.

For the purpose of this section "unauthorized motor vehicle" means any motor vehicle that is driven upon a hiking or horseback riding trail or bicycle path without the written permission of an agent or the owner of the trail or path.

This section does not apply to the operation of an authorized emergency or maintenance vehicle on a hiking or horseback riding trail or bicycle path whenever necessary in furtherance of the purpose for which the vehicle has been classed as an authorized emergency vehicle. Any person who violates this section is guilty of a misdemeanor.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 952

An act to amend Sections 17054, 17069, and 17069.5 of the Revenue and Taxation Code, relating to taxation, and making an appropriation, to take effect immediately, tax levy.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 17054 of the Revenue and Taxation Code is amended to read:

17054. In the case of individuals computing their tax under Section 17041 or Section 17048, the following credits for personal exemption may be deducted from the tax imposed.

(a) In the case of a single individual, or a married individual making a separate return a credit of twenty-five dollars ($25).

(b) In the case of a head of household, a surviving spouse (as defined in Section 17046), or a husband and wife making a joint return, a credit of fifty dollars ($50). If one spouse was a resident for the entire taxable year and the other spouse was a nonresident for all or any portion of the taxable year, the personal exemption shall be divided equally and the portion deductible by the nonresident shall be determined under Section 17055. The preceding sentence shall not apply to a nonresident active member of the armed forces of the United States or any auxiliary branch thereof and his or her spouse.

(c) Except as provided in subdivision (e) of Section 17057, a credit of eight dollars ($8) for each dependent (as defined in Section 17056)—

(1) Whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than seven hundred fifty dollars ($750), or

(2) Who is a child of the taxpayer and who (A) has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, or (B) is a student.

(3) No exemption shall be allowed under this subdivision for any dependent who has made a joint return with his spouse under Section 18402 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

(4) For purposes of paragraph (2), the term "child" means an individual who (within the meaning of Section 17056) is a son, stepson, daughter or stepdaughter of the taxpayer.

(5) For purposes of subparagraph (B) of paragraph (2) of this subdivision and Section 17059, the term "student" means an individual who during each of five calendar months during the calendar year in which the taxable year of the taxpayer begins—

(A) Is a full-time student at an educational institution; or

(B) Is pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational institution or of a state or political subdivision of a state.

For purposes of this paragraph, the term "educational institution" means only an educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on.

(d) A credit for personal exemption of eight dollars ($8) for the taxpayer if he is blind at the close of his taxable year.

(e) A credit for personal exemption of eight dollars ($8) for the

spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(f) For the purposes of this section, an individual is blind only if either: his central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

SEC. 2. Section 17069 of the Revenue and Taxation Code, as amended by Chapter 296 of the Statutes of 1973–74, is amended to read:

17069. (a) A special tax credit at the percentage provided in subdivision (b) or (c) shall be allowed against the amount of "net tax" (as defined in Section 17069.5), with respect to taxable years beginning after December 31, 1972, and before January 1, 1974. If the taxpayer has more than one taxable year beginning after December 31, 1972, and before January 1, 1974, such taxpayer shall be allowed the credit provided by this section only with respect to the taxable year which covers the most number of months.

(b) In the case of a single person, or a married person filing a separate return, the special tax credit percentage shall be as follows:

If the adjusted gross income is:	The percentage of credit is:
$4,000 or less	100 percent
Over $4,000 but not over $7,500	35
Over $7,500 but not over $10,000	30
Over $10,000 but not over $12,500	25
Over $12,500	20

(c) In the case of a head of household, a surviving spouse (as defined in Section 17046), or a married couple filing a joint return, the special tax credit percentage shall be as follows:

If the adjusted gross income is	The percentage of credit is:
$8,000 or less	100 percent
Over $8,000 but not over $15,000	35
Over $15,000 but not over $20,000	30
Over $20,000 but not over $25,000	25
Over $25,000	20

(d) For taxable years beginning on or after January 1, 1974, there shall be allowed against the amount of "net tax" (as defined in Section 17069.5) a special tax credit of 100 percent (1) for a single person or a married person filing a separate return with an adjusted gross income of four thousand dollars ($4,000) or less, or (2) for a head of household, a surviving spouse (as defined in Section 17046), or a married couple filing a joint return with an adjusted gross

income of eight thousand dollars ($8,000) or less.

(e) If, after the tax credit provided by this section is claimed, the Franchise Tax Board determines that the taxpayer's tax liability is more or less than the amount shown on the return, a corresponding adjustment shall be made by the Franchise Tax Board for the special tax credit.

(f) The tax credit provided by this section shall not apply to trusts or estates subject to tax under this part or to nonresidents as of the close of the taxable year for which the credit is claimed.

(g) For purposes of subdivision (a) and (d), "net tax" does not include the tax on preferential income imposed in Chapter 2.1 (commencing with Section 17062).

SEC. 3. Section 17069.5 of the Revenue and Taxation Code, as amended by Chapter 296 of the Statutes of 1973–74, is amended to read:

17069.5. (a) For purposes of this chapter only, the term "net tax" means the tax imposed under either Section 17041 or 17048, minus the credit for retirement income provided for in Section 17053, the credits for personal exemption provided for in Section 17054, the credit for education costs to a nonpublic school provided for in Section 17066 and the credits for taxes paid other states provided for in Chapter 12 (commencing with Section 18001). However, for the sole purpose of determining the credits provided by this chapter, taxable income shall be computed without regard to the amount of net gains taken into account pursuant to paragraph (2) or (3) of subdivision (a) of Section 18162.5 (relating to capital gains).

(b) For the purposes of Chapter 12 (commencing with Section 18001) of this part, credits for taxes paid to other states shall be allowed against the amount of tax imposed under either Section 17041 or 17048, minus the sum of the credit against the tax provided by this part except the credit provided by Section 17053 (relating to retirement income), the credit provided by Section 17053.5 (relating to renters' credit), the credit provided by Section 17061 (relating to unemployment disability insurance), the credit provided by Section 18551.1 (relating to tax withheld), and the credit provided by Section 17069 (relating to special tax credit).

(c) For the purposes of Section 18415 (relating to the filing of a declaration of estimated tax) and Section 18556 (relating to the payment of estimated tax), with respect to taxable years beginning after December 31, 1973, the requirement for filing a declaration of estimated tax and the amount of estimated tax to be paid shall be determined without regard to the tax credit provided in subdivision (b) or (c) of Section 17069.

SEC. 4. There is hereby appropriated from the General Fund, for the 1973–74, fiscal year only, sufficient moneys to carry out the provisions of Chapter 1406 of the Statutes of 1972, Chapter 296 of the Statutes of 1973, and this act, to the Controller to be transferred in accordance with the following schedule:

For support of State Controller	$171,000
For support of State Board of Equalization	$165,000
For support of Franchise Tax Board	$340,000

Such amounts as needed to the Personal Income Tax Fund for the purpose of providing credits and refunds to renters as required by Section 17053.5 of the Revenue and Taxation Code, as added by Section 25 of Chapter 1406 of the Statutes of 1972, Franchise Tax Board and such amounts shall be in lieu of any appropriation for the same purpose from the Personal Income Tax Fund pursuant to Section 32 of Chapter 1406 of the Statutes of 1972.

SEC. 5. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 953

An act to amend Sections 3361 and 4458 of the Labor Code, relating to workmen's compensation.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 3361 of the Labor Code is amended to read:

3361. Each member registered as an active firefighting member of any regularly organized volunteer fire department, having official recognition, and full or partial support of the government of the county, city, town or district in which such volunteer fire department is located, is an employee of such county, city, town or district for the purposes of this division, and is entitled to receive compensation from such county, city, town or district in accordance with the provisions thereof.

SEC. 2. Section 4458 of the Labor Code is amended to read:

4458. (a) Except as provided in subdivision (b), if a member registered as an active firefighting member of any regularly organized volunteer fire department as described in Section 3361 suffers injury or death while in the performance of his duty as fireman, or if a person engaged in fire suppression as described in Section 3365 suffers injury or death while so engaged, then, irrespective of his remuneration from this or other employment or from both, his average weekly earnings for the purposes of determining temporary disability indemnity and permanent disability indemnity shall be taken at the maximum fixed for each, respectively, in Section 4453. Four times his average annual earnings in disability cases and in death cases shall be taken at the maximum limits provided in Sections 4452 and 4702 respectively.

(b) In the case of an inmate of a penal or correctional institution

who is deemed to be an employee under Section 3365, irrespective of his remuneration, his average weekly earnings for the purposes of determining temporary disability indemnity and permanent disability indemnity shall be taken at the minimum fixed for each, respectively, in Section 4453. Four times his average annual earnings in disability cases shall be taken at the minimum limit provided in Section 4452.

(c) An inmate of a state penal or correctional institution who is deemed to be an employee under Section 3365 is not entitled to receive benefits under this division during the period he is confined in such institution, and the actual period of his confinement after the injury shall be offset against the period for benefits to which he is entitled under this division. Upon parole or release from the state penal or correctional institution, the inmate is entitled to such benefits for the remainder of the benefit period not so offset.

SEC. 3. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because this act consists of technical changes to statutes enacted prior to January 1, 1973.

CHAPTER 954

An act to amend Section 25661 of, to add Sections 25668.1 and 25672.1 to, the Health and Safety Code, relating to radiation, and making an appropriation therefor.

[Approved by Governor September 30, 1973. Filed with Secretary of State September 30, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 25661 of the Health and Safety Code is amended to read:

25661. As used in this chapter:

(a) "Department" means the State Department of Health.

(b) "Board" means the State Department of Health.

(c) "Committee" means the Radiologic Technology Certification Committee.

(d) "Radiologic technology" means the application of X-rays on human beings for diagnostic or therapeutic purposes.

(e) "Radiologic technologist" means any person other than a licentiate of the healing arts making application of X-rays to human beings for diagnostic or therapeutic purposes pursuant to subdivision (b) of Section 25668.

(f) "Limited permit" means a permit issued pursuant to subdivision (c) of Section 25668 to persons to conduct radiologic technology limited to the performance of certain procedures or the application of X-ray to specific areas of the human body.

(g) "Approved school for radiologic technologists" means a school which the department has determined provides a course of instruction in radiologic technology which is adequate to meet the purposes of this chapter.

(h) "Supervision" means responsibility for, and control of, quality, radiation safety, and technical aspects of all X-ray examinations and procedures.

(i) "Licentiate of the healing arts" means a person licensed under the provisions of Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code who possesses a certificate issued under the provisions of Section 2135 of such code, and a person licensed under the provisions of the initiative act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation thereof, and repealing all acts and parts of acts inconsistent herewith," approved by electors November 7, 1922, as amended, or under the "Osteopathic Act."

(j) "Certified supervisor or operator" means a licentiate of the healing arts who has been certified under the provisions of subdivision (e) of Section 25668, Section 25699.1, or Section 25699.2, to supervise the operation of X-ray machines or to operate X-ray machines, or both.

(k) "Student of radiologic technology" means a person who has started and is in good standing in a course of instruction which, if completed, would permit the person to be certified a radiologic technologist or granted a limited permit upon satisfactory completion of any examination required by the department. "Student of radiologic technology" does not include any person who is a student in a school of medicine, chiropractic, podiatry, dentistry, dental radiography, or dental hygiene.

SEC. 2. Section 25668.1 is added to the Health and Safety Code, to read:

25668.1. Until July 1, 1975, the department may, upon application, on a form prescribed and supplied by the department, by a licentiate of the healing arts, approve the licentiate to give on-the-job training, based on instructional standards prescribed by the department, to a student of radiologic technology if the following requirements are complied with:

(a) The training is restricted to applicants for limited permits in one category or an approved combination of categories.

(b) The training is given by a certified supervisor or operator.

(c) The didactic instruction and clinical experience are equivalent to that required of approved schools for radiologic technology limited permits and shall be outlined by the department in a manual or syllabus.

(d) On-the-job training may not exceed one year for any one student.

(e) There shall not be at any one time more than one student per licentiate.

(f) Records, subject to department inspection, shall be kept of hours of didactic training given the student and the number and kind of clinical procedures performed by the student. If the licentiate does not choose to give both clinical and didactic on-the-job training, as prescribed by the department, that portion not given by the licentiate shall be taken in a school approved by the department pursuant to Section 25668.

The department may establish and collect fees in an amount sufficient to defray the cost incurred by the department in administering the program of on-the-job training authorized by this section.

SEC. 3. Section 25672.1 is added to the Health and Safety Code, to read:

25672.1. Notwithstanding Section 25672, a student of radiologic technology who has not completed at least three months of clinical training as part of a course of instruction in an approved school for radiologic technologists may administer diagnostic or therapeutic X-ray upon any human being only when there is present in the same room with the student at the time the X-ray is administered an instructor, approved by the department, who is (1) a licentiate of the healing arts, (2) a certified radiologic technologist, or (3) a holder of a limited permit of the same category the student is pursuing training in.

SEC. 4. This act shall remain operative only until the date that Chapter 1504 of the Statutes of 1969 becomes inoperative and on and after such date shall have no force or effect.

SEC. 5. The sum of nine thousand nine hundred dollars ($9,900) is hereby appropriated from the General Fund to the State Controller for payments to local agencies pursuant to Section 2231 of the Revenue and Taxation Code to reimburse them for costs incurred pursuant to this act. This appropriation shall be available until June 30, 1974.

Payments shall be made to local agencies in accordance with the following provisions:

(a) Each local agency to which the mandate is applicable shall submit to the State Controller, within 45 days of the operative date of the mandate, a claim for reimbursement based upon its estimate of the units of work to be performed during the 1973–74 fiscal year.

(b) Computation of amounts claimed for units of work shall be on the basis of a unit cost in the amount of eight dollars ($8) per hour of supervision by a radiation specialist which shall be the unit of work. The State Controller shall pay each claimant as reimbursement for units of work an amount determined by multiplying:

(1) The unit cost of work as specified herein, by

(2) The number of units of work estimated to be performed by the claimant

(c) Any payment, adjustment, or audit of claims by the State Controller shall be on the basis of units of work, rounded to the

nearest whole unit, and at the unit costs specified herein rather than actual costs. The State Controller:

(1) May reduce any claim which he determines is excessive or unreasonable,

(2) May audit the records of any local agency to verify the actual units of work performed, and

(3) Shall make any adjustments necessary to correct for underpayments or overpayments which occurred in the 1973–74 fiscal year.

(d) Claims for reimbursement shall be prepared in the form, and payments made at the time, specified by the State Controller. No claim or amendment to a claim shall be accepted by the State Controller after the time prescribed herein for filing of claims.

(e) In the event that the amount appropriated for reimbursement purposes pursuant to this act is not sufficient to pay all claims filed timely, the State Controller shall pay such claims on a pro rata basis and notify the Director of Finance of the deficiency.

CHAPTER 955

An act to amend Sections 74132, 74133, 74134, 74135, 74136, 74137, 74138, and 74139 of the Government Code, relating to courts.

[Approved by Governor September 30, 1973. Filed with Secretary of State September 30, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 74132 of the Government Code is amended to read:

74132. (a) Each clerk and marshal and each of their respective assistants, deputies and other employees shall receive a salary computed upon a biweekly rate in accordance with the range and step for his position specified in or pursuant to this article, as determined by the following salary schedule:

Range No.	Step 1
34	164.00
34.5	168.00
35	172.80
35.5	177.60
36	182.40
36.5	187.20
37	192.00
37.5	196.80
38	202.40
38.5	208.00
39	213.60

39.5	219.20
40	225.60
40.5	231.20
41	237.60
41.5	244.00
42	251.20
42.5	257.60
43	264.80
43.5	272.00
44	280.00
44.5	287.20
45	295.20
45.5	303.20
46	312.00
46.5	320.80
47	329.60
47.5	338.40
48	348.00
48.5	357.60
49	367.20
49.5	377.60
50	388.00
50.5	398.40
51	409.60
51.5	420.80
52	432.80
52.5	444.80
53	456.80
53.5	469.60
54	482.40
54.5	496.00
55	509.60
55.5	524.00
56	538.40
56.5	553.60
57	568.80
57.5	584.80
58	600.80
58.5	617.60
59	635.20

(b) Except as otherwise provided in this article, each new officer or employee shall for the first 13 full biweekly periods of continuous service receive a salary at the rate specified for step 1 of the applicable range; on the first day of the next biweekly period thereafter, his salary shall increase to the rate for step 2; after 26, 52 and 78 additional biweekly periods of continuous service, his salary shall increase to the rates for steps 3, 4 and 5, respectively. Each such step increase shall be to the rate of step 1 of the second next higher range.

(c) Notwithstanding any other provisions of law, the salary of any officer or employee may, upon approval by the board of supervisors, be increased or decreased within the limits of the applicable range and eight ranges above or below said limits, in order to provide compensation that is comparable to that of county employees of similar qualifications and experience, holding equal or comparable positions in the Riverside County classified service, as the comparability is determined by the board. The board of supervisors may also allow such additional appointive positions in the classes of positions specified in this article as in said board's judgment are necessary to perform the work of the offices of each clerk and marshal. Any salary adjustment made or additional appointive position established pursuant to this subdivision shall be effective only until January 1, 1976.

(d) Such officers and employees shall be entitled to the same vacation, sick leave, leave of absence, and similar benefits, and may be appointed, promoted, demoted, terminated or transferred, or their status otherwise adjusted, in the same manner and with the same effect as is or may be provided by the current salary ordinances of Riverside County for other employees of the county, and they shall be subject to such employment qualifications as may be fixed by or pursuant to said ordinance for their positions, in the same manner as for other positions in the employment of said county.

SEC. 2. Section 74133 of the Government Code is amended to read:

74133. There shall be one clerk of each judicial district who shall be appointed by and hold office at the pleasure of the judge or a majority of the judges of the judicial district. The clerk shall serve as the court administrator. There shall be one marshal of each judicial district who shall be elected by the voters of the district.

SEC. 3. Section 74134 of the Government Code is amended to read:

74134. In the Riverside Judicial District, the salary of the clerk shall be on range 55.5 and the clerk may appoint:

(a) One assistant clerk on range 50.5.
(b) One release clerk on range 50.
(c) One assistant release clerk on range 48.5.
(d) Three municipal court clerks II on range 48.5.
(e) One accounting technician II on range 47.
(f) Five municipal court clerks I on range 46.5.
(g) Four senior clerks on range 41.5.
(h) One account clerk II on range 40.5.
(i) One stenographer clerk II on range 40.5.
(j) Thirteen clerks II on range 38.5.

SEC. 4. Section 74135 of the Government Code is amended to read:

74135. In the Riverside Judicial District, the salary of the marshal shall be on range 55.5 and the marshal may appoint:

(a) One assistant marshal on range 53.
(b) Five deputy marshals II on range 50.
(c) Four deputy marshals I on range 47.
(d) One marshal's clerk on range 42.5.
(e) Two clerks II on range 38.5.

SEC. 5. Section 74136 of the Government Code is amended to read:

74136. In the Desert Judicial District, the salary of the clerk shall be on range 55.5 and the clerk may appoint:
(a) One assistant clerk on range 50.5.
(b) One release clerk on range 50.
(c) Six municipal court clerks I on range 46.5.
(d) One senior account clerk on range 43.5.
(e) Two senior clerks on range 41.5.
(f) One account clerk II on range 40.5.
(g) Nine clerks II on range 38.5.

SEC. 6. Section 74137 of the Government Code is amended to read:

74137. In the Desert Judicial District, the salary of the marshal shall be on range 55.5 and the marshal may appoint:
(a) One assistant marshal on range 53.
(b) Five deputy marshals II on range 50.
(c) Two deputy marshals I on range 47.
(d) One marshal's clerk on range 42.5.
(e) Four clerks II on range 38.5.

SEC. 7. Section 74138 of the Government Code is amended to read:

74138. In the Corona Judicial District, the salary of the clerk shall be on range 54 and the clerk may appoint:
(a) One municipal court clerk II on range 48.5.
(b) One municipal court clerk I on range 46.5.
(c) One senior account clerk on range 43.5.
(d) Two senior clerks on range 41.5.
(e) Three clerks II on range 38.5.

SEC. 8. Section 74139 of the Government Code is amended to read:

74139. In the Corona Judicial District, the salary of the marshal shall be on range 54 and the marshal may appoint:
(a) Two deputy marshals II on range 50.
(b) One deputy marshal I on range 47.
(c) One marshal's clerk on range 42.5.
(d) One clerk II on range 38.5.

SEC. 9. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 956

An act to add Section 810 to the Penal Code, relating to criminal procedure.

[Approved by Governor September 30, 1973. Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 810 is added to the Penal Code, to read:

810. (a) The presiding judge of the superior court, the presiding judge of each municipal court in a county, and the judge of each justice court in a county, shall, as often as is necessary, meet and designate on a schedule not less than one judge of the superior court, municipal court or justice court to be reasonably available on call as a magistrate for the setting of orders for discharge from actual custody upon bail, the issuance of search warrants, and for such other matters as may by the magistrate be deemed appropriate, at all times when a court is not in session in the county.

(b) The officer in charge of a jail, or a person he designates, in which an arrested person is held in custody shall assist the arrested person or his attorney in contacting the magistrate on call as soon as possible for the purpose of obtaining release on bail.

(c) Any telephone call made pursuant to this section by an arrested person while in custody or by such person's attorney shall not count or be considered as a telephone call for purposes of Section 851.5 of the Penal Code.

CHAPTER 957

An act relating to emergency medical care delivery, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1973. Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. The State Department of Health is hereby authorized to transfer to the Northern California Emergency Medical Care Council any state funds appropriated by the Legislature for such transfer, including, but not limited to, funds appropriated for transfer by the state department to the Northern California Emergency Care Council by Item 243.1 of Chapter 129 of the Statutes of 1973–74, for state support of a pilot project establishing an emergency medical care delivery system in the Counties of Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity.

The transfer of any funds pursuant to this section shall comply with

all requirements of this section.

The appropriation made by Item 243.1 of Chapter 129 of the Statutes of 1973–74 shall be available for expenditure until June 30, 1976, without regard to fiscal year, except that no more than two hundred thousand dollars ($200,000) shall be available for expenditure in any single fiscal year. The department shall contract with the council to conduct a pilot project to plan, organize, implement, and maintain an emergency medical care delivery system for the emergency medical service area, as determined by the department and the council, within the seven designated counties. The pilot project shall terminate three years from the effective date of this act.

The council shall make a quarterly report to the department upon the pilot project's progress and the department may transfer appropriated funds to the council upon satisfactory progress of the pilot project. The department and council shall report to the Legislature by June 30, 1974, upon the progress and effectiveness of the pilot project, shall file a similar report by June 30, 1975, and shall file a final report by June 30, 1976.

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 development of effective emergency medical care delivery systems in the rural areas of this state is urgently needed to ensure adequate health care for the residents of such areas. This act will make possible the initiation of a pilot prototype project establishing such an emergency medical care delivery system. In order, therefore, to provide adequate health care to the people of this state at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 958

An act relating to recreation facilities and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1973. Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. The Salinas Union High School District may form an improvement area within the district in order to finance the construction of a gymnasium and industrial arts facility which shall benefit the area which the Salinas Union High School District serves. Procedures for forming the improvement area and for issuing bonds on behalf thereof shall follow, as nearly as practicable, the procedures

for issuing bonds on behalf of an improvement area within a county service area, as specified in Article 10 (commencing with Section 25211.1) of Chapter 2.2 of Part 2 of Division 2 of Title 3 of the Government Code.

This section shall remain in effect only until December 1, 1974, and as of that date is repealed.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit the people of the territory affected by this act to avail themselves of the options provided by this act and construct and use the facilities at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 959

An act to amend Section 5326 of the Welfare and Institutions Code, relating to mental health.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 5326 of the Welfare and Institutions Code, as amended by Chapter 1593 of the Statutes of 1971, is amended to read:

5326. The professional person in charge of the facility or his designee may, for good cause, deny a person any of the rights under Section 5325, except under subdivision (g). To ensure that these rights are denied only for good cause, the Director of Health shall adopt regulations specifying the conditions under which they may be denied. Denial of an involuntarily detained person's rights shall in all cases be entered into the person's treatment record. Quarterly, each local mental health director shall report to the Director of Health, by facility, the number of persons whose rights were denied and the right or rights which were denied. The content of these reports shall enable the Director of Health to identify individual treatment records, if necessary, for further analysis and investigation. These reports shall be available, upon request, to Members of the State Legislature, or a member of a county board of supervisors.

Information pertaining to a denial of rights contained in the person's treatment record shall be made available, on request, to the person, his attorney, his conservator or guardian, or the State Department of Health, Members of the State Legislature, or a member of a county board of supervisors.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation

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Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because duties, obligations, or responsibilities imposed on local governmental entities by this act are such that related costs are incurred as a part of their normal operating procedures.

CHAPTER 960

An act to amend Sections 10433 and 10433.4 of the Health and Safety Code, relating to vital statistics.

[Approved by Governor September 30, 1973. Filed with Secretary of State September 30, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 10433 of the Health and Safety Code is amended to read:

10433. The new birth certificate shall bear the name of the child as shown in the report of adoption, the names and ages of his adopting parents, the date and place of birth, and no reference shall be made in the new birth certificate to the adoption of the child. The new certificate shall be identical with a birth certificate registered for the birth of a child of natural parents, except, when requested by the adopting parents, the new birth certificate shall not include the specific name and address of the hospital or other facility where the birth occurred, the color and race of the parents, or both.

SEC. 2. Section 10433.4 of the Health and Safety Code is amended to read:

10433.4. At any time after the issuance of a new birth certificate another amended certificate may be issued, at the request of the adopting parents, which omits any or all of the following:

(a) The specific name and address of the hospital or other facility where the birth occurred.

(b) The city and county of birth.

(c) The color and race of the parents.

CHAPTER 961

An act to amend Section 23428.5 of the Business and Professions Code, relating to alcoholic beverages, and declaring the urgency thereof to take effect immediately.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 23428.5 of the Business and Professions Code is amended to read:

23428.5. For the purpose of this article "club" also means any press club which is a nonprofit organization and whose members are entitled to exchange privileges with similar organizations in at least 12 other states, and which has a bona fide membership of more than 100 members, and which owns, leases, and operates or maintains a clubhouse or clubroom and which has operated such clubhouse or clubroom for not less than three years or any nonprofit incorporated press club having a membership of more than 100 members, which has been in existence for more than one year, and which owns, or leases, and operates, a clubroom or rooms for its members.

No license shall be issued to any press club qualifying as a club pursuant to this section if the press club in any manner restricts membership or the use of its facilities on the basis of race, religion, national origin, or sex.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the state, cities and counties may benefit from revenue generated from licensing clubs qualified under this act, it is necessary for this act to take effect immediately.

CHAPTER 962

An act to amend Sections 651.5 and 653.3 of the Public Resources Code, relating to foresters, and making an appropriation therefor.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 651.5 of the Public Resources Code is amended to read:

651.5. Any professional forester appointed to serve upon the examining committee shall receive twenty-five dollars ($25) for each day during which he is engaged in the performance of his official duties; provided, that the compensation of each such member shall not exceed in any one fiscal year the sum of one thousand dollars ($1,000). In addition, each such member shall be reimbursed for the actual and necessary expenses incurred in the performance of his duties, including travel expenses.

SEC. 2. Section 653.3 of the Public Resources Code is amended to read:

653.3. All fees received pursuant to the provisions of this article shall be available, when appropriated by the Legislature, for the administration of this article; provided, that in the event that moneys need to be expended from the Professional Forester Registration Fund for emergencies for which no appropriation, or an insufficient appropriation, has been made by law, and which in the judgment of the Director of Finance constitutes a case of actual necessity, but limited to purposes of administration of this article which have been specifically approved by the Legislature in budget acts or other legislation, the Director of Finance may authorize an emergency expenditure in an amount determined by him from such fund; provided, further, that the Director of Finance shall file with the Joint Legislative Budget Committee within 10 days after approval of such emergency expenditure, copies of all executive orders, expenditure authorizations, and allotments made pursuant to this section, and stating the reasons for, and the amount of, such expenditures.

CHAPTER 963

An act to amend Sections 100, 102, 103, 105, 107, 109, 210, 257, 350, 381, 400, 403, 502, 540, 641, 643, 644, 662, 753, 754, 756, 759, 775, 856, 1223, 1224, 1226, 1231, 1232, 1335, 1336, 1337, 1355.1, 1356, 1357, 1359, 1360, 1360.1, 1361, 1362, 1363, 1363.1, 1364, 1365, 1366, 1370, 1371, 1372, 1500, 1520, 1542, 1560, 1591, 1650, 1660, 1756.2, 2050, 2051, 2053, 2057, 2072, 2091, 2094, 3010, 3132, 3135, 3138, 3138.5, 3390, 3391, 3395, 3516, 6702, 15101, and 18613 of, to amend and renumber Sections 1250, 1251, 1252, 1253, 1254, 1255, 1256, and 1257 of, to add Sections 776, 1221, 1230, 1235, 1253, 1254, 1369, 1500.1, and 1501.1 to, to repeal Sections 104, 108, 1207, 1209, 1221, 1222, 1230, 1233, 1350, 1351, 1367, 1368, 1369, 1932, 2097, and 3394 of, to amend the heading of Article 1 (commencing with Section 2050) of Chapter 16 of Division 1 of, to add Article 5 (commencing with Section 1380) to Chapter 10 of Division 1 of, to repeal the headings of Chapter 10a (commencing with Section 1300) of, and Chapter 11 (commencing with Section 1350) of, and Article 1 (commencing with Section 1350) of Chapter 11 of, Division 1 of, and to repeal Article 4.5 (commencing with Section 670) of Chapter 5 of, Chapter 9 (commencing with Section 1100) of, Article 1 (commencing with Section 1300), Article 2 (commencing with Section 1310), Article 3 (commencing with Section 1330), and Article 5 (commencing with Section 1340), of Chapter 10a of, and Article 2 (commencing with Section 1380), Article 3 (commencing with Section 1400), and Article 4 (commencing with Section 1430), of Chapter 11 of, Division 1 of, the Financial Code, and to amend Section 30240 of the Streets and Highways Code, relating to banks.

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[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 100 of the Financial Code is amended to read:

100. This division is applicable to the following:

(a) All corporations engaging in commercial banking or the trust business.

(b) All national banking associations authorized to transact business in this state to the extent that the provisions of this division are not inconsistent with and do not infringe paramount federal laws governing national banking associations.

(c) Such other corporations as shall subject themselves to the special provisions and sections of this division.

(d) Such other persons, associations, copartnerships, or corporations who, by violating any of its provisions, become subject to the penalties provided for in this division.

SEC. 2. Section 102 of the Financial Code is amended to read:

102. The word "bank" as used in this division means any incorporated banking institution which shall have been incorporated to conduct the business of receiving money on deposit, or transacting a trust business as herein defined. The soliciting, receiving, or accepting of money or its equivalent on deposit as a regular business shall be deemed to be doing a commercial bank business whether such deposit is made subject to check or is evidenced by a certificate of deposit, a passbook, a note, a receipt, or other writing; provided, that nothing herein shall apply to or include money or its equivalent left in escrow, or left with an agent pending investment in real estate or securities for or on account of his principal. It shall be unlawful for any corporation, partnership, firm, or individual to engage in or transact a banking business within this state except by means of a corporation duly organized for such purpose.

SEC. 3. Section 103 of the Financial Code is amended to read:

103. Banks are divided into the following classes:

(a) Commercial banks.

(b) Trust companies.

SEC. 4. Section 104 of the Financial Code is repealed.

SEC. 5. Section 105 of the Financial Code is amended to read:

105. "Commercial bank" means a bank authorized to receive deposits of money or its equivalent, including demand deposits, savings deposits, and time deposits; to lend money on the security of real or personal property or without security; to discount or deal in bills, notes, or other commercial paper; to buy and sell for the account of customers, and, if eligible for investment, for its own account, securities, gold and silver bullion, foreign coins, and bills of exchange; and generally to transact a commercial banking business.

SEC. 6. Section 107 of the Financial Code is amended to read:

107. "Trust company" means a corporation or a commercial bank

which is authorized to engage in the trust business and the trust department of any title insurance company authorized to engage in the trust business in addition to its title insurance business.

SEC. 7. Section 108 of the Financial Code is repealed.

SEC. 8. Section 109 of the Financial Code is amended to read:

109. "Bank" or "banks" embraces commercial banks and trust companies unless the context otherwise requires.

SEC. 9. Section 210 of the Financial Code is amended to read:

210. The chief officer of the State Banking Department is the Superintendent of Banks. His office is a continuance of the office of Superintendent of Banks brought into being by Chapter 76 of the Statutes of 1909. He is the head of the department and, except as otherwise provided in this code, is subject to the provisions of the Government Code relating to department heads, but need not reside in Sacramento.

SEC. 10. Section 257 of the Financial Code is amended to read:

257. Following the close of each fiscal year the superintendent shall publish an annual report which shall be printed by the State Printer for submission to the Legislature. The printer shall stock sufficient copies for the Legislature and such number as the superintendent may request for the use of the department. The report shall include the report made to the Governor pursuant to Section 256 and in addition shall include a summary of the condition of every bank under the supervision of the department as of the preceding June 30th.

SEC. 11. Section 350 of the Financial Code is amended to read:

350. When authorized by the superintendent as provided in this chapter a corporation may be formed by three or more persons in accordance with the laws of this state for the purpose of conducting a commercial banking business or a trust business, or both of them. The articles of incorporation shall provide that the common shares of the corporation shall be subject to assessment by the board of directors upon order of the superintendent for the purpose of restoring an impairment or reduction of capital in the manner and to the extent provided in this code. They may also provide that such shares are subject to assessment by the board of directors in its discretion, but if such discretionary power is granted the articles shall provide that it may be exercised only with the approval of the superintendent and may provide other limitations thereon. The Corporate Securities Act shall not apply to securities issued by and representing an interest in or a direct obligation of a bank or trust company incorporated under the laws of this state.

SEC. 12. Section 381 of the Financial Code is amended to read:

381. A bank hereafter authorized to exercise banking and trust powers shall have, in addition to the capital required by Section 380, paid-up capital as follows:

(a) One hundred thousand dollars ($100,000) if the population of the city in which the head office of the bank will be located does not exceed 50,000 persons.

(b) Two hundred thousand dollars ($200,000) if the population of the city in which the head office of the bank will be located exceeds 50,000 persons.

SEC. 13. Section 400 of the Financial Code is amended to read:

400. The articles of incorporation of the proposed bank or trust company shall be submitted to the superintendent for his approval before they are filed with the Secretary of State pursuant to the Corporations Code. After the articles have been filed with the Secretary of State the proposed bank or trust company shall:

(a) File with the superintendent a copy of its articles of incorporation, certified by the Secretary of State, and, after the organization meeting of the directors, a copy of its bylaws certified by its secretary.

(b) File with the superintendent a statement in such form and with such supporting data as he may require showing that the entire capital and surplus have been fully paid in lawful money, unconditionally, and that the funds representing such capital and surplus, less sums spent as authorized by this code for organization expense and for land, buildings, and fixtures are on deposit in a state or national bank in this state, subject to withdrawal on demand.

(c) Pay to the superintendent a fee of one hundred dollars ($100)

SEC 13 5. Section 400 of the Financial Code is amended to read:

400. The articles of incorporation of the proposed bank or trust company shall be submitted to the superintendent for his approval before they are filed with the Secretary of State pursuant to the Corporations Code. After the articles have been filed with the Secretary of State the proposed bank or trust company shall:

(a) File with the superintendent a copy of its articles of incorporation, certified by the Secretary of State, and, after the organization meeting of the directors, a copy of its bylaws certified by its secretary.

(b) File with the superintendent a statement in such form and with such supporting data as he may require showing that the entire capital and surplus have been fully paid in lawful money, unconditionally, and that the funds representing such capital and surplus, less sums spent as authorized by this code for organization expense and for land, buildings, and fixtures are on deposit in a state or national bank in this state, subject to withdrawal on demand.

(c) Pay to the superintendent a fee of two thousand dollars ($2,000)

SEC. 14. Section 403 of the Financial Code is amended to read:

403. No corporation organized to transact a commercial banking or trust business shall transact any business until the superintendent has issued his certificate authorizing it to transact such business. No bank or trust company shall incur any indebtedness except that which is incidental to its organization until the amount of its capital and surplus has been fully paid in lawful money to the cashier or treasurer thereof.

SEC. 15 Section 502 of the Financial Code is amended to read:

502. Before opening a branch office a bank or trust company shall have and shall thereafter maintain as long as the branch is operated, for each branch so opened paid-up capital in addition to the paid-up capital required by Chapter 3 of this division, equal to the following:

(a) If the branch office will be located in the city in which the head office of the bank is located or in a city in which the bank has already established a branch office, fifty thousand dollars ($50,000).

(b) If the branch office is to be located elsewhere, the amount required by Chapter 3 of this division to open a new bank in the place in which the branch will be located, exclusive of the amount required for a trust business.

(c) If the branch is to engage in no other banking business than the trust business, fifty thousand dollars ($50,000).

SEC. 16. Section 540 of the Financial Code is amended to read:

540. As used in this article, "place of business" means any place of business of a bank other than a head office, a branch office, or a place of business consented to by the superintendent pursuant to Section 776 of this code.

SEC. 17. Section 641 of the Financial Code is amended to read:

641. Until the amount of the surplus of a commercial bank is at least equal to the amount of its capital, the bank shall not declare any dividend unless it has previously transferred to surplus at least one-tenth of its net profits earned since the enactment of this code.

SEC. 18. Section 643 of the Financial Code is amended to read:

643. A bank or trust company may transfer surplus to capital at any time but if the transfer would reduce the surplus to less than 25 percent of its capital, it shall first obtain the written approval of the superintendent. Thereafter, until the amount of its surplus equals its capital, a commercial bank shall transfer to surplus one-tenth of its net profits pursuant to Section 641 before declaring dividends.

SEC. 19. Section 644 of the Financial Code is amended to read:

644. A bank or trust company may charge losses sustained by it in excess of its undivided profits to its surplus, except that if the charge would reduce its surplus to an amount less than 25 percent of its capital, the consent of the superintendent shall be first obtained. Thereafter, until the amount of its surplus equals its capital, a commercial bank shall transfer to surplus one-tenth of its net profits pursuant to Section 641 before declaring dividends.

SEC. 20. Section 662 of the Financial Code is amended to read:

662. A bank with the prior approval of the superintendent and after obtaining the approval of shareholders holding a majority of the shares of the bank evidenced either in a writing signed by the shareholders or by vote at a shareholders' meeting, at any time, may issue, sell or hypothecate its capital notes or debentures which may be payable upon such terms and may bear such rate of interest, if any, as may be provided therein or which may be convertible into stock with the approval of the superintendent. Such capital notes and debentures shall be subordinate to the claims of creditors and depositors and it shall be provided in any such capital notes or

debentures that in the event of liquidation all depositors and other creditors of the bank shall be entitled to be paid in full with such interest as may be provided by law before any payment shall be made on account of principal of or interest on said capital notes or debentures and may provide that after payment in full of all sums owing to such depositors and creditors the holders of such capital notes shall be entitled to be paid from the remaining assets of the bank the unpaid principal amount of the capital notes or debentures plus accrued and unpaid interest thereon before any payment or other distribution, whether in cash, property or otherwise, shall be made on account of any capital stock of the bank. It shall be provided in such capital notes or debentures that no payment shall at any time be made on account of the principal thereof, unless following such payment the aggregate of the capital, surplus, undivided profits, and capital notes or debentures thereafter outstanding shall be the equal of such aggregate at the date of the original issue of such capital notes or debentures, or as may be otherwise authorized by the superintendent.

Such capital notes or debentures shall not be deemed "capital," "paid-up capital," or "paid-in capital," as such terms are used in this division. However, such capital notes and debentures from time to time outstanding shall be deemed "capital," "paid-up capital," and "paid-in capital," as such terms are used in Article 2 (commencing with Section 1220) of Chapter 10 of this division.

SEC. 21. Article 4.5 (commencing with Section 670) of Chapter 5 of Division 1 of the Financial Code is repealed.

SEC. 22. Section 753 of the Financial Code is amended to read:

753. The aggregate investment of a commercial bank or of a trust company in real property held pursuant to subdivision (a) of Section 750, in furniture and fixtures, vaults, safe deposit boxes, and other personal property, in the stock of one or more corporations authorized by Section 752, in the stock of one or more corporations authorized by Section 758, in the bonds or other obligations of such corporations, and in all loans or extensions of credit made by the bank or trust company to such corporations or upon the security of the stock thereof, shall not exceed in the aggregate at any time 75 percent of its capital and surplus, unless the superintendent shall approve a larger investment and unless such larger investment is approved by a vote of two-thirds of all of the directors of the bank or trust company.

SEC. 23. Section 754 of the Financial Code is amended to read:

754. A bank or trust company may become a member of the Federal Reserve System, may subscribe for, purchase, and hold such amounts of the capital stock of the Federal Reserve bank serving the district in which such bank or trust company is located as may be required to maintain such membership and, when not in conflict with the laws of this state, may exercise all powers conferred upon such members and may assume and discharge all obligations required of such members.

With the written consent of the superintendent a bank or trust company may become a member of a Federal Home Loan bank in the manner provided in the Federal Home Loan Bank Act, and, for the purpose of becoming a member, may invest such part of its capital or surplus in the capital stock of such Federal Home Loan bank as may be required by the provisions of the Federal Home Loan Bank Act.

SEC. 24. Section 756 of the Financial Code is amended to read:

756. A bank or trust company may become a member of any federal agency, membership in which is open to banking institutions, and may comply with all the requirements and conditions imposed upon such members when not in conflict with the laws of this state, except that the power conferred by this section shall not be exercised unless the superintendent makes a general order authorizing banks generally as a class, or trust companies generally as a class, or banks doing a commercial or trust business, respectively, as a class, to become such members upon such terms and conditions as may be prescribed in such order.

SEC. 25. Section 759 of the Financial Code is amended to read:

759. With the prior written consent of the superintendent, a bank may purchase and hold the whole or any part of the stock of not more than one corporation authorized to conduct a trust business, organized and existing under the laws of this state and transacting a trust business in the same county in which the head office of such bank is situated. No bank's investment in any such corporation at any one time shall exceed 25 percent of the bank's capital and surplus, nor shall any bank invest in the stock of any such corporation unless its total capital accounts exceed the minimum capital and surplus required to be maintained by it, by an amount at least equal to such investment. No such trust company shall engage in or combine the business of a commercial bank or a title insurance company.

SEC. 26. Section 775 of the Financial Code, as added by Chapter 1057 of the Statutes of 1972, is amended to read:

775. Notwithstanding any other provision of law, any commercial bank (as defined in Section 105) and any trust company (as defined in Section 107) holding securities in a fiduciary capacity or while engaged in a trust business (as defined in Section 106), or while acting in any capacity under a court or private trust, or while acting in such capacity with one or more persons as cofiduciary or cofiduciaries, unless the instrument creating such trust contains a provision to the contrary, is authorized to deposit or arrange for the deposit of such securities in a securities depository, as defined in Section 30004, which is licensed under Section 30200 or exempted from licensing thereunder by Section 30005 or 30006. When such securities are so deposited, they may be held in the custody of the securities depository in which they are deposited or in the custody of any other securities depository so licensed or exempted and in which the securities depository in which such securities were deposited maintains an account, or in the custody of any bank or trust

company with authority to accept custody of such securities, which accepts custody of such securities on behalf of a securities depository. Such securities may be held in the name of the nominee of the securities depository in which they are deposited, or in the name of the nominee of any other securities depository with which the securities depository in which they are deposited maintains an account. The custodian of securities so deposited may merge certificates representing securities of the same class of the same issuer and may hold such certificates in bulk with any other securities deposited in any securities depository by any person regardless of the ownership of such securities, and certificates of small denomination may be merged into one or more certificates of larger denomination. Any commercial bank or trust company which deposits or arranges for the deposit of such securities in such a securities depository shall maintain records which at all times show the ownership of the securities so deposited. A commercial bank or trust company so depositing securities pursuant to this section shall be subject to such rules and regulations as in the case of state-chartered institutions, the superintendent and, in the case of national banking associations, the Comptroller of the Currency may from time to time issue.

This section shall apply to securities now held or hereafter held by a commercial bank or trust company in the above designated capacities. A commercial bank or trust company may but shall not be required to own capital stock of a securities depository in which it deposits securities pursuant to this section.

SEC. 27. Section 776 is added to the Financial Code, to read:

776. Every bank and branch shall conduct all of its business in one building or in adjoining buildings except that under special circumstances and with the written consent of the superintendent a bank or branch may conduct a portion of its business elsewhere in the same vicinity.

SEC. 28. Section 856 of the Financial Code is amended to read:

856. A bank shall not have on deposit at any one time moneys of the State of California, of the cities, counties, and other political subdivisions of the state, and of the public corporations and districts of the state, which, in the aggregate, exceed in amount 400 percent of its entire capital and surplus. The amount of such moneys on deposit secured by surety bonds shall not at any time, in the aggregate, exceed the amount of the bank's entire capital.

SEC. 29. Chapter 9 (commencing with Section 1100) of Division 1 of the Financial Code is repealed.

SEC. 30. Section 1207 of the Financial Code is repealed.

SEC. 31. Section 1209 of the Financial Code is repealed.

SEC. 32. Section 1221 of the Financial Code is repealed.

SEC. 33. Section 1221 is added to the Financial Code, to read:

1221. The obligations, as defined in Section 1220, excepting the obligations described in Section 1226 and the obligations described in Section 1224, of any one person owing to a commercial bank at any one time shall not exceed the following limitations:

(a) Obligations which are unsecured shall not exceed 10 percent of the capital and surplus of the bank.

(b) Obligations, secured and unsecured, in all shall not exceed 20 percent of the capital and surplus of the bank.

Obligations arising out of the discount of commercial or business paper actually owned by the person negotiating the same and endorsed by such person without limitation, together with the secured and unsecured obligations, if any, of such person, shall not exceed 40 percent of the capital and surplus of the bank.

No commercial bank shall be required, solely by reason of the amendments of this article, to dispose of or reduce any loan which complied with the applicable limitations of this division at the time such loan was made, nor shall any such bank be prevented solely by reason of the provisions of this article from renewing any such loan from time to time.

SEC. 34. Section 1222 of the Financial Code is repealed.

SEC. 35. Section 1223 of the Financial Code is amended to read:

1223. 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 superintendent and unless it has a market value at least 15 percent greater than the amount of the obligations secured thereby. The superintendent may by general regulation declare any particular kinds or classes of personal property ineligible as security. An obligation shall not be deemed secured by real property unless the obligation and the lien securing the same conform to the provisions of Section 1227 or Section 1228. Secured and unsecured loans shall be represented by separate notes and shall not be combined in any way within one note or notes.

SEC. 36. Section 1224 of the Financial Code is amended to read:

1224. In addition to the limitations contained in Section 1221 a commercial bank may issue letters of credit and a commercial bank may accept drafts or bills of exchange drawn upon it having not more than six months' sight to run, exclusive of days of grace, which grow out of transactions involving the importation or exportation of goods, or which grow out of transactions involving the domestic shipment of goods; provided, shipping documents conveying or securing title are attached at the time of acceptance, or which are secured at the time of acceptance by a warehouse receipt or other such document conveying or securing title covering readily marketable staples. A commercial bank shall not accept such drafts or bills in the aggregate to an amount exceeding 50 percent of its paid-up capital and surplus or, when authorized by the superintendent, to an amount exceeding 100 percent of its paid-up capital and surplus nor accept such drafts or bills for any one person to an amount exceeding 10 percent of its paid-up capital and surplus, unless the bank is and remains secured by either attached documents or some other actual security growing out of the same transaction as the acceptance.

SEC. 37. Section 1226 of the Financial Code is amended to read:

1226. The limitations of Section 1221 shall not apply to the following and the following shall not be included among the obligations of a person for the purpose of applying such limitations:

(a) Loans secured by obligations of the United States or by obligations unconditionally guaranteed both as to principal and interest by the United States, having a market value at least 10 percent in excess of the loans secured thereby.

(b) Loans in an amount and of a type or class previously approved in writing by the superintendent which are secured by not less than a like amount of obligations of the United States or by obligations unconditionally guaranteed both as to principal and interest by the United States.

(c) Loans to the extent that they are covered by guarantees or by commitments to take over or to purchase without recourse made by any Federal Reserve bank or by the United States, or by any department, bureau, board, commission, agency, or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States.

(d) Drafts or bills of exchange drawn in good faith against actual existing values with negotiable bills of lading attached, whether or not accepted by the drawee.

(e) Bankers' acceptances of other banks which are eligible for rediscount with a Federal Reserve bank.

(f) Demand balances owing by a reserve depositary arising out of deposits made pursuant to Article 3 of this chapter.

(g) Obligations resulting from daily clearances through any clearinghouse association.

(h) Obligations which are fully guaranteed or fully insured or covered by a commitment to fully guarantee or fully insure by the Federal Housing Administrator.

SEC. 38. Section 1230 of the Financial Code is repealed.

SEC. 39. Section 1230 is added to the Financial Code, to read:

1230. A commercial bank shall not lend in the aggregate an amount in excess of 70 percent of the amount of its savings and other time deposits upon the security of real property, in addition to:

(a) Loans guaranteed in whole or in part by the Administrator of Veterans' Affairs pursuant to the Servicemen's Readjustment Act of 1944 or any act of Congress supplementary or amendatory thereof or under the Veterans' Readjustment Act of 1952 or any act of Congress supplementary or amendatory thereof; or

(b) Loans insured by the Federal Housing Administration pursuant to the National Housing Act or any act of Congress supplementary or amendatory thereof or insured by the Farmers Home Administration pursuant to the Housing Act of 1949 or any act of Congress supplementary or amendatory thereof.

SEC. 40. Section 1231 of the Financial Code is amended to read:

1231. No loan shall be made by any commercial bank upon the securities of one or more corporations, the payment of which loan is undertaken, in whole or in part, severally, but not jointly, by two or

more persons:

(a) If the borrowers or underwriters are obligated absolutely or contingently to purchase the securities, or any of them, collateral to such loan, unless the borrowers or underwriters have paid on account of the purchase of such securities an amount in cash, or its equivalent, equal to at least 25 percent of the several amounts for which they remain obligated in completing the purchase of such securities.

(b) If the commercial bank making such loan is liable, directly or indirectly, or contingently, for the repayment of such loan or any part thereof.

(c) If its term, including any renewal thereof by agreement, express or implied, exceeds the period of one year.

(d) Or to an amount under any circumstances in excess of 25 percent of the commercial bank's capital and surplus.

SEC. 41. Section 1232 of the Financial Code is amended to read:

1232. A commercial bank shall not make a loan upon the capital stock of any other bank unless such bank has been in existence at least two years and has earned and paid a dividend on its capital stock, nor, without the written approval of the superintendent, shall it make a loan on the security of the capital stock of another bank if by the making of such loan the capital stock of such other bank owned or held as collateral by the lending bank will exceed in the aggregate 25 percent of the stock of such other bank.

SEC. 42. Section 1233 of the Financial Code is repealed.

SEC. 43. Section 1235 is added to the Financial Code, to read:

1235. A commercial bank holding a first lien on real property may take, or purchase and hold, or loan upon another and immediately junior lien but all such loans shall not exceed in the aggregate 90 percent of the sound market value of the property as determined by proper appraisal. A commercial bank may loan not to exceed the face value of a deed of trust or mortgage which constitutes a first lien upon real property, but in no event shall any such loan exceed 90 percent of the sound market value of the property covered by said mortgage or deed of trust as determined by proper appraisal.

SEC. 44. Section 1250 is amended and renumbered to read:

1251. Every commercial bank shall maintain total reserves against demand deposits equal to the following percentages of the aggregate amount of its demand deposits:

(a) Eighteen percent if the bank has its principal place of business in a city having a population of 100,000 or over.

(b) Fifteen percent if the bank has its principal place of business in a city having a population of 50,000 or over and less than 100,000.

(c) Twelve percent if the bank is located elsewhere in the state, unless the bank is acting as a reserve depositary and in that event, 15 percent.

The reserves required by this section shall be computed for such period, in such manner, and on such basis as the superintendent may prescribe by rule or regulation.

SEC. 45. Section 1251 of the Financial Code is amended and

renumbered to read:

1252. The total reserves against demand deposits required to be maintained by a commercial bank shall consist of, (a) gold bullion or any form of money or currency authorized by the laws of the United States kept in the bank's vault or, with the consent of the superintendent, in a safe deposit box in any other bank in this state under the exclusive control of the depositing bank, (b) deposits subject to call with a Federal Reserve bank in the district in which the bank is located, or (c) deposits subject to call with reserve depositaries of such bank designated as such pursuant to Section 1257 of this code.

SEC. 46. Section 1252 of the Financial Code is amended and renumbered to read:

1258. If any commercial bank is a member of a Federal Reserve bank it shall comply with the reserve requirements of the Federal Reserve Act and its compliance therewith shall be in lieu of and shall relieve such bank from compliance with the provisions of this article.

SEC. 47. Section 1253 of the Financial Code is amended and renumbered to read:

1255. If a commercial bank fails to maintain its total reserves, the superintendent may impose a penalty upon it based upon the length of time the deficiency in its reserves continues, at the following rates:

(a) At the rate of 6 percent per annum upon any deficiency not exceeding 2 percent of its deposits.

(b) At the rate of 8 percent per annum upon any additional deficiency exceeding 2 percent and not exceeding 3 percent of its deposits.

(c) At the rate of 10 percent per annum upon any additional deficiency exceeding 3 percent and not exceeding 4 percent of its deposits.

(d) At the rate of 12 percent per annum upon any additional deficiency in excess of 4 percent of its deposits.

SEC. 48. Section 1253 is added to the Financial Code, to read:

1253. Every commercial bank shall maintain total reserves against savings and time deposits in an amount equal to 5 percent of the aggregate amount of its savings and time deposits.

The reserves required by this section shall be computed for such period, in such manner, and on such basis as the superintendent may prescribe by rule or regulation

SEC. 49. Section 1254 of the Financial Code is amended and renumbered to read:

1256. If the total reserves of any commercial bank fall below the amount required to be maintained by this article it shall not make any new loans or discounts, except by discount of bills of exchange on sight, nor pay any dividends until its reserves have been restored to the full amount herein required. If any commercial bank fails to maintain its reserves as required by this article, the superintendent may notify such bank to restore its reserves and if it fails to do so within 30 days thereafter it may be deemed insolvent and may be

proceeded against as provided in this division. A deposit by one bank with another bank shall not be regarded as a loan.

SEC. 50. Section 1254 is added to the Financial Code, to read:

1254. Of the total reserves against savings and time deposits required to be maintained by a commercial bank, an amount equal to at least 1 percent of the amount of its savings and time deposits shall be maintained as reserves on hand and shall consist of, (a) gold bullion or any form of money or currency authorized by the laws of the United States, or (b) deposits subject to call with a Federal Reserve bank in the district in which the bank is located or with reserve depositaries designated for it pursuant to Section 1257. The remainder of such total reserves against savings and time deposits required to be maintained equal in amount to 4 percent of the amount of the bank's savings and time deposits shall consist of, (a) gold bullion or any form of money or currency authorized by the laws of the United States, (b) deposits subject to call with a Federal Reserve bank in the district in which such bank is located or with reserve depositaries designated for it pursuant to Section 1257 of this code, or (c) unpledged negotiable direct obligations of the United States.

SEC. 51 Section 1255 of the Financial Code is amended and renumbered to read:

1257. A bank or trust company, by a majority vote of all its directors, may nominate another bank or other banks which meet the qualifications hereinafter set forth as its reserve depositary or depositaries. The superintendent, in his discretion, may approve or disapprove such nomination. If he approves the same he shall designate the bank so nominated as a reserve depositary of the nominating bank.

A reserve depositary may be a banking corporation located in any city in the United States and having a paid-up capital and surplus of one million dollars ($1,000,000) or more, or it may be a bank organized under the laws of this state or a national banking association located in this state having a combined paid-up capital and surplus conforming with the following schedule:

(a) Not less than five hundred thousand dollars ($500,000), if located in a city which has a population of 300,000 or over.

(b) Not less than four hundred thousand dollars ($400,000), if located in a city which has a population of 100,000 or over and less than 300,000.

(c) Not less than three hundred thousand dollars ($300,000), if located in a city which has a population of 50,000 or over and less than 100,000.

(d) Not less than two hundred thousand dollars ($200,000), if located elsewhere in the state.

SEC. 52. Section 1256 of the Financial Code is amended and renumbered to read:

1250. The term "deposits" wherever used in this article means the aggregate deposits of a commercial bank exclusive of deposits of

the United States, postal savings funds, and state, county, municipal, and other deposits of public moneys which are secured as required by law.

SEC. 53. Section 1257 of the Financial Code is amended and renumbered to read:

1259. The superintendent by general regulation may change, from time to time, the amount of reserves required to be maintained by commercial banks doing business in this state which are not members of a Federal Reserve bank; provided, however, that whenever the reserves required of banks which are members of a Federal Reserve bank are greater than the reserves provided in this chapter, the reserves so specified by the superintendent shall not be greater than the former nor less than the latter; and provided, further, that whenever the reserves required of banks which are members of a Federal Reserve bank are less than the reserves provided in this chapter, the reserves so specified by the superintendent shall not be less than the former nor greater than the latter.

SEC. 54. The heading of Chapter 10a (commencing with Section 1300) of Division 1 of the Financial Code is repealed.

SEC. 55. Article 1 (commencing with Section 1300) of Chapter 10a of Divison 1 of the Financial Code is repealed.

SEC. 56. Article 2 (commencing with Section 1310) of Chapter 10a of Division 1 of the Financial Code is repealed.

SEC. 57. Article 3 (commencing with Section 1330) of Chapter 10a of Division 1 of the Financial Code is repealed.

SEC. 58. Section 1335 of the Financial Code is amended to read:

1335. A commercial bank may purchase for its own account only the investment securities specified in Sections 1352 to 1366, inclusive, and in addition thereto may invest an amount not exceeding 2 percent of its deposits in other securities, except corporation shares, in which in the informed opinion of the bank it is prudent to invest the funds of its depositors.

SEC. 59. Section 1336 of the Financial Code is amended to read:

1336. A commercial bank shall not invest an amount exceeding 10 percent of its capital and surplus in the securities of any one obligor or maker, except:

(a) Obligations of the United States and those for which the faith and credit of the United States are pledged for the payment of principal and interest;

(b) Bonds, consolidated bonds, collateral trust debentures, or other obligations issued by federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended; in debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended; in bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act; in the bonds of any federal home loan bank established under said act; and in stock, bonds,

debentures, participations, and other obligations of or issued by the Federal National Mortgage Association and the Government National Mortgage Association; and

(c) Obligations of the State of California and those for which the credit of the State of California is pledged for the payment of principal and interest.

SEC. 59.5. Section 1336 of the Financial Code is amended to read:

1336. A commercial bank shall not invest an amount exceeding 10 percent of its capital and surplus in the securities of any one obligor or maker, except:

(a) Obligations of the United States and those for which the faith and credit of the United States are pledged for the payment of principal and interest;

(b) Bonds, consolidated bonds, collateral trust debentures, or other obligations issued by federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended; in debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended; in consolidated notes, bonds, debentures and other obligations issued by federal land banks, federal intermediate credit banks, and banks for cooperatives under the Farm Credit Act of 1971; in bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act; in the bonds of any federal home loan bank established under said act; and in stock, bonds debentures, participations, and other obligations of or issued by the Federal National Mortgage Association and the Government National Mortgage Association; and

(c) Obligations of the State of California and those for which the credit of the State of California is pledged for the payment of principal and interest.

SEC. 59.6. Section 1336 of the Financial Code is amended to read:

1336. A commercial bank shall not invest an amount exceeding 10 percent of its capital and surplus in the securities of any one obligor or maker, except:

(a) Obligations of the United States and those for which the faith and credit of the United States are pledged for the payment of principal and interest;

(b) Bonds, consolidated bonds, collateral trust debentures, or other obligations issued by the United States Postal Service, federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended; in debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended; in bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act; in the bonds of any federal home loan bank established under said act; and in stock, bonds, debentures, participations, and other obligations of or issued by the Federal

National Mortgage Association and the Government National Mortgage Association; and

(c) Obligations of the State of California and those for which the credit of the State of California is pledged for the payment of principal and interest.

SEC. 59.7. Section 1336 of the Financial Code is amended to read:

1336. A commercial bank shall not invest an amount exceeding 10 percent of its capital and surplus in the securities of any one obligor or maker, except:

(a) Obligations of the United States and those for which the faith and credit of the United States are pledged for the payment of principal and interest;

(b) Bonds, consolidated bonds, collateral trust debentures, or other obligations issued by the United States Postal Service, federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended; in debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended; in consolidated notes, bonds, debentures and other obligations issued by federal land banks, federal intermediate credit banks, and banks for cooperatives under the Farm Credit Act of 1971, in bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act; in the bonds of any federal home loan bank established under said act; and in stock, bonds, debentures, participations, and other obligations of or issued by the Federal National Mortgage Association and the Government National Mortgage Association; and

(c) Obligations of the State of California and those for which the credit of the State of California is pledged for the payment of principal and interest.

SEC. 60. Section 1337 of the Financial Code is amended to read:

1337. If any commercial bank has made investments which it was authorized to make at the time they were made it shall not be required to dispose of such investments by reason of adoption of the Banking Code, this code, or any amendments to this article.

SEC. 61. Article 5 (commencing with Section 1340) of Chapter 10a of Division 1 of the Financial Code is repealed.

SEC. 62. The heading of Chapter 11 (commencing with Section 1350) of Division 1 of the Financial Code is repealed.

SEC. 63. The heading of Article 1 (commencing with Section 1350) of Chapter 11 of Division 1 of the Financial Code is repealed.

SEC. 64. Section 1350 of the Financial Code is repealed.

SEC. 65. Section 1351 of the Financial Code is repealed.

SEC. 66. Section 1355.1 of the Financial Code is amended to read:

1355.1. In the bonds of any flood control and water conservation districts, or any zone thereof, having an assessed valuation on taxable real property of not less than one million dollars ($1,000,000), county, city and county, city, metropolitan water district, municipal utility district, any special district established by and within any municipal

utility district, transit district, rapid transit district including sales tax revenue bonds of such district, metropolitan transit authority, flood control district, or school district of the State of California (herein referred to generally as public corporations) except the bonds of any particular such public corporation which may be declared ineligible for investment by commercial banks by regulations of the superintendent.

SEC. 67. Section 1356 of the Financial Code is amended to read:

1356. In the bonds of any other political subdivision, public corporation, or district of the State of California (herein referred to generally as public corporations) having the power, without limit as to rate or amount, to levy taxes to pay the principal and interest of such bonds upon all property within its boundaries subject to taxation by such public corporation, provided the net direct debt of such public corporation together with its net overlapping debt does not exceed 25 percent of the assessed valuation of the taxable property within its boundaries according to the last official equalized county assessment roll.

SEC. 68. Section 1357 of the Financial Code is amended to read:

1357. In the bonds or other evidences of indebtedness of, or which are unconditionally guaranteed by the Dominion of Canada, the State of Israel, the Commonwealth of Puerto Rico, or any state of the United States other than California, for the payment of both principal and interest of which in United States dollars, the faith and credit of such entity is pledged; in limited obligations of any state of the United States, other than California, or the Commonwealth of Puerto Rico, payable only from special taxes which are pledged to the payment of principal and interest of such limited obligations; and in the bonds or other evidences of indebtedness of any city, county, political subdivision, public corporation, or district (herein referred to generally as public corporations) of any state of the United States other than California, or of the Dominion of Canada, or of the State of Israel, or of the Commonwealth of Puerto Rico, having the power without limit as to rate or amount to levy taxes to pay the principal and interest of such bonds upon all property within its boundaries subject to taxation by such public corporation; provided:

(a) In the case of bonds constituting general obligations of any such state, commonwealth, dominion, or country, such state, commonwealth, dominion, or country has not within 10 years prior to such investment defaulted for a period of more than 90 days in the payment of any part of either principal or interest of any of its debts;

(b) In the case of such limited obligations of any such state, or commonwealth, (1) that such state, or commonwealth, has not within 10 years prior to the date of such investment defaulted for a period of more than 90 days in the payment of either principal or interest of any of it debts; (2) the special taxes pledged for the payment of such limited obligations shall have been collected for five fiscal years next preceding any investment and during said five fiscal years shall have averaged at least 1½ times the debt service

requirements, including those for principal, interest, and sinking fund, on all such special obligations existing at the time; and (3) such special taxes for each of said five fiscal years shall have equaled at least the amount of all such debt service requirements on such special obligations; and

(c) In the case of bonds or other evidences of indebtedness of any such public corporation of any state other than California, or of such commonwealth:

(1) Such public corporation has had a corporate existence or been otherwise established and functioning for at least 10 years prior to the time of such investment;

(2) Such public corporation has a population of at least 50,000 inhabitants according to the last federal or state census;

(3) Such public corporation for a period of at least 10 years prior to such investment has not defaulted in the payment of any part of the principal or interest of any of its debts for a period of more than 90 days; and

(4) The net direct debt together with the net overlapping debt of such public corporation does not exceed 10 percent of the assessed valuation of the property subject to taxation by such public corporation according to the last official equalized assessment roll or list upon the basis of which taxes for debt service are based.

SEC. 69. Section 1359 of the Financial Code is amended to read:

1359. In bonds of any irrigation district, water storage district, water conservation district, county water district, reclamation district, drainage district, and any district the primary function of which is the irrigation, reclamation or drainage of land within its boundaries, located in California, other than bonds referred to in Section 1355.1, provided:

(a) Such bonds qualify under Section 1356; or

(b) Such bonds have been certified as legal securities for savings banks pursuant to Chapter 1 of Division 10 of the Water Code and such certification remains unrevoked; and

(c) The total outstanding bonded indebtedness of the district including bonds authorized but not issued, but excluding bonds payable solely from revenues and not directly or indirectly from assessments, does not exceed 50 percent of the aggregate of the assessed value of the lands, exclusive of improvements, subject to assessment by the district, and the value of the property owned by the district or to be acquired or constructed with the proceeds of the bonds under consideration.

SEC. 70. Section 1360 of the Financial Code is amended to read:

1360. In bonds, consolidated bonds, collateral trust debentures, consolidated debentures, or other obligations issued by federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended, in debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended, in bonds or debentures of the Federal Home Loan Bank

Board established under the Federal Home Loan Bank Act, in the bonds of any federal home loan bank established under said act, and in stocks, bonds, debentures, participations, and other obligations of or issued by the Federal National Mortgage Association and the Government National Mortgage Association.

SEC. 70.5. Section 1360 of the Financial Code is amended to read:

1360. In bonds, consolidated bonds, collateral trust debentures, consolidated debentures, or other obligations issued by federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended, and the Farm Credit Act of 1971, in debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended, and the Farm Credit Act of 1971, in bonds, or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act, in the bonds of any federal home loan bank established under said act, and in stocks, bonds, debentures, participations, and other obligations of or issued by the Federal National Mortgage Association and the Government National Mortgage Association.

SEC. 71. Section 1360.1 of the Financial Code is amended to read:

1360.1. In bonds, notes or other obligations issued or assumed by the International Bank for Reconstruction and Development, the Tennessee Valley Authority, the Inter-American Development Bank, the Government Development Bank for Puerto Rico, or the Asian Development Bank.

SEC. 71.5. Section 1360.1 of the Financial Code is amended to read:

1360.1. In bonds, notes or other obligations issued by the United States Postal Service, or issued or assumed by the International Bank for Reconstruction and Development, the Tennessee Valley Authority, the Inter-American Development Bank, the Government Development Bank for Puerto Rico, or the Asian Development Bank.

SEC. 72. Section 1361 of the Financial Code is amended to read:

1361. In notes with a maturity not exceeding six months from date of issue, issued in anticipation of the collection of taxes by the State of California or any city, county, city and county, or school district thereof, provided such notes and warrants are a first lien upon the taxes in anticipation of the collection of which they are issued, are payable in the order in which they are issued and, provided the total amount of such notes issued in anticipation of the collection of taxes payable at any one time or during any specified period does not exceed 50 percent of the amount of such taxes.

SEC. 73. Section 1362 of the Financial Code is amended to read:

1362. In revenue securities of any state of the United States, or of the Commonwealth of Puerto Rico, and of any city, county, city and county, political subdivision, public corporation, or district (herein referred to generally as public corporations) of any such state or commonwealth and of any department, board, agency, or authority

of any such state or commonwealth or of any such public corporation; provided:

(a) Such revenue securities constitute obligations payable out of the revenues from a revenue-producing property owned, controlled, or operated by such state, commonwealth, public corporation, or by a department, board, agency, or authority thereof and are secured by such revenues;

(b) (1) The net income from such property available for the payment of such securities for the five fiscal years next preceding any such investment, shall have averaged at least one and one-tenth times all debt service requirements for principal, interest, and sinking fund of all revenue securities payable only out of the revenues from such property during each of such fiscal years, and for each of such five fiscal years shall have equaled at least all debt service requirements for principal, interest, and sinking fund of such securities, and for the last fiscal year shall have amounted to at least the maximum annual debt service requirement for any fiscal year thereafter on all such securities which were outstanding during such last fiscal year and which will be outstanding in any fiscal year thereafter; and

The gross income from the property, the net income from which is pledged for the payment of such securities, in the last fiscal year prior to such investment was not less than one million dollars ($1,000,000) if located in California, and was not less than five million dollars ($5,000,000) if located elsewhere; and

The issuer is obligated to maintain rates at least sufficient to meet debt service requirements and such obligation is legally enforceable; or

(2) The issuer of the securities is entitled to receive under a legally enforceable contract with a corporation any of the securities of which are a legal investment for commercial banks under this chapter annual payments averaging not less than nine hundred thousand dollars ($900,000) a year commencing with the completion of a project or projects as fixed in the construction contract therefor and continuing during the maximum term for which said revenue securities are to mature; and

The issuer of the securities is obligated to maintain rates to produce revenue, or will receive contract payments, either or both of which will be sufficient to meet debt service requirements and such obligation or contract is legally enforceable;

(c) The public corporation or any department, board, agency, or authority thereof which issues the securities, if existing elsewhere than in California, has not within 10 years prior to such investment defaulted for a period of more than 90 days in the payment of principal or interest on any of its debts.

SEC. 74. Section 1363 of the Financial Code is amended to read:

1363. In bonds of any local public housing agency (as defined in the United States Housing Act of 1937, as amended) as are secured either, (1) by an agreement between the public housing agency and

the Public Housing Administration in which the public housing agency agrees to borrow from the Public Housing Administration, and the Public Housing Administration agrees to lend to the public housing agency, prior to the maturity of such obligations (which obligations shall have a maturity of not more than 18 months), moneys in an amount which (together with any other moneys irrevocably committed to the payment of interest on such obligations) will suffice to pay the principal of such obligations with interest to maturity thereon, which moneys under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such obligations at their maturity, or (2) by a pledge of annual contributions under an annual contributions contract between such public housing agency and the Public Housing Administration if such contract shall contain the covenant by the Public Housing Administration which is authorized by subsection (b) of Section 22 of the United States Housing Act of 1937, as amended, and if the maximum sum and the maximum period specified in such contract pursuant to said subsection 22(b) shall not be less than the annual amount and the period for payment which are requisite to provide for the payment when due of all installments of principal and interest on such obligations.

SEC. 75. Section 1363.1 of the Financial Code is amended to read:

1363.1. In bonds secured by an insurance commitment of the Federal Housing Administration.

SEC. 76. Section 1364 of the Financial Code is amended to read:

1364. In evidences of indebtedness of companies incorporated in the United States and, directly or indirectly, engaged in manufacturing, extraction, merchandising or commercial financing; provided:

(a) Any unsecured evidences of indebtedness must be issued by a company substantially all of whose property is free of mortgage and shall carry a covenant by the obligor that they will be secured equally with any mortgage bond, except a purchase money mortgage, which may be later issued;

(b) The company is of such size as to attract at least statewide interest in its publicly held securities and its gross income shall have averaged not less than ten million dollars ($10,000,000) and its net income shall have averaged not less than one million dollars ($1,000,000) for the five fiscal years preceding the investment and its gross income was not less than ten million dollars ($10,000,000) and its net income not less than one million dollars ($1,000,000) for at least three of said five fiscal years;

(c) Working capital as measured by consolidated current assets less consolidated current liabilities as shown in the latest published balance sheet shall exceed 150 percent of the total of consolidated debt due in longer than one year and "minority interest" (i.e., any outstanding interest in a subsidiary having a prior claim on the earnings of such subsidiary) except that the foregoing ratio requirement shall not apply in the case of evidences of indebtedness

of any corporation whose consolidated gross assets less any valuation reserves exceed five hundred million dollars ($500,000,000) and whose consolidated current assets exceed consolidated current liabilities by at least one hundred million dollars ($100,000,000) as shown by the latest published balance sheet. When new financing is involved, the changes in gross assets, capital structure and working capital shall be considered and reliance may be placed on the representations made in the official prospectus prepared under the rules of the Securities and Exchange Commission as to the application of the proceeds of such financing.

(d) The total consolidated debt of the company including current liabilities and "minority interest" (i.e., any outstanding interest in a subsidiary having a prior claim on the earnings of such subsidiary), as shown on the latest published balance sheet, does not exceed 33⅓ percent of its gross assets less valuation reserves; and

(e) The consolidated annual net income for the five fiscal years next preceding the investment, before deduction of state and federal taxes imposed on or measured by income or profits but after deducting all charges (including reserves, regularly recurring charges for amortization of discount, and expense allocable to funded debt); (1) shall have averaged not less than six times the annual consolidated interest charges existing at the time the investment is made; (2) in at least three of said five fiscal years shall have been at least four times the annual consolidated interest charges for the same year; and (3) for the fiscal year next preceding the investment shall have been not less than six times the consolidated interest charges for such year and not less than six times the annual consolidated charges on the funded debt outstanding at the time of the investment.

SEC. 77. Section 1365 of the Financial Code is amended to read:

1365. In fixed interest railroad bonds meeting the requirements of subdivisions (a) and (b), in bonds secured by a mortgage on jointly operated railroad facilities meeting the requirements of subdivision (c), and in railroad equipment trust certificates meeting the requirements of subdivision (d), provided:

(a) Such railroad bonds are issued by or are assumed, guaranteed, or provision made unconditionally for the payment of principal and interest on specified dates, by a solvent railroad company:

(1) Which operates at least 500 miles of standard gauge road within the continental United States and which has had average annual operating revenues of at least ten million dollars ($10,000,000) during the five years next preceding the investment;

(2) Whose average annual balance of income available for fixed charges for the last 15 years for which the necessary statistical data are available, when divided by an amount equal to its fixed charges for the last fiscal year, shall produce a quotient which is at least 15 percent higher than the quotient obtained by dividing the average annual balance of income available for fixed charges of all class 1 railroads for the same 15-year period by an amount equal to the fixed

charges of all class 1 railroads for the last year in the period;

(3) Whose average "balance of net income" (computed by deducting the sum of its fixed charges and contingent interest charges for the latest fiscal year from the average annual balance available for fixed charges for the latest 15 years for which the necessary statistical data are available) when divided by its average annual railroad operating income for the same 15-year period, shall produce a quotient at least 15 percent greater than the quotient obtained by dividing the average balance of income of all class 1 railroads, computed in the same manner, by the average annual railway operating income of all class 1 railroads for the same 15-year period; and

(4) Whose average balance of income available for fixed charges for the last three fiscal years preceding the investment (or for such lesser number of fiscal years as may have elapsed since December 31, 1946) has not been less than one and one-half times its fixed charges for the last fiscal year.

(b) Such railroad bonds are secured by:

(1) A mortgage (either direct or collateral) which shall be a first mortgage on not less than 75 percent of the mileage subject to the mortgage; or

(2) A first mortgage on terminal properties comprising the company's principal freight or passenger terminal in a city of not less than 250,000 population according to the latest federal or state census; or

(3) A refunding mortgage on not less than 75 percent of the railroad mileage owned or operated by the issuing company under which bonds may be issued for retirement or refunding of all debts secured by prior liens on all or any part of the property (other than liens on equipment) subject to the mortgage; provided, that the amount of debt senior to the refunding mortgage is not more than 50 percent of the sum of all senior debt and the refunding mortgage, or that underlying mortgage bonds in an amount equal to at least 50 percent of the debt outstanding under the refunding mortgage are pledged as security under such refunding mortgage; or

(4) A first mortgage on railroad property leased to and operated by the company where the lease extends beyond the maturity date of the bonds and the company has guaranteed, assumed, or committed itself under the terms of the lease to pay principal and interest on the bonds.

(c) Bonds secured by a mortgage on jointly operated railroad facilities must be secured by a first mortgage on a terminal, depot, tunnel, or bridge used by or leased to two or more railroads which have jointly and severally agreed unconditionally to pay the interest and principal of the bonds or have unconditionally guaranteed or assumed such payment, one of which railroads must meet the requirements set forth in subdivision (a) of this section.

(d) Railroad equipment trust certificates must be issued by a solvent class 1 railroad whose average balance of income available for

fixed charges for the last three fiscal years preceding the investment (or for such lesser number of fiscal years as may have elapsed since December 31, 1946) shall be not less than one and one-half times its fixed charges for the last fiscal year. Such certificates must be issued to provide funds for the construction or acquisition of new standard gauge railroad equipment made with the approval of the Interstate Commerce Commission and be secured by equipment trust, lease, conditional sales contract, or first lien on such equipment. The aggregate principal amount of such obligations shall not exceed 80 percent of the purchase price of the equipment and such certificates shall mature within 15 years from date of issuance in equal annual, semiannual, or monthly installments, beginning not later than one year after the date of issuance.

(e) As used in this section the terms "balance of income available for fixed charges," "fixed charges," "contingent interest," and "railway operating income" shall have the same meaning as in the accounting reports filed by common carriers by rail pursuant to regulations of the Interstate Commerce Commission except that "balance of income available for payment of fixed charges" shall be computed before deduction of federal income or excess profits taxes, and "fixed charges" and "contingent interest" of the railroad shall be such charges existing as of the time the computation is made excluding charges with respect to debt which has been retired or will be retired within six months and for the payment of which funds have been or are contemporaneously being set aside in trust but including charges with respect to new debt issued or in the process of being issued.

SEC. 78. Section 1366 of the Financial Code is amended to read:

1366. In the bonds and debentures of gas, electric, or gas and electric companies meeting the requirements of subdivision (a), in the bonds and debentures of telephone companies meeting the requirements of subdivision (b), and in the bonds and debentures of water companies meeting the requirements of subdivision (c); provided:

(a) Bonds or debentures of a gas, electric, or gas and electric company must be of an issue which originally amounted to not less than one million dollars ($1,000,000) and, if bonds, be secured by a mortgage on substantially all of its physical property, and, if debentures, must be issued by a company substantially all of whose physical property is free of mortgage and must carry a covenant to be secured equally with any mortgage indebtedness, except a purchase money mortgage, subsequently issued, and both bonds and debentures must be issued by a public utility corporation, which

(1) Derives more than 50 percent of its gross operating revenue from the business of supplying electricity, artificial gas, or natural gas or all or any of them, and at least 80 percent of its gross operating revenue from all or any of the public utility businesses enumerated in this section;

(2) Shall have had a gross operating revenue of not less than seven

million five hundred thousand dollars ($7,500,000) for its most recent fiscal year;

(3) Has a funded debt not exceeding two-thirds of the value of its physical property as shown by the books of the corporation or by a statement of a certified public accountant issued within one year, which statement may be based upon the books of the corporation, less the amount of any reserves for depreciation, retirement or amortization of such physical property (physical property of a corporation shall include the physical property of a subsidiary corporation if the corporation owns not less than 90 percent of the outstanding voting shares of the subsidiary corporation); and

(4) Shall have had earnings including earnings of subsidiaries mentioned in paragraph (3), available for interest payments, before deduction of state and federal taxes imposed on or measured by income or profits, during four of the five most recent fiscal years and during the most recent fiscal year equal to at least twice the existing annual interest charges on the corporation's total funded debt during such respective fiscal years.

(b) Bonds or debentures of telephone companies must be of an issue originally amounting to at least one million dollars ($1,000,000) and, if bonds, be secured by a mortgage on substantially all of the physical property of the company, and if debentures must be issued by a company substantially all of whose physical property is free of mortgage and must carry a covenant to be secured equally with any mortgage indebtedness, except a purchase money mortgage, subsequently issued, and both bonds and debentures must be issued by a company:

(1) Which during its last fiscal year had gross revenues of at least seven million five hundred thousand dollars ($7,500,000), more than 50 percent of which was derived from owned properties used in furnishing telephone and other communication services and at least 80 percent of its gross revenues from all or any of the public utility businesses enumerated in this section;

(2) Whose funded debt does not exceed two-thirds of the value of its physical property as shown by the books of the corporation or by a statement of a certified public accountant issued within one year, which statement may be based upon the books of the corporation, less the amount of any reserves shown on said statement for depreciation, retirement or amortization of such physical property (physical property of a corporation shall include the physical property of a subsidiary corporation if the corporation owns not less than 90 percent of the outstanding voting shares of the subsidiary corporation); and

(3) Which for four of the five most recent fiscal years and for the last fiscal year had earnings including earnings of subsidiaries mentioned in paragraph (2) available for the payment of interest charges, before deduction of state and federal taxes imposed on or measured by income or profits, at least equal to twice the interest charges on the company's total funded debt during such respective

fiscal years.

(c) Water company bonds or debentures must be of an issue originally amounting to at least one million dollars ($1,000,000) and if bonds, be secured by a first mortgage on the company's property, and if debentures, must be issued by a company substantially all of whose property is free of mortgage and must carry a covenant to be secured equally with any mortgage indebtedness, except a purchase money mortgage, subsequently issued, and both bonds and debentures must be issued by a company:

(1) Which is the supplier of substantially all water for domestic use in a community or communities having a population of not less than 25,000;

(2) Whose funded debt does not exceed two-thirds of the value of its physical property as shown by the published statement of the company for its next preceding fiscal period, less the amount of any reserves shown for depreciation, retirement or amortization of such physical property (physical property of a corporation shall include the physical property of a subsidiary corporation if the corporation owns not less than 90 percent of the outstanding voting shares of the subsidiary corporation); and

(3) Which for four out of the five most recent fiscal years and for the most recent fiscal year shall have had earnings including those of subsidiaries mentioned in paragraph (2) available for the payment of interest charges, before deduction of state and federal taxes imposed on or measured by income or profits, of at least one and one-half times the interest charges on the company's total funded debt during such respective fiscal years.

The term "funded debt" as used in this chapter means all interest-bearing indebtedness of a corporation not maturing within one year of the date it was incurred.

SEC. 79. Section 1367 of the Financial Code is repealed.

SEC. 80. Section 1368 of the Financial Code is repealed.

SEC. 81. Section 1369 of the Financial Code is repealed.

SEC. 82. Section 1369 is added to the Financial Code, to read:

1369. Any security or other asset in which commercial banks are authorized to invest their funds by the provisions of Sections 1352 to 1366, inclusive, of this chapter are legal investments for savings banks.

SEC. 83. Section 1370 of the Financial Code is amended to read:

1370. Any investments heretofore or hereafter made may be carried on the books of the bank at their cost less amortization of any premium paid thereon; provided, that whenever the market value of an investment is less than the amortized cost thereof, the superintendent may require the bank either to write down such investments to their then market value in such manner as he may determine or to establish valuation reserves expressly allocated to such investments in the amount of such depreciation in value.

SEC. 84. Section 1371 of the Financial Code is amended to read:

1371. The superintendent is authorized upon the written

application of any person made upon such form and containing such information as he may prescribe and when in his opinion the purposes of this chapter will be served thereby, to issue his certificate certifying that in his opinion and upon the information furnished him, specifying the same, any particular security of a class in this chapter referred to constitutes a legal investment for savings and commercial banks pursuant to the provisions of this chapter. The superintendent may request any public official in whose office information relative to the assessed valuation of taxable property of any political subdivision, public corporation, or district is kept, or in whose office information relative to the direct debt or the overlapping debt of any political subdivision, public corporation or district, is kept, or in whose office any other information pertinent to a determination of whether or not any bonds issued by any political subdivision, public corporation, or district are qualified as investments for savings and commercial banks under this chapter is kept, to furnish him such information, and upon such request being made it shall be the duty of such public official to furnish to the superintendent such information.

SEC. 84.5. Section 1371 of the Financial Code is amended to read:

1371. The superintendent is authorized upon the written application of any person made upon such form and containing such information as he may prescribe, accompanied by a fee of fifty dollars ($50), and when in his opinion the purposes of this chapter will be served thereby, to issue his certificate certifying that in his opinion and upon the information furnished him, specifying the same, any particular security of a class in this chapter referred to constitutes a legal investment for savings and commercial banks pursuant to the provisions of this chapter. The superintendent may request any public official in whose office information relative to the assessed valuation of taxable property of any political subdivision, public corporation, or district is kept, or in whose office information relative to the direct debt or the overlapping debt of any political subdivision, public corporation or district, is kept, or in whose office any other information pertinent to a determination of whether or not any bonds issued by any political subdivision, public corporation, or district are qualified as investments for savings and commercial banks under this chapter is kept, to furnish him such information, and upon such request being made it shall be the duty of such public official to furnish to the superintendent such information.

SEC. 85. Section 1372 of the Financial Code is amended to read:

1372. The provisions of this chapter govern the investment of funds by commercial banks but wherever by any law of this state it is now provided that the moneys of any pension fund, retirement plan, trust fund, or the moneys of any special fund the investment of which is governed by law, or the funds of any political subdivision or public corporation may or shall be invested in securities which are a legal investment for savings banks, then such law shall be deemed to authorize or require, as the case may be, that such moneys be

invested in securities in which savings banks were authorized to invest their funds by the provisions of the Bank Act as it read prior to January 1, 1949, other than paragraph (f) of subdivision 5 of Section 61 of said act, or in bonds, debentures, and notes legal for investment for savings banks in the State of New York or the State of Massachusetts as of the time the investment is made or in securities in which commercial banks are authorized to invest their funds by the provisions of Sections 1352 to 1366, inclusive.

The funds of the Public Employees' Retirement System, the State Teachers' Retirement System, and the Legislators' Retirement System may be invested in an amount not exceeding 20 percent of the assets of each of the respective systems as a whole and not by separate funds within each system, in securities, whether or not such securities are herein expressly authorized and whether or not they qualify hereunder, in which in the informed opinion of the respective boards or officers charged with the investment of funds of such systems it is prudent to invest retirement funds.

The funds of any retirement system established pursuant to the County Employees' Retirement Law of 1937 may be invested in an amount not exceeding 20 percent of the assets of such system, in securities whether or not such securities are herein expressly authorized, and whether or not they qualify hereunder, in which in the informed opinion of the board of investments where there is one, otherwise of the board of retirement it is prudent to invest retirement funds.

The funds of any school district retirement plan may be invested in an amount not exceeding 20 percent of the assets of such system, in securities whether or not such securities are herein expressly authorized, and whether or not they qualify hereunder, in which in the informed opinion of the district retirement board it is prudent to invest retirement funds.

The funds of any public retirement system to which this section applies may be invested in any stocks or shares of a diversified management investment company registered under the "Investment Company Act of 1940" which has total assets of at least fifty million dollars ($50,000,000); except that the total investment in such stocks and shares, together with stocks and shares of all other corporations, may not exceed 25 percent of the assets of such fund determined on the basis of the cost of the stocks or shares.

SEC. 86. Article 2 (commencing with Section 1380) of Chapter 11 of Division 1 of the Financial Code is repealed.

SEC. 87. Article 5 (commencing with Section 1380) is added to Chapter 10 of Division 1 of the Financial Code, to read:

Article 5. Miscellaneous

1380. Whenever the public administrator becomes the administrator of the estate of a decedent who at the time of his death left money on deposit with a commercial bank, the public

administrator may allow such deposit to remain in the commercial bank and may deposit therein to the account of the decedent any moneys of said estate not required for current expenses of administration, and in such cases the public administrator need not deposit the same with the county treasurer. Moneys so deposited, whether by the decedent or by the public administrator, may be withdrawn upon the order of the public administrator countersigned by a judge of the superior court when required for the purpose of administration or otherwise.

1381. A commercial bank accepting savings deposits shall provide by its bylaws or by contract with its savings depositors the time and condition on which repayment is to be made to such depositors. In all cases it shall be provided that notice in writing of at least 30 days, at the option of the bank, may be required to be given of intention to withdraw any savings deposit or any part thereof. The bank shall not waive any requirement of notice before payment of any savings deposit except as to all savings deposits.

Whenever there is any call by savings depositors for repayment of a greater amount than the bank may have disposable for that purpose, the bank must not make any new loan or investment until such excess call has ceased.

1382 For the purposes of any law authorizing or providing for the deposit of funds with a savings bank, a commercial bank accepting savings deposits shall be deemed a savings bank.

SEC. 88. Article 3 (commencing with Section 1400) of Chapter 11 of Division 1 of the Financial Code is repealed.

SEC. 89. Article 4 (commencing with Section 1430) of Chapter 11 of Division 1 of the Financial Code is repealed.

SEC. 90 Section 1500 of the Financial Code is amended to read·

1500. No corporation shall engage in the trust business unless:

(a) It is authorized by its articles of incorporation to engage in the trust business as defined in Section 106 of this code; and

(b) It has received from the superintendent a certificate of authority pursuant to Section 401 to engage in the trust business, or, if it is a bank, has received the authorization of the superintendent to engage in the trust business pursuant to Section 1500.1; and

(c) It has capital and surplus in an amount not less than that required by Section 381 or Section 382, as the case may be, or, if it is a bank, has capital and surplus in an amount not less than required by Section 1500.1; and

(d) It has deposited with the State Treasurer money or securities in compliance with Article 3 (commencing with Section 1540) of this chapter.

SEC 91. Section 1500.1 is added to the Financial Code, to read:

1500.1. Any commercial bank, with the prior authorization of the superintendent, may engage in the trust business, if its articles authorize it to engage in the trust business, provided it has paid-up capital and surplus at least equal to that which would be required under Section 380 of a bank commencing to do business in the city

in which the head office of such bank is located plus the additional capital required for each branch established by it, and in addition thereto paid-up capital at least equal to that which would be required under Section 382 of a trust company with its head office in the city in which the head office of such bank is located. Any bank so authorized shall, in the conduct of its trust business, comply with and be governed by all of the provisions of this chapter, except the provisions of Article 2 (commencing with Section 1520) of this chapter and Section 1560.

SEC. 91.5. Section 1500.1 is added to the Financial Code, to read:

1500.1. Any commercial bank, with the prior authorization of the superintendent, may engage in the trust business, if its articles authorize it to engage in the trust business, provided it has paid-up capital and surplus at least equal to that which would be required under Section 380 of a bank commencing to do business in the city in which the head office of such bank is located plus the additional capital required for each branch established by it, and in addition thereto paid-up capital at least equal to that which would be required under Section 382 of a trust company with its head office in the city in which the head office of such bank is located. Any bank so authorized shall, in the conduct of its trust business, comply with and be governed by all of the provisions of this chapter, except the provisions of Article 2 (commencing with Section 1520) of this chapter and Section 1560. An application for such authorization shall be in such form and contain such information as the superintendent may require, and be accompanied by a fee of five hundred dollars ($500).

SEC. 92. Section 1501.1 is added to the Financial Code, to read:

1501.1. No corporation which is authorized to transact a trust business and which is also authorized to transact a title insurance business shall engage in a commercial banking business.

SEC. 93. Section 1520 of the Financial Code is amended to read:

1520. Of the minimum capital and surplus required of a trust company under Section 382 there shall be apportioned and set aside the following amounts for the following purposes:

(a) If the principal place of business of such trust company is situated in a city the population of which does not exceed 100,000 persons, fifty thousand dollars ($50,000) shall be apportioned and set aside to secure the faithful performance of court trusts and fifty thousand dollars ($50,000) shall be apportioned and set aside to secure the faithful performance of private trusts.

Whenever any such trust company is required to make the first additional deposit of securities with the State Treasurer pursuant to Section 1540, it shall forthwith apportion and set aside an additional fifty thousand dollars ($50,000) of its capital and surplus as security for the faithful performance of court trusts and an additional fifty thousand dollars ($50,000) of its capital and surplus as security for the faithful performance of private trusts.

(b) If its principal place of business is situated in a city the

population of which exceeds 100,000 persons, one hundred thousand dollars ($100,000) shall be apportioned and set aside to secure the faithful performance of court trusts and one hundred thousand dollars ($100,000) shall be apportioned and set aside to secure the faithful performance of private trusts.

SEC. 94. Section 1542 of the Financial Code is amended to read:

1542. Security deposited with the State Treasurer by trust companies pursuant to Section 1540 or 1541 shall consist of the following:

(a) Bonds or other interest-bearing notes or obligations of the United States or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(b) Bonds of the State of California or those for which the faith and credit of the State of California are pledged for the payment of principal and interest or in registered warrants of the State of California.

(c) Bonds and revenue securities of any city, county, city and county, political subdivision, public corporation, or district of the State of California (herein referred to generally as "public corporations"), and of any department, board, agency, or authority of any such public corporation, which qualify as an investment for the funds of commercial banks under the provisions of Article 4 (commencing with Section 1335) of Chapter 10 of this division.

(d) Bonds of any state of the United States which qualify as an investment for the funds of commercial banks under the provisions of Article 4 (commencing with Section 1335) of Chapter 10 of this division.

(e) Loans secured by a first lien on real property and otherwise complying with the provisions of subdivision (a) of Section 1227.

SEC. 95. Section 1560 of the Financial Code is amended to read:

1560. A trust company may invest its capital and surplus only in the securities and properties in which a commercial bank is permitted to invest its funds pursuant to Sections 1352 to 1366, inclusive, of Chapter 10 (commencing with Section 1200) of this division and in loans on real property which commercial banks are permitted to make pursuant to Article 2 (commencing with Section 1220) of Chapter 10 of this division.

SEC. 96. Section 1591 of the Financial Code is amended to read:

1591. A bank or trust company shall not mingle trust funds received by it with other assets of the corporation or association and such funds shall not be used in the conduct of its business except to the extent that such funds are deposited with the same corporation or association in accordance with the provisions of this division. Any officer of any bank or association who knowingly violates or consents to the violation of this section is guilty of a felony.

SEC. 97. Section 1650 of the Financial Code is amended to read:

1650. Notice to a bank conducting a safe-deposit business or to a company conducting a safe-deposit business of an adverse claim (the person making the adverse claim being hereinafter in this section

called "adverse claimant") to any personal property in a safe-deposit box maintained by a bank or company and rented to any person, or to any personal property held by the bank or company in safekeeping or storage for any person may be disregarded until and unless the adverse claimant does one of the following:

(a) Procures and serves upon the bank or company at the office at which such safe-deposit box is maintained or such personal property is held a restraining order, injunction, or other appropriate order against the bank or company from a court of competent jurisdiction in an action in which the adverse claimant and all persons in whose name the box is rented or the property is held are parties.

(b) Executes and delivers to the bank or company at the office at which the safe-deposit box is maintained or the property is held a bond in form and with surety acceptable to the bank or company and in an amount fixed by the bank or company, but which amount in no event need be more than twice the market value of the entire property against which the adverse claim is made, indemnifying the bank or company and also all persons in whose names the box is rented or the property is held against all liability, loss, damage, costs, and expenses arising out of the refusal to permit access to the safe-deposit box or withdrawal of the property or any part thereof held in safekeeping or storage.

Unless the restraining order, injunction, or other appropriate order is obtained or a bond is given, the bank or company, notwithstanding the notice, may permit access to the box to the person to whom it is rented or may deliver the contents thereof to or on the order of the person or may deliver the property held in storage or safekeeping to or on the order of the person for whom it is held without any liability on the part of the bank or company.

If an adverse claimant delivers to the bank or company at the office at which the safe-deposit box is maintained or the property is held his affidavit stating that of his own knowledge the person in whose name the box stands or for whom the property is held is a fiduciary for the adverse claimant and that the fiduciary is about to misappropriate the contents of the box or the property and stating the facts upon which the claim of fiduciary relationship is based, the bank may refuse access to the safe-deposit box or refuse to deliver the personal property until the adverse claim is finally adjudicated or released without liability on its part and without liability for the sufficiency or truth of the facts alleged in the affidavit.

The provisions of this section shall be applicable even though the name of the person appearing on the bank's or company's books as the renter of the box or as the depositor of the property held in storage or safekeeping is modified by a qualifying or descriptive term such as "agent," "trustee," or other word or phrase indicating that the person may not be the owner in his own right of the contents of the box or of the property held in storage or safekeeping.

SEC. 98. Section 1660 of the Financial Code is amended to read:

1660. Every bank conducting a safe-deposit business shall be entitled to the special remedies set forth in this article in enforcing the liabilities of safe-deposit box renters and of safekeeping and storage depositors.

SEC. 99. Section 1756.2 of the Financial Code is amended to read:

1756.2. (a) In this section:

(1) "Foreign state" means any foreign government or any department, district, province, county, possession, or other similar governmental organization or subdivision of a foreign government, and any agency or instrumentality of any such foreign government or of any such organization or subdivision.

(2) "Person" means any person, firm, partnership, association, corporation, company, syndicate, estate, trust, business trust, or organization of any kind, or any branch or division thereof.

(b) Notwithstanding the provisions of Sections 1756 and 1756.1 of this code, a foreign banking corporation organized under the laws of a foreign state may transact in this state the business of accepting deposits from any foreign state or from any person which resides, is domiciled, and maintains its principal place of business in a foreign state, if:

(1) Such foreign banking corporation has complied with all of the requirements of Section 1751 of this code; and

(2) Such foreign banking corporation has received from the superintendent his written approval to transact such business in this state.

(c) A foreign banking corporation which transacts such business in this state shall, with respect to business transacted by it in this state, comply with and be subject to the provisions of Chapter 6 (commencing with Section 750), Chapter 7 (commencing with Section 850), Chapter 8 (commencing with Section 952), and Article 2 (commencing with Section 3370) of Chapter 18 of this division applicable to banks, and the provisions of Chapter 10 (commencing with Section 1200) of this division applicable to commercial banks.

SEC. 100. Section 1932 of the Financial Code is repealed.

SEC. 101. The heading of Article 1 (commencing with Section 2050) of Chapter 16 of Division 1 of the Financial Code is amended to read:

Article 1. Sale

SEC. 102. Section 2050 of the Financial Code is amended to read:

2050. Any bank or trust company may sell (a) the whole of its business, or (b) the whole of its commercial banking business or of its trust business, or (c) the whole of the business of any of its branches, or (d) the whole of the commercial banking business or of the trust business of any branch, to any other bank which may purchase the same upon compliance with the provisions of this article.

SEC. 103. Section 2051 of the Financial Code is amended to read:

2051. The selling and purchasing banks shall enter into an agreement of purchase and sale which shall contain all the terms and conditions of the sale and contain proper provision for the payment of all liabilities of the selling bank, or of the business, branch, or branch business sold, and proper provision for the assumption by the purchasing bank of all fiduciary and trust obligations of the selling bank, or business, branch, or branch business sold. The agreement may provide for the transfer of all deposits of the selling bank or of the business, branch, or branch business sold to the purchasing bank, subject to the right of every depositor of the selling bank or of the business, branch, or branch business so sold to withdraw his deposit in full on demand after such transfer, irrespective of the terms under which it was deposited with the selling bank, and may provide for the transfer of all court and private trusts so sold to the purchasing bank, subject to the rights of all trustors and beneficiaries under the trusts so sold after such transfer to nominate another or succeeding trustee of the trust so transferred.

SEC. 104. Section 2053 of the Financial Code is amended to read:

2053. When the agreement has been executed by the appropriate officers of each of the banks pursuant to authority conferred by the board of directors of each bank respectively and when the same has been approved by the requisite number of shareholders, the original or a duplicate original thereof shall be filed with the superintendent. There shall be attached to the agreement filed with the superintendent certificates executed by the secretary of each of the banks respectively, certifying that the agreement has been approved by the required number of shareholders of the bank of which he is secretary in the manner herein provided, or if the bank is a national banking association a certificate executed by its secretary certifying that its consent has been given in the manner required by the laws of the United States. Such agreement shall not become effective until it has been approved in writing by the superintendent. When the agreement has been executed and approved by each of such banks in the manner herein required and has been approved by the superintendent notice of such agreement shall be published once a week for four successive weeks in a newspaper published in the county in which the selling bank has its principal place of business, or if a branch or a branch business is sold then in a newspaper published in the county in which such branch office is located, and in the county in which the purchasing bank has its principal place of business. Within 10 days after the last publication of such notice an affidavit showing publication in compliance herewith shall be filed in the office of the superintendent.

SEC. 104.5. Section 2053 of the Financial Code is amended to read:

2053. When the agreement has been executed by the appropriate officers of each of the banks pursuant to authority conferred by the board of directors of each bank respectively and when the same has been approved by the requisite number of shareholders, the original

or a duplicate original thereof shall be filed with the superintendent. There shall be attached to the agreement filed with the superintendent certificates executed by the secretary of each of the banks respectively, certifying that the agreement has been approved by the required number of shareholders of the bank of which he is secretary in the manner herein provided, or if the bank is a national banking association a certificate executed by its secretary certifying that its consent has been given in the manner required by the laws of the United States. Such agreement shall not become effective until it has been approved in writing by the superintendent. An application for such approval shall be in such form and contain such information as the superintendent may require, and be accompanied by a fee of one thousand dollars ($1,000). When the agreement has been executed and approved by each of such banks in the manner herein required and has been approved by the superintendent notice of such agreement shall be published once a week for four successive weeks in a newspaper published in the county in which the selling bank has its principal place of business, or if a branch or a branch business is sold then in a newspaper published in the county in which such branch office is located, and in the county in which the purchasing bank has its principal place of business. Within 10 days after the last publication of such notice an affidavit showing publication in compliance herewith shall be filed in the office of the superintendent.

SEC. 105. Section 2057 of the Financial Code is amended to read:

2057. Upon the approval by the superintendent of an agreement of purchase and sale he shall fix a time when such approval shall be effective and at such time the purchasing bank or trust company ipso facto and by operation of law and without further transfer, substitution, act, or deed succeeds to all rights, obligations, properties, assets, investments, deposits, demands, and agreements covered by the agreement, and to all trusts of the selling bank or of the business or branch sold or of the branch business sold and to all properties, assets, investments, agreements, rights, and obligations of the selling bank or trust company under all trusts, executorships, administrations, guardianships, agencies, and all other fiduciary or representative capacities to the same extent as though it had originally assumed, acquired, or owned the same and succeeds to and is entitled to take and execute the appointment of all executorships, trusteeships, guardianships, and other fiduciary and representative capacities to which the selling bank or trust company may be named or is thereafter named in wills, whenever probated, or to which it is or may be named or appointed by any other instrument.

SEC. 106. Section 2072 of the Financial Code is amended to read:

2072. When any agreement for consolidation or any agreement for merger or any certificate of ownership has been filed with the Secretary of State with the approval of the superintendent endorsed thereon, a copy thereof, certified by the Secretary of State, shall immediately be filed with the superintendent and upon, but not

until, such filing the merger or consolidation shall be and become effective for all purposes. In the case of a consolidation, the superintendent, thereupon, and as of the hour and day of such filing, shall issue his certificate authorizing the consolidated bank or trust company to engage in the commercial banking or trust business or both of such businesses, as the case may be; and, in the case of a merger, if the surviving corporation acquires additional powers by such merger, the superintendent shall issue to it his certificate authorizing it to engage in the commercial banking or trust business or both of such businesses, as the case may be.

SEC. 107. Section 2091 of the Financial Code is amended to read:

2091. A national banking association may convert into a state bank with the approval of the superintendent which he shall not grant unless he is satisfied that such bank meets all of the requirements set forth in this division for the establishment of a bank in the place or places in which it is doing or proposes to do business. Upon such conversion he shall issue his certificate to the bank authorizing it to engage in the commercial banking or trust business or both of such businesses, as the case may be.

SEC. 108. Section 2094 of the Financial Code is amended to read:

2094. Whenever a state bank results from the merger or consolidation of one or more national banking associations with one or more state banks and the agreement for consolidation or merger has been filed with the Secretary of State with the approval of the superintendent endorsed thereon, a copy thereof, certified by the Secretary of State, shall immediately be filed with the superintendent and upon, but not until, such filing the merger or consolidation shall be and become effective for all purposes. In the case of a consolidation, the superintendent, thereupon, and as of the hour and day of such filing, shall issue his certificate authorizing the consolidated bank or trust company to engage in the commercial banking or trust business or both of such businesses, as the case may be; and, in the case of a merger, if the surviving corporation acquires additional powers by such merger, the superintendent shall issue to it his certificate authorizing it to engage in the commercial banking or trust business or both of such businesses, as the case may be.

SEC. 108.5. Section 2094 of the Financial Code is amended to read:

2094. Whenever a state bank results from the merger or consolidation of one or more national banking associations with one or more state banks and the agreement for consolidation or merger has been filed with the Secretary of State with the approval of the superintendent endorsed thereon (An application for such approval of the superintendent shall be filed in such form and contain such information as the superintendent may require, and be accompanied by a fee of one thousand dollars ($1,000).), a copy thereof, certified by the Secretary of State, shall immediately be filed with the superintendent and upon, but not until, such filing the merger or consolidation shall be and become effective for all purposes. In the

case of a consolidation, the superintendent, thereupon, and as of the hour and day of such filing, shall issue his certificate authorizing the consolidated bank or trust company to engage in the commercial banking or trust business or both of such businesses, as the case may be; and, in the case of a merger, if the surviving corporation acquires additional powers by such merger, the superintendent shall issue to it his certificate authorizing it to engage in the commercial banking or trust business or both of such businesses, as the case may be.

SEC. 109. Section 2097 of the Financial Code is repealed.

SEC. 110. Section 3010 of the Financial Code is amended to read:

3010. Whenever: (a) a sale of the whole of the business of any bank authorized to engage in the trust business, or of the trust business of any bank or of any branch office of any bank has been completed; or (b) two or more state banks, one or more of which is authorized to engage in the trust business, are consolidated or merged; or (c) one or more national banks, one or more of which is authorized to engage in the trust business, are consolidated with or merged into a state bank, the superintendent, upon request, shall issue under his official seal a certificate in writing duly acknowledged by him in substantially the following form:

"State Banking Department

State of California
City and County of San Francisco } ss.

I, _____, Superintendent of Banks of the State of California, do hereby certify (1) that _____ has purchased (the whole of the business, or the whole of the _____ business or the whole of the _____ business of the _____ branch or the whole of the business of the _____ branch, as the case may be) of _____ bank, and that the agreement of purchase and sale as approved by me on _____ has been filed in my office; or (2) that _____ bank has been created by the consolidation of _____ bank and _____ bank and that the agreement of consolidation certified to by the Secretary of State was filed in my office at _____ o'clock on _____ _____, _____; or (3) that _____ bank has merged into the _____ bank and that the agreement of merger or certificate of ownership certified to by the Secretary of State was filed in my office at _____ o'clock on _____ _____, _____; and I do further certify that the (purchase and sale) (consolidation) (merger) above referred to has been approved by me in the manner required by law and that such (purchase and sale) (consolidation) (merger) has been fully completed and consummated.

Given under my official seal this _____ day of _____, 19____.

_____, Superintendent of Banks."

The recordation of such certificate in the office of the recorder of any county shall be to all persons constructive notice that all of the

rights, benefits, privileges, duties, and obligations of whatever kind or nature held or possessed by or imposed upon the bank so selling its business and assets or that has expired by such consolidation or by such merger are retained by and imposed upon the successor bank.

Such certificate shall be prima facie evidence in all courts and places of the regularity of the proceedings taken and of the fact of such sale, consolidation, or merger.

SEC. 111. Section 3132 of the Financial Code is amended to read:

3132. Whenever in the opinion of the superintendent the liquidation or reorganization of any bank taken in charge by him would be facilitated thereby, or the public interests and the interests of depositors or stockholders would be served thereby, the superintendent shall have power to borrow money in behalf of such bank from any federal agency authorized to lend money to receivers, trustees, liquidating agents, or other agents or supervisory authorities in charge of banks which are closed or in process of liquidation, and with approval of the court, the superintendent may secure such borrowings by the pledge of the assets of any such bank in such manner and amount as may to the superintendent seem necessary, proper, or expedient.

SEC. 112. Section 3135 of the Financial Code is amended to read:

3135. The stockholders of every banking corporation organized under the laws of the State of California shall be held individually liable, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares, except that such liability shall not apply with respect to shares (1) issued on and after October 25, 1933, in any such corporation whose deposits are insured by the Federal Deposit Insurance Corporation or (2) issued after December 31, 1953, in any such corporation which is not a commercial bank.

SEC. 113. Section 3138 of the Financial Code is amended to read:

3138. Any such corporation whose deposits are insured by the Federal Deposit Insurance Corporation pursuant to the Federal Deposit Insurance Act, as amended, may, at any time while engaged in conducting the business of banking, terminate the liability imposed upon its stockholders by this article. Such termination of liability shall be effective six months after the corporation complies with all of the following requirements:

(a) Have caused notice in writing of such prospective termination to be served upon the superintendent.

(b) Have caused a copy of such notice to be published in a newspaper of general circulation published in the city or town in which the corporation has its principal place of business, or, if no newspaper of general circulation is published in such city, the notice shall be published in a newspaper of general circulation published in the county in which such principal place of business is located.

SEC. 114. Section 3138.5 of the Financial Code is amended to

read:

3138.5. Any banking corporation which is not a commercial bank may, at any time while engaged in the trust business, terminate the liability imposed upon its stockholders by this article. Such termination of liability shall be effective six months after the corporation complies with all of the following requirements:

(a) Have caused notice in writing of such prospective termination to be served upon the superintendent.

(b) Have caused a copy of such notice to be published pursuant to Section 6061 of the Government Code in the city or town in which the corporation has its principal place of business, or, if no newspaper of general circulation is published in such city, then in the county in which such principal place of business is located.

SEC. 115. Section 3390 of the Financial Code is amended to read:

3390. No person which has not received a certificate from the superintendent authorizing it to engage in the banking business shall solicit or receive deposits, issue certificates of deposit with or without provision for interest, make payments on check, or transact business in the way or manner of a commercial bank or trust company.

SEC. 116. Section 3391 of the Financial Code is amended to read:

3391. No person which has not received a certificate from the superintendent authorizing it to engage in the banking business shall advertise that it is accepting deposits, and issuing notes or certificates therefor, or make use of any office sign, at the place where its business is transacted, having thereon any artificial or corporate name, or other words indicating that such place or office is the place or office of a bank or trust company, that deposits are received there or payments made on check, or any other form of banking business transacted, nor shall any such person make use of or circulate any letterheads, billheads, blank notes, blank receipts, certificates, or circulars, or any written or printed paper, whatever, having thereon any artificial or corporate name or other words indicating that such business is the business of a bank, commercial bank or trust company, or transact business in such a way or manner as to lead the public to believe that its business is that of a bank or trust company, except to the extent expressly authorized by this division.

SEC. 117. Section 3394 of the Financial Code is repealed.

SEC. 118. Section 3395 of the Financial Code is amended to read:

3395. Any person or any bank violating any provision of the foregoing sections of this article shall be liable to the people of the state in the amount of one hundred dollars ($100) a day or part thereof during which such violation continues. Any court of competent jurisdiction in a proceeding brought by the superintendent may enjoin any person from using words in violation of the provisions of this article or from transacting business in violation of this division or in such a way or manner as to lead the public to believe that its business is that of a bank, commercial bank or trust company.

SEC. 119. Section 3516 of the Financial Code is amended to read:

3516. No corporation shall deposit any of its funds with any other moneyed corporation unless such other corporation has been nominated and designated as such depositary as provided by Sections 763 and 1257. This limitation shall not apply to the deposit of funds by such corporation with another moneyed corporation, which owns all or a majority of the capital stock of such corporation.

SEC. 120. Section 6702 of the Financial Code is amended to read:

6702. An association may invest in, hold, buy, and sell the following:

(a) Real property used or to be used primarily as the principal office or branch of the association, and real property used or to be used primarily as a service office or office of the service corporation of the association or an undivided interest in real property used or to be used primarily as a service office or office of the association or its service corporation and of other associations owning the other undivided interests in such real property. As used in this subdivision the term real property includes (1) real property in reasonably close proximity to a principal, branch, or service office used or to be used primarily as a parking lot in connection with the operations of such office and (2) structures or buildings located on land owned in fee or held under a lease or sublease by the association with an unexpired term of 25 years at the date of execution by the association of such lease or sublease. Except as provided in Section 6703 no association shall invest in such real property or in such structures or buildings more than one-half of the sum of its statutory net worth.

(b) Furniture, fixtures, furnishings, equipment and leasehold improvements necessary or proper for the business of the association, or for use in connection with properties owned by or securing loans of the association. Leasehold improvements as used herein shall not include structures or buildings referred to in subdivision (a) of this section. Except as provided in Section 6703 no association shall invest in furniture, fixtures, furnishings, equipment, and leasehold improvements as defined herein for its offices more than 30 percent of the sum of its statutory net worth.

(c) United States government bonds and treasury certificates, or any bonds, debentures, notes, or other obligations guaranteed by the United States of America, and obligations issued or guaranteed by the Government National Mortgage Association.

(d) Bonds, debentures, notes, and other securities issued or guaranteed in whole or in part by any federal home loan bank, or the federal savings and loan insurance corporation, or other similar federal agency.

(e) Consolidated federal home loan bank bonds, debentures, or notes.

(f) Bonds of this state or of any flood control and water conservation districts or any zone thereof having an assessed valuation on taxable real property of not less than one million dollars ($1,000,000), county, city and county, city, metropolitan water district, municipal utility district, any special district established by

and within any municipal utility district, transit district, rapid transit district, metropolitan transit authority, flood control district, or school district of the State of California.

(g) Bonds and other securities which are expressly authorized as legal investments for or purchase by savings banks in this state; bankers' acceptances of the kind, character, and maturity eligible for rediscount with a Federal Reserve bank.

(h) Bonds issued by any railroad corporation or any public utility corporation substantially all of the properties of which are located in the United States of America. Railway corporations and public utility corporations, as used in this subdivision, do not include street railway corporations. The purchase of all bonds pursuant to the sole authority of this subdivision shall be first approved by the commissioner.

(i) Stock, shares, debentures and bonds of any international home loan bank which may hereafter be incorporated by authority of an act of Congress.

(j) California street improvement bonds. The purchase of all bonds pursuant to the sole authority of this subdivision shall be first approved by the commissioner and no association at any one time shall have invested pursuant to the sole authority of this subdivision an aggregate amount in excess of 2 percent of the then total assets of the association.

(k) Stock issued by any federal home loan bank or other similar federal agency of which the association is eligible to be a member.

(*l*) Bonds and other securities as provided in Division 11 of this code.

(m) Stocks, bonds, debentures, participations, and other obligations of or issued by the Federal National Mortgage Association and the Small Business Administration. No association at any one time shall have invested pursuant to the sole authority of this subdivision an aggregate amount in excess of 5 percent of the then total assets of the association.

(n) Loans and interests in loans on the security of real property located in foreign countries guaranteed by an agency of the federal or state government; and capital stock, obligations, notes, and other securities of any thrift institution organized under the laws of a foreign country and engaged in the business of making loans on the security of real estate in such country subject to regulations of the commissioner. No association shall make any investment pursuant to this subdivision if its aggregate outstanding investment under this subdivision would thereupon exceed 1 percent of the then total assets of the association.

(o) Subject to the rules and regulations of the commissioner, stock issued by a corporation authorized to be created pursuant to Title IX of the Housing and Urban Development Act of 1968, and may make investments in a partnership, limited partnership, or joint venture formed pursuant to Section 907(a) or 907(c) of such act.

SEC. 120.5. Section 6702 of the Financial Code is amended to read:

6702. An association may invest in, hold, buy, and sell the following:

(a) Real property used or to be used primarily as the principal office or branch of the association, and real property used or to be used primarily as a service office or office of the service corporation of the association or an undivided interest in real property used or to be used primarily as a service office or office of the association or its service corporation and of other associations owning the other undivided interests in such real property. As used in this subdivision the term real property includes (1) real property in reasonably close proximity to a principal, branch, or service office used or to be used primarily as a parking lot in connection with the operations of such office and (2) structures or buildings located on land owned in fee or held under a lease or sublease by the association with an unexpired term of 25 years at the date of execution by the association of such lease or sublease. Except as provided in Section 6703 no association shall invest in such real property or in such structures or buildings more than one-half of the sum of its statutory net worth.

(b) Furniture, fixtures, furnishings, equipment and leasehold improvements necessary or proper for the business of the association, or for use in connection with properties owned by or securing loans of the association. Leasehold improvements as used herein shall not include structures or buildings referred to in subdivision (a) of this section. Except as provided in Section 6703 no association shall invest in furniture, fixtures, furnishings, equipment, and leasehold improvements as defined herein for its offices more than 30 percent of the sum of its statutory net worth.

(c) United States government bonds and treasury certificates, or any bonds, debentures, notes, or other obligations guaranteed by the United States of America, and obligations issued or guaranteed by the Government National Mortgage Association.

(d) Bonds, debentures, notes, and other securities issued or guaranteed in whole or in part by any federal home loan bank, or the Federal Savings and Loan Insurance Corporation, or other similar federal agency.

(e) Consolidated federal home loan bank bonds, debentures, or notes.

(f) Bonds of this state or of any flood control and water conservation districts or any zone thereof having an assessed valuation on taxable real property of not less than one million dollars ($1,000,000), county, city and county, city, metropolitan water district, municipal utility district, any special district established by and within any municipal utility district, transit district, rapid transit district, metropolitan transit authority, flood control district, or school district of the State of California.

(g) Bonds and other securities which are expressly authorized as legal investments for or purchase by savings banks in this state, bankers' acceptances of the kind, character, and maturity eligible for rediscount with a Federal Reserve bank, and such other securities as

the commissioner may authorize by rules and regulations.

(h) Bonds issued by any railroad corporation or any public utility corporation substantially all of the properties of which are located in the United States of America. Railway corporations and public utility corporations, as used in this subdivision, do not include street railway corporations.

(i) Stock, shares, debentures and bonds of any international home loan bank which may hereafter be incorporated by authority of an act of Congress.

(j) California street improvement bonds. No association at any one time shall have invested pursuant to the sole authority of this subdivision an aggregate amount in excess of 2 percent of the then total assets of the association.

(k) Stock issued by any federal home loan bank or other similar federal agency of which the association is eligible to be a member.

(*l*) Bonds and other securities as provided in Division 11 of this code.

(m) Stocks, bonds, debentures, participations, and other obligations of or issued by the Federal National Mortgage Association and the Small Business Administration. No association at any one time shall have invested pursuant to the sole authority of this subdivision an aggregate amount in excess of 5 percent of the then total assets of the association.

(n) Loans and interests in loans on the security of real property located in foreign countries guaranteed by an agency of the federal or state government; and capital stock, obligations, notes, and other securities of any thrift institution organized under the laws of a foreign country and engaged in the business of making loans on the security of real estate in such country subject to regulations of the commissioner. No association shall make any investment pursuant to this subdivision if its aggregate outstanding investment under this subdivision would thereupon exceed 1 percent of the then total assets of the association.

(o) Subject to the rules and regulations of the commissioner, stock issued by a corporation authorized to be created pursuant to Title IX of the Housing and Urban Development Act of 1968, and may make investments in a partnership, limited partnership, or joint venture formed pursuant to Section 907(a) or 907(c) of such act.

SEC. 121. Section 15101 of the Financial Code is amended to read:

15101. The capital funds, undivided profits, and guaranty fund of any credit union may be deposited in any of the following:

(a) Commercial banks or trust companies, incorporated under the laws of this state.

(b) National banks located in this state.

(c) Securities authorized in Sections 1352 to 1366, inclusive, and in Section 1372.

(d) Shares or certificates for funds received or any form of evidence of interest or indebtedness issued by any credit union in

this state, organized under the provisions of this division or the statutes of the United States relating to credit unions.

(e) Accounts with, investment certificates or withdrawable shares of, any savings and loan association doing business in this state and which is an insured institution as defined by Title IV of the National Housing Act; provided that the total sum invested by any credit union in any one savings and loan association pursuant to this section shall not exceed the greater of one-fourth of 1 percent of such savings and loan association's total withdrawable accounts or the maximum amount of insurance on a single savings and loan account then provided by the Federal Savings and Loan Insurance Corporation of the United States under the provisions of subdivision (b) of Section 401 (subdivision (b) of 12 U.S.C. 1724) and subdivision (a) of Section 405 (subdivision (a) of 12 U.S.C. 1728) of Title IV of the National Housing Act.

(f) With the written approval of the commissioner, credit unions may invest in trusts organized solely for the purpose of investing in United States government securities and United States government agency securities; provided such trust is formed by an organization composed of credit unions described in subdivision (a) of Section 14805.5 or an organization of credit union associations.

SEC. 122. Section 18613 of the Financial Code is amended to read:

18613. No industrial loan company shall invest any of its funds, except as authorized in this division. Companies may invest their funds in such investments as are legal investments for commercial banks, or in the choses in action issued by any other industrial loan company.

SEC. 123. Section 30240 of the Streets and Highways Code is amended to read:

30240. The Superintendent of Banks may investigate and ascertain the status or sufficiency as investments for commercial banks in this state of any such bonds. If upon investigation it is determined in his opinion that such bonds constitute a proper investment for commercial banks, he shall so certify. He may revoke any such certificate issued by him at any time in his discretion.

SEC. 124. The Legislature finds, with respect to banks organized under the laws of this state and authorized to engage in the business of accepting deposits:

(a) That there are no savings banks (as defined in Financial Code Section 104);

(b) That there are no commercial banks (as defined in Financial Code Section 105) other than nondepartmental banks (that is, commercial banks authorized pursuant to Financial Code Section 1300 to accept savings deposits);

(c) That there are no departmental banks (that is, banks having departments in accordance with the provisions of Chapter 9 (commencing with Section 1100), Division 1 of the Financial Code); and

(d) That there are nondepartmental banks, some of which are authorized to engage in the trust business.

SEC. 125. Each nondepartmental bank (that is, each commercial bank (as defined in Financial Code Section 105) authorized pursuant to Financial Code Section 1300 to accept savings deposits) shall, commencing on the operative date of this act, be deemed to be a commercial bank (as defined in Financial Code Section 105, as amended by Section 5 of this act). Each nondepartmental bank which, immediately prior to the operative date of this act, shall have been authorized pursuant to Financial Code Section 1301 to engage in the trust business, shall, commencing on the operative date of this act, be deemed to have been so authorized pursuant to Financial Code Section 1500.1, as added by Section 91 or 91.5 of this act.

SEC. 126. It is the intent of the Legislature, if both this bill and Senate Bill No. 798 are chaptered, become effective January 1, 1974, and amend Section 400 of the Financial Code, and this bill is chaptered after Senate Bill No. 798, that the amendments to Section 400 proposed by both bills be given effect and incorporated in Section 400 in the form set forth in Section 13.5 of this act. Therefore, Section 13.5 of this act shall become operative only if this bill and Senate Bill No. 798 are both chaptered, both become effective January 1, 1974, and both amend Section 400, and Senate Bill No. 798 is chaptered before this bill, in which case Section 13 of this act shall not become operative.

SEC. 127. It is the intent of the Legislature that if this bill and Assembly Bill No. 592 or Senate Bill No. 1156, or both, are chaptered, become effective January 1, 1974, and amend Section 1336 of the Financial 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. 592 are both chaptered, become effective January 1, 1974, and amend Section 1136 of the Financial Code, but Senate Bill No. 1156 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Assembly Bill No. 592, the amendments proposed by both bills shall be given effect and incorporated in Section 1336 in the form set forth in Section 59.5 of this act. Therefore, if Assembly Bill No. 592 is chaptered before this bill and both bills amend Section 1336, and Senate Bill No. 1156 is not chaptered or as chaptered does not amend that section, Section 59.5 of this act shall be operative and Sections 59, 59.6, and 59.7 of this act shall not become operative.

(b) If this bill and Senate Bill No. 1156 are both chaptered, become effective January 1, 1974, and amend Section 1336 of the Financial Code, but Assembly Bill No. 592 is not chaptered or as chaptered does not amend that section, and this bill is chaptered after Senate Bill No. 1156, the amendments proposed by both bills shall be given effect and incorporated in Section 1336 in the form set forth in Section 59.6 of this act. Therefore, if Senate Bill No. 1156 is chaptered before this bill and both bills amend Section 1336, and

Assembly Bill No. 592 is not chaptered or as chaptered does not amend that section, Section 59.6 shall be operative and Sections 59, 59.5 and 59.7 of this act shall not become operative.

(c) If this bill and Assembly Bill No. 592 and Senate Bill No. 1156 are all chaptered, and all three bills become effective January 1, 1974 and amend Section 1336 of the Financial Code, and this bill is chaptered after Assembly Bill No. 592 and Senate Bill No. 1156, the amendments proposed by all three bills shall be given effect and incorporated in Section 1336 in the form set forth in Section 59.7 of this act. Therefore, if Assembly Bill No. 592 and Senate Bill No. 1156 are both chaptered before this bill and all three bills amend Section 1336 of the Financial Code, Section 59.7 of this act shall be operative and Section 59, 59.5 and 59.6 of this act shall not become operative.

SEC. 128. It is the intent of the Legislature, if both this bill and Assembly Bill No. 592 are chaptered, become effective January 1, 1974, and amend Section 1360 of the Financial Code, and this bill is chaptered after Assembly Bill No. 592, that the amendments to Section 1360 proposed by both bills be given effect and incorporated in Section 1360 in the form set forth in Section 70.5 of this act. Therefore, Section 70.5 of this act shall become operative only if this bill and Assembly Bill No. 592 are both chaptered, both become effective January 1, 1974, and both amend Section 1360, and Assembly Bill No. 592 is chaptered before this bill, in which case Section 70 of this act shall not become operative.

SEC. 129. It is the intent of the Legislature, if both this bill and Senate Bill No. 1156 are chaptered, become effective January 1, 1974, and amend Section 1360.1 of the Financial Code, and this bill is chaptered after Senate Bill No. 1156, that the amendments to Section 1360.1 proposed by both bills be given effect and incorporated in Section 1360.1 in the form set forth in Section 71.5 of this act. Therefore, Section 71.5 of this act shall become operative only if this bill and Senate Bill No. 1156 are both chaptered, both become effective January 1, 1974, and both amend Section 1360.1, and Senate Bill No. 1156 is chaptered before this bill, in which case Section 71 of this act shall not become operative.

SEC. 130. It is the intent of the Legislature that if both this bill and Senate Bill No. 798 are chaptered, become effective January 1, 1974, and amend Section 1371 of the Financial Code, and this bill is chaptered after Senate Bill No. 798, that the amendments to Section 1371 proposed by both bills be given effect and incorporated in Section 1371 in the form set forth in Section 84.5 of this act. Therefore, Section 84.5 of this act shall become operative only if this bill and Senate Bill No. 798 are both chaptered, both become effective January 1, 1974, and both amend Section 1371, and Senate Bill No. 798 is chaptered before this bill in which case Section 84 of this act shall not become operative.

SEC. 131. It is the intent of the Legislature, if both this bill and Senate Bill No. 798 are chaptered and become effective January 1, 1974, and Senate Bill No. 798 contains amendments to Section 1301

of the Financial Code, that Section 1500.1 of the Financial Code as added by Section 91.5 of this act shall become operative, in which case Section 1500.1 of the Financial Code as added by Section 91 of this act shall not become operative.

SEC. 132. It is the intent of the Legislature that if both this bill and Senate Bill No. 798 are chaptered, become effective January 1, 1974, and amend Section 2053 of the Financial Code, and this bill is chaptered after Senate Bill No. 798, that the amendments to Section 2053 proposed by both bills be given effect and incorporated in Section 2053 in the form set forth in Section 104.5 of this act. Therefore, Section 104.5 of this act shall become operative only if this bill and Senate Bill No. 798 are both chaptered, both become effective January 1, 1974, and both amend Section 2053, and Senate Bill No. 798 is chaptered before this bill in which case Section 104 of this act shall not become operative.

SEC. 133. It is the intent of the Legislature, if both this bill and Senate Bill No. 798 are chaptered, become effective January 1, 1974, and amend Section 2094 of the Financial Code, and this bill is chaptered after Senate Bill No. 798, that the amendments to Section 2094 proposed by both bills be given effect and incorporated in Section 2094 in the form set forth in Section 108.5 of this act. Therefore, Section 108.5 of this act shall become operative only if this bill and Senate Bill No. 798 are both chaptered, both become effective January 1, 1974, and both amend Section 2094, and Senate Bill No. 798 is chaptered before this bill, in which case Section 108 of this act shall not become operative.

SEC. 134. It is the intent of the Legislature, if both this bill and Senate Bill No. 383 are chaptered, become effective January 1, 1974, and amend Section 6702 of the Financial Code, and this bill is chaptered after Senate Bill No. 383, that the amendments to Section 6702 proposed by both bills be given effect and incorporated in Section 6702 in the form set forth in Section 120.5 of this act. Therefore, Section 120.5 of this act shall become operative only if this bill and Senate Bill No. 383 are both chaptered, both become effective January 1, 1974, and both amend Section 6702, and Senate Bill No. 383 is chaptered before this bill, in which case Section 120 of this act shall not become operative.

CHAPTER 964

An act to add Sections 17920.9, 18056.7, and 19990.5 to the Health and Safety Code, relating to building materials, and making an appropriation therefor.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 17920.9 is added to the Health and Safety Code, to read:

17920.9. (a) The commission shall adopt, amend, and repeal, and the department shall enforce, such rules and regulations for the provision of minimum fire safety and fire-resistant standards relating to the manufacture, composition, and use of foam building systems manufactured for use, or used, in construction of buildings subject to this part, mobilehomes subject to Part 2 (commencing with Section 18000), or factory-built housing subject to Part 6 (commencing with Section 19960) as are necessary for the protection of the health and safety of persons occupying such buildings, mobilehomes, or factory-built housing. Each manufacturer of such foam building systems shall have any foam building system manufactured for use in any building, factory-built housing, or mobilehome listed and labeled by an approved testing agency certifying that such system meets fire safety and fire-resistant standards adopted by the commission. The department shall consult with all available public and private sources to develop such standards.

"Approved testing agency" means any agency which is determined by rule and regulation of the commission to have adequate personnel and expertise to carry out the testing of such systems.

(b) The department shall make such inspections of the manufacture of such foam building systems as it determines are necessary to insure compliance with the standards adopted pursuant to subdivision (a).

(c) No person shall sell, offer for sale, or use in construction of buildings subject to this part, mobilehomes subject to Part 2 (commencing with Section 18000), or factory-built housing subject to Part 6 (commencing with Section 19960) in this state any foam building system, and no person shall sell or offer for sale in this state any such building, mobilehome, or factory-built housing of which such system is a component, which does not comply with, or has not been listed and labeled by an approved testing agency certifying that such system is in compliance with, the standards adopted pursuant to subdivision (a) on and after the 180th day after such standards become effective.

This subdivision shall not apply to any buildings, mobilehomes, or factory-built housing constructed prior to the 180th day after such standards become effective.

(d) No person shall sell, offer for sale, or use in construction of any building subject to this part, mobilehome subject to Part 2 (commencing with Section 18000), or factory-built housing subject to Part 6 (commencing with Section 19960) in this state any foam building system, and no person shall sell or offer for sale in this state any such building, mobilehome, or factory-built housing in which such system is a component, if the manufacturer thereof refuses to permit the department to conduct the inspections required by subdivision (b) on and after the 180th day after such standards

become effective.

(e) As used in this section:

(1) "Foam" means a material made by mixing organic polymers with air or other gases in a manner that forms a solid substance with holes filled with air or gas when the mixture is allowed to set.

(2) "Foam building system" means a system of building materials composed of, in whole or in part, of foam. It includes, but is not limited to, all combinations of systems such as those composed of foam inserted between and bonded to two boundary surface materials or those composed exclusively of foam.

SEC. 2. Section 18056.7 is added to the Health and Safety Code, to read:

18056.7. The provisions of Section 17920.9, and the rules and regulations adopted pursuant thereto, shall be applicable to the sale, offering for sale, or use in the construction of mobilehomes of any foam building system, and to any mobilehome in which such system is used as a component.

SEC. 3. Section 19990.5 is added to the Health and Safety Code, to read:

19940.5. The provisions of Section 17920.9, and the rules and regulations adopted pursuant thereto, shall be applicable to the sale, offering for sale, or use in the construction of any factory-built housing of any frame building system, and to any factory-built housing in which any such system is used as a component.

SEC. 5. The sum of twenty thousand dollars ($20,000) is hereby appropriated from the General Fund to the Department of Housing and Community Development to carry out the purposes of Section 17920.9 of the Health and Safety Code which is enacted by Section 1 of this act.

SEC. 6. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act, because local agencies can comply with this act by establishing or raising fees authorized by Section 17951 of the Health and Safety Code.

CHAPTER 965

An act to amend Sections 12805, 13000, 13005, and 13006 of, and to repeal Section 13001 of, the Vehicle Code, relating to identification cards.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 12805 of the Vehicle Code is amended to read:

12805. The department shall not issue or renew a driver's license to any person:

(a) Who is not of legal age to receive such license.

(b) Who, because of excessive and continuous use of alcoholic liquors, is incapable of safely operating a motor vehicle, or who is addicted to the use of, or is an habitual user of, any drug to a degree that the person is rendered incapable of safely operating a motor vehicle.

(c) Who is insane or feebleminded or an idiot or an imbecile.

(d) Who is an epileptic.

(e) Who is unable as shown by examination to understand traffic signs or signals or who does not have a reasonable knowledge of the provisions of this code governing the operations of vehicles upon the highways.

(f) When it appears by examination or other evidence that such person is unable to operate a motor vehicle upon a highway safely because of physical or mental defect or lack of skill.

(g) Who is unable to read and understand simple English used in highway traffic and directional signs. The provisions of this subdivision shall not apply to any person holding an operator's or chauffeur's license issued by this state and valid on September 11, 1957.

(h) Who holds a valid driver's license issued by a foreign jurisdiction unless he surrenders that license to the department.

(i) Who has ever held, or is the holder of a license to drive issued by another state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, and such license has been suspended by reason, in whole or in part, of a conviction of a traffic violation until the suspension period has terminated, except as provided in subdivision (b) of Section 12806.

(j) Who has ever held, or is the holder of a license to drive issued by another state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, and such license has been revoked by reason, in whole or in part, of a conviction of a traffic violation until the revocation has been terminated or after the expiration of one year from the date the license was revoked, whichever occurs first, except as provided in subdivision (b) of Section 12806.

SEC. 2. Section 13000 of the Vehicle Code is amended to read:

13000. The department may issue an identification card to any person 16 years of age or older attesting to the true name, correct age, and other identifying data as certified by the applicant for such identification card. Every application for an identification card shall be signed and verified by the applicant before a person authorized to administer oaths and shall be supported by such bona fide documentary evidence of the age and identity of such person as the department may require.

SEC. 3. Section 13001 of the Vehicle Code is repealed.

SEC. 4. Section 13005 of the Vehicle Code is amended to read:

13005. The identification card shall resemble in appearance, so far as is practicable, a driver's license issued pursuant to this code. It shall adequately describe the applicant, bear his or her picture, and be produced in color by a process or processes that prohibit as near as possible, the ability to alter or reproduce the identification card, or prohibit the ability to superimpose a photograph on such identification card without ready detection.

SEC. 5. Section 13006 of the Vehicle Code is amended to read:

13006. No public entity or employee shall be liable for any loss or injury resulting directly or indirectly from false or inaccurate information contained in identification cards provided for in this article.

CHAPTER 966

An act relating to disaster relief, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1973. Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. An allocation may be made under the Emergency Flood Relief Law (Article 6 (commencing with Section 54150), Chapter 5, Part 1, Division 2, Title 5, Government Code), as supplemented by Chapter 1284 of the Statutes of 1972, from funds made available by Section 3 of Chapter 1284 of the Statutes of 1972, to the Hi-Desert County Water District, for restoration of wells damaged or destroyed by earthquakes on July 4, 1972. Such an allocation may be made to a local agency suffering damage to public buildings due to a disaster occurring between November 1, 1972, and April 1, 1973, which failed to apply for relief within 60 days of the occurrence of the disaster. The water district or local agency shall apply for any allocation under this act to the Department of Finance within 60 days from the effective date of this act.

An allocation may be made under the Emergency Flood Relief Law (Article 6 (commencing with Section 54150), Chapter 5, Part 1, Division 2, Title 5, Government Code), as supplemented by Chapter 1284 of the Statutes of 1972, from funds made available by Section 7 of Chapter 1284 of the Statutes of 1972, to a local agency suffering damage to streets, roads, and bridges due to a disaster occurring between November 1, 1972, and April 1, 1973, which failed to apply for relief within 60 days of the occurrence of the disaster. The local agency shall apply for any allocation under this act to the State Allocation Board within 60 days from the effective date of this act.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The earthquake which occurred on July 4, 1972, in southern California did extensive damage to the Hi-Desert County Water District wells but was not covered by disaster legislation enacted in 1972. In order to provide for restoration of wells and other disaster relief as soon as possible, it is essential that this act take immediate effect.

CHAPTER 967

An act to add Section 22009.01 to the Government Code, relating to federal social security.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 22009.01 is added to the Government Code, to read:

22009.01. "Public agency" also includes any nonprofit corporation formed for the purpose of operating a coliseum or sports arena for the general recreational purposes of a city or county.

CHAPTER 968

An act to amend Section 31026 of the Education Code, relating to the Compact for Education.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 31026 of the Education Code is amended to read:

31026. (a) This chapter shall remain operative until December 31, 1976, and after such date shall have no force or effect.

(b) The Legislature shall, at its 1973–74 Regular Session, and each fourth year thereafter, review the matter of California's participation in the Compact for Education to determine whether California should continue to be a party to the compact and thus whether the operation of this chapter should be extended.

CHAPTER 969

An act relating to the Altadena Library District, and making an appropriation therefor.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature that a library district which incurred damage as a result of the earthquake of February 9, 1971, which applied for reimbursement of repair costs under the Federal Disaster Assistance Program (PL 91-606), which was approved as having incurred damages which qualified it for receipt of such reimbursement, which incurred actual repair costs not exceeding three thousand five hundred dollars ($3,500), which subsequently was denied federal reimbursement of such costs solely because the contractor failed to comply with a then-existing state law requiring the filing of a payment bond on a project exceeding two thousand five hundred dollars ($2,500) in cost, and which in all times acted in good faith, unaware of any technical violation of law, shall not be deprived of the reimbursement of such repair costs, not to exceed three thousand five hundred dollars ($3,500).

SEC. 2. There is hereby appropriated from the General Fund in the State Treasury to the Altadena Library District the sum of three thousand two hundred fifty dollars ($3,250) as reimbursement for the cost of repairs resulting from the earthquake of February 9, 1971, to be paid during the 1973–1974 fiscal year.

CHAPTER 970

An act to amend Section 62552 of the Food and Agricultural Code, relating to milk testing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 62552 of the Food and Agricultural Code is amended to read:

62552. He may allocate from the funds which are derived pursuant to Articles 7 (commencing with Section 61971) and 24 (commencing with Section 62521) of this chapter such sum for any fiscal year, not exceeding eighty-five thousand dollars ($85,000), which shall be used exclusively for the supervision and checking the correctness of the milk fat, milk solids not fat, and bacteriological

tests and the weighing and sampling of all fluid milk which is delivered to distributors in accordance with the stabilization and marketing plans which are established pursuant to the provisions of this division.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to provide adequate funds to the Department of Food and Agriculture for purposes of updating its milk testing procedures as soon as possible, it is necessary that the provisions of this act go into immediate effect.

CHAPTER 971

An act to add Section 20406 to the Education Code, relating to public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 20406 is added to the Education Code, to read:

20406. Notwithstanding Chapter 3 (commencing with Section 20450) of Division 15 or Article 6 (commencing with Section 20902) of Chapter 3 of Division 16, in a county of the 21st class, which has authorized the use of a single-fund budget pursuant to this chapter, and in a county of the fifth class, the county superintendent of schools, with the approval of the county board of education and with the approval of the electors of the county at an election called therefor, may cause a tax to be levied pursuant to this section. The proceeds of the tax shall be used by the county superintendent of schools to acquire, maintain, and insure real and personal property and to construct, maintain, and insure buildings, facilities, and roads for a program in outdoor science education and conservation education conducted by the county superintendent pursuant to agreements with school districts in the county.

The county superintendent of schools, with the approval of the county board of education, shall include in the single-fund budget and other documents required by this chapter, the amount of money required to be raised by a tax for the purposes set forth in this section. The amount shall be determined by subtracting from the total amount required for said purposes: (1) the total of any balances remaining to be expended for this purpose; and (2) the total amount to be received from school districts for this purpose.

At the time of levying county taxes, the board of supervisors shall include as a part of the tax rate and levy authorized by Section 20404 a tax on all property in the county which will produce the amount specified for the purposes of this section; provided, however, that the maximum rate of tax levied pursuant to this section shall not exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation.

No provision of Section 6013 or of any other section of this code shall be deemed to require school districts participating in such programs or classes to repay the funds raised and expended pursuant to this section.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit the levy and collection of the tax authorized by this act during the 1973–74 fiscal year, and so facilitate the orderly administration of outdoor science education and conservation education programs, it is necessary that this act take effect immediately.

CHAPTER 972

An act to add Chapter 5 (commencing with Section 51900) to Part 2 of Division 1 of Title 5 of the Government Code, relating to local government reorganization, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Chapter 5 (commencing with Section 51900) is added to Part 2 of Division 1 of Title 5 of the Government Code, to read:

CHAPTER 5. LOCAL GOVERNMENT REORGANIZATION

Article 1. Findings and Declarations of Policy

51900. The Legislature finds and declares that the County of Sacramento, due to the small number of incorporated cities within the county, the large unincorporated urban area of the county, the comparative compactness and physical uniformity of the county, and the absence of competing municipal interests, is uniquely suited for a program of local government reorganization to be voted on by the electorate of the county.

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The Legislature further finds and declares that the County of Sacramento contains over 127 separate governmental entities, including special districts, which often perform duplicatory or specialized functions and which proliferate taxing and spending agencies of government, and diffuse responsibility for programs and actions in response to urban problems of the county.

51901. It is further found and declared that local government must be responsive and its elected officials readily accountable to the needs of the people; it must be visible and representative in order to permit greater participation in governmental affairs by the public; and elected and appointed officials should have more clearly defined areas of responsibility and authority, so that the people may have more success in seeking action and redress from their government.

51902. It is further found and declared that in order to strengthen and make more efficient and responsive the overall administrative process of local government, administrative and executive authority in Sacramento County should be clearly defined and responsibility established under a single general purpose government, subject to approval of the electorate.

51903. The Legislature finds that a general statute cannot be made applicable to this matter because of the facts and circumstances peculiar to the local governmental jurisdictions within the County of Sacramento. Therefore, the provisions of this chapter shall be applicable only to the County of Sacramento and the incorporated cities and special districts within the County of Sacramento, and are intended to implement, for the County of Sacramento and the cities and special districts within the county, the provisions of Article XI of the California Constitution providing for consolidation of a county with cities within the county.

Article 2. Definitions and General Provisions

51910. Unless the context otherwise requires, the definitions and general provisions set forth in this article govern the construction of this chapter.

51911. "Largest city" means the largest city in Sacramento County as determined by the last federal census.

51912. "Other cities" mean the cities in Sacramento County with lesser population than the largest city.

51913. "Cities" mean all of the cities within Sacramento County.

51914. "County" means the County of Sacramento.

51915. "City-County of Sacramento" means the City and the County of Sacramento resulting from the reorganization of local government within Sacramento County.

51916. "Charter commissioners" shall mean the Citizens Committee on Local Governmental Reorganization, an existing nonprofit corporation and citizens' committee established by the county and largest city to formulate a proposal and charter for governmental reorganization for presentation to the electorate

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51917. "Reorganize" and "reorganization" means the consolidation of a county with all of the cities within the county pursuant to Article XI of the California Constitution.

51918. The incorporated cities within the County of Sacramento and the County of Sacramento may be reorganized pursuant to the provisions of this chapter.

51919. When reorganization proceedings are followed pursuant to this chapter, this chapter alone applies.

Article 3. Reorganization Proceedings

51920. Reorganization proceedings pursuant to this chapter shall be deemed to have commenced with the appointment of the charter commissioners by the county and largest city.

51921. The charter commissioners shall propose a charter for the government of the City-County of Sacramento. The charter so prepared shall be signed by a majority of the charter commissioners and shall be filed in the office of the clerk of the largest city and in the office of the county clerk. The legislative body of the county shall, within 15 days after such filing, cause such charter to be published once in a newspaper of general circulation printed and published in the county and in each edition thereof, during the day of publication.

51922. The legislative body of the county shall cause copies of the charter to be printed in convenient pamphlet form and in type of not less than 10-point and shall cause copies to be mailed to each of the qualified electors of the county and cities, and shall, until the day fixed for the election upon reorganization and adoption of the charter, advertise in one or more newspapers of general circulation in the county a notice that copies may be had upon application therefor.

51923. The proposed charter shall be submitted to the electors of the entire county (including all cities) at a date to be fixed by the charter commissioners before filing the proposed charter, either at a special election held not less than 60 days from the completion of the publication of such charter as provided in Section 51921, or at the general election next following the expiration of said 60 days.

51924. In submitting any such charter, the charter commissioners may also submit separate propositions, whether alternative or conflicting, or one included within the other, at the same time to be voted on by the electors separately, and, as between those so related, if more than one receives a majority of the votes, the proposition receiving the largest number of votes shall control as to all matters in conflict.

51925. The charter as adopted at the election by a majority of the electors of the entire county (including all cities) voting thereon and by a majority of the electors of the largest city voting thereon shall be the governing law of the reorganized city-county.

51926. At the election, the questions of reorganization and adoption of a charter shall both be presented as provided in Section

51929. In addition, there shall also be presented to the voters of each of the other cities as a separate proposition, as provided in Section 51929.5, the question of whether the city should retain its existing local governmental structure under the reorganized government as set forth in the charter. This separate question shall follow on the ballot the propositions submitting the charter and separate charter proposals, if any.

51927. The legislative body of the county shall cause notice of the election to be given by publication in a newspaper of general circulation printed and published in the county, at least once a week for the four weeks prior to the election.

51928. The notice shall:

(a) State distinctly the proposition or propositions to be submitted.

(b) State the names of the cities and the county proposed to be consolidated in a reorganized government.

(c) State the date of the election.

(d) Instruct the electors how to vote in the election.

(e) Designate the voting precincts and places at which polls will be open.

51929. Upon the ballots used at the election shall be printed the words: "Shall the cities of (naming them) and the County of Sacramento be reorganized and consolidated and shall the proposed Charter of the City-County of Sacramento be adopted as the governing law of the City-County of Sacramento?"

Opposite and to the right of these words, the words "Yes" and "No" shall be printed on separate lines, with voting squares. Each proposition separately submitted shall also be similarly presented to the electors.

51929.5. Upon the ballots used at the election within each of the other cities shall also be printed the words as a separate question or proposition: "If the proposed Charter of the City-County of Sacramento is adopted as the governing law of the City-County of Sacramento, shall the City of _____ retain its local governmental structure?"

51929.6. The charter of the city-county adopted pursuant to this chapter shall contain provisions which recognize the right of the voters of the other cities to elect to retain their own local governmental structure within the governmental structure of the city-county.

51930. If, voting on a proposition presented pursuant to Section 51929, an elector stamps a cross in the voting square after the word "Yes," his vote shall be counted for reorganization and charter adoption, and if he stamps a cross in the voting square after the word "No," his vote shall be counted against reorganization and charter adoption.

51931. On each proposition separately submitted, including the proposition presented pursuant to Section 51929.5, if an elector stamps a cross in the voting square after the word "Yes," his vote shall

be counted for the adoption of the proposition, and if he stamps a cross in the voting square after the word "No," his vote shall be counted against the adoption of the proposition.

51932. Except as otherwise provided in this article, the election, if a special election, shall be conducted as other special elections in the county; or, if a general election, as other general elections in the county.

51933. After performing their duties, the election officers shall deliver the ballots, tally sheets, and returns to the clerk of the county.

51934. At its next regular meeting following the election, the legislative body of the county shall canvass the returns. The canvass shall be completed at the meeting if practicable, or as soon as possible thereafter, avoiding adjournments.

51935. Immediately upon the completion of the canvass, the legislative body of the county shall declare the results and cause a record to be entered upon its minutes, stating the proposition or propositions submitted, the number of votes cast, and the number of votes cast for and against reorganization and the adoption of the charter and on each separately stated proposition. The votes cast for and against each question in each city shall also be stated.

51936. If a majority of the votes cast in the largest city or if a majority of the votes in the county as a whole (including the largest city and the other cities) is against reorganization and charter adoption, reorganization shall not be accomplished, the charter shall not be adopted, and proceedings for the reorganization of the cities and county shall not be initiated within fifteen (15) days after the result of the election has been declared.

51937. If a majority of the votes cast in both the largest city and in the county as a whole (including the largest city and the other cities) is for consolidation and charter adoption, reorganization shall be deemed approved and the charter adopted, and the clerk of the legislative body of the county shall forthwith prepare under seal, and deliver to the clerk of the legislative body of each of the cities and to the county clerk, a copy in duplicate of the record of the canvass, with a statement of the proposition or propositions submitted, at the election.

51938. A copy of the record of the canvass, with a statement of the proposition or propositions submitted at the election shall be filed with the Secretary of State.

51939. Upon the filing with the Secretary of State of the Charter of the consolidated City-County of Sacramento which has been approved by the Legislature pursuant to Section 3 of Article XI of the California Constitution, the reorganization is complete and the cities and counties are reorganized and consolidated into the City-County of Sacramento as provided in the charter and in accordance with Sections 51939.1 and 51940.

51939.1. The provisions of Sections 51940 through 51947, inclusive, shall not apply to any of the other cities which has voted, pursuant to Section 51929.5, to retain its existing local governmental

structure, or to any districts such as special assessment districts created by and governed by the legislative bodies of such other cities; provided, however, that the Charter of the City-County of Sacramento shall have effect throughout the entire county with respect to county government powers and jurisdiction.

51939.2. The procedures set forth in this article shall have validity and effect and shall be followed only in the event that an amendment to the California Constitution is adopted by the voters of the state as proposed in Assembly Constitutional Amendment No. 91 of the 1973 legislative session.

Article 3.5. Alternative Reorganization Proceedings

51939.50. This article provides alternative reorganization proceedings to those provided in Article 3 to be followed in the event the provisions of Article 3 are not effective.

51939.51. Reorganization proceedings pursuant to this chapter shall be deemed to have commenced with the appointment of the charter commissioners by the county and largest city.

51939.52. The charter commissioners shall propose a charter for the government of the City-County of Sacramento. The charter so prepared shall be signed by a majority of the charter commissioners and shall be filed in the office of the clerk of the largest city and in the office of the county clerk. The legislative body of the county shall, within 15 days after such filing, cause such charter to be published once in a newspaper of general circulation printed and published in the county and in each edition thereof, during the day of publication.

51939.53. The legislative body of the county shall cause copies of the charter to be printed in convenient pamphlet form and in type of not less than 10-point and shall cause copies to be mailed to each of the qualified electors of the county and cities, and shall, until the day fixed for the election upon reorganization and adoption of the charter, advertise in one or more newspapers of general circulation in the county a notice that copies may be had upon application therefor.

51939.54. The proposed charter shall be submitted to the electors of the entire county (including all cities) at a date to be fixed by the charter commissioners before filing the proposed charter, either at a special election held not less than 60 days from the completion of the publication of such charter as provided in Section 51921, or at the general election next following the expiration of said 60 days.

51939.55. In submitting any such charter, the charter commissioners may also submit separate propositions, whether alternative or conflicting, or one included within the other, at the same time to be voted on by the electors separately, and, as between those so related, if more than one receives a majority of the votes, the proposition receiving the largest number of votes shall control as to all matters in conflict.

51939.56. The charter as adopted at the election by a majority of

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the electors of the entire county (including all cities) voting thereon and by a majority of the electors of the largest city voting thereon shall be the governing law of the reorganized city-county.

51939.57. At the election, the questions of reorganization and adoption of a charter shall both be presented as provided in Section 51939.60. In addition, there may also be presented to the voters of each of the other cities as a separate proposition, as provided in Section 51939.61, the question of whether the city should retain its existing governmental independence under the reorganized government as set forth in the charter. This separate question shall follow on the ballot the propositions submitting the charter and separate charter proposals, if any.

51939 58. The legislative body of the county shall cause notice of the election to be given by publication in a newspaper of general circulation printed and published in the county, at least once a week for the four weeks prior to the election.

51939.59. The notice shall:

(a) State distinctly the proposition or propositions to be submitted.

(b) State the names of the cities and the county proposed to be consolidated in a reorganized government.

(c) State the date of the election

(d) Instruct the electors how to vote in the election.

(e) Designate the voting precincts and places at which polls will be open.

51939.60. Upon the ballots used at the election shall be printed the words: "Shall the cities of (naming them) and the County of Sacramento be reorganized and consolidated and shall the proposed Charter of the City-County of Sacramento be adopted as the governing law of the City-County of Sacramento?"

Opposite and to the right of these words, the words "Yes" and "No" shall be printed on separate lines, with voting squares. Each proposition separately submitted shall also be similarly presented to the electors.

51939.61. If requested by the legislative body of any of the other cities, upon the ballots used at the election within each of the other cities which has so requested shall also be printed the words as a separate question or proposition: "If the proposed Charter of the City-County of Sacramento is adopted as the governing law of the City-County of Sacramento, shall the City of _____ retain its governmental independence as provided in said charter?"

51939.62. The charter of the city-county adopted pursuant to this chapter shall contain provisions which allow the other cities in Sacramento County to retain their governmental independence within the governmental structure of the city-county.

51939.63. If, voting on a proposition presented pursuant to Section 51939.60, an elector stamps a cross in the voting square after the word "Yes," his vote shall be counted for reorganization and charter adoption, and if he stamps a cross in the voting square after

the word "No," his vote shall be counted against reorganization and charter adoption.

51939.64. On each proposition separately submitted, including the proposition presented pursuant to Section 51939.61, if an elector stamps a cross in the voting square after the word "Yes," his vote shall be counted for the adoption of the proposition, and if he stamps a cross in the voting square after the word "No," his vote shall be counted against the adoption of the proposition.

51939.65. Except as otherwise provided in this article, the election, if a special election, shall be conducted as other special elections in the county; or, if a general election, as other general elections in the county.

51939.66. After performing their duties, the election officers shall deliver the ballots, tally sheets, and returns to the clerk of the county.

51939.67. At its next regular meeting following the election, the legislative body of the county shall canvass the returns. The canvass shall be completed at the meeting if practicable, or as soon as possible thereafter, avoiding adjournments.

51939.68. Immediately upon the completion of the canvass, the legislative body of the county shall declare the results and cause a record to be entered upon its minutes, stating the proposition or propositions submitted, the number of votes cast, and the number of votes cast for and against reorganization and the adoption of the charter and on each separately stated proposition. The votes cast for and against each question in each city shall also be stated.

51939.69. If a majority of the votes cast in the largest city or if a majority of the votes in the county as a whole (including the largest city and the other cities) is against reorganization and charter adoption, reorganization shall not be accomplished, the charter shall not be adopted, and proceedings for the reorganization of the cities and county shall not be initiated within fifteen (15) days after the result of the election has been declared.

51939.70. If a majority of the votes cast in both the largest city and in the county as a whole (including the largest city and the other cities) is for consolidation and charter adoption, reorganization shall be deemed approved and the charter adopted, and the clerk of the legislative body of the county shall forthwith prepare under seal, and deliver to the clerk of the legislative body of each of the cities and to the county clerk, a copy in duplicate of the record of the canvass, with a statement of the proposition or propositions submitted, at the election.

51939.71. A copy of the record of the canvass, with a statement of the proposition or propositions submitted at the election shall be filed with the Secretary of State.

51939.72. Upon the filing with the Secretary of State of the Charter of the consolidated City-County of Sacramento which has been approved by the Legislature pursuant to Section 3 of Article XI of the California Constitution, the reorganization is complete and the cities and counties are reorganized and consolidated into the

City-County of Sacramento as set forth in Section 51940 and as provided in the charter.

51939.73. The charter of the city-county shall provide the extent to which the provisions of Sections 51940 through 51947, inclusive, shall not apply to each of the other cities which have voted to retain its existing governmental independence.

51939.74. The procedures set forth in Article 3.5 shall have validity and effect and shall be followed in the event the provisions of Article 3 are not effective.

Article 4. Effects of Reorganization

51940. Upon reorganization, the cities are deemed dissolved and disincorporated and are merged together with the county into the City-County of Sacramento, and the charter of the largest city and the charter of the county shall be deemed repealed. The City-County of Sacramento is a charter city and a charter county. Its charter city powers supersede conflicting charter county powers.

51941. Upon reorganization every special district within the county or exercising all or any part of its jurisdiction or powers within the county except the municipal utility districts, mosquito abatement districts, reclamation districts, school districts, and port districts, is deemed dissolved and its functions shall be assumed by the city-county government, except as may be otherwise provided in the charter. The provisions of Sections 51942, 51943, 51944, and 51945 shall be applicable to the merger of every such special district merged with the city-county pursuant to this chapter.

51942. When cities and a county are reorganized pursuant to this chapter, the reorganized city-county is the successor of each of the cities and the county so consolidated. Upon reorganization, the title to any property owned or held by, or in trust for, each of the cities and the county, or by their officers or boards in trust for public use, shall be vested in the city-county, or its officers or boards, except as may be otherwise provided in the charter.

51943. Immediately upon reorganization, all persons occupying or possessing the offices of each of the cities and the county shall surrender them to the proper officers of the city-county, except as may be otherwise provided in the charter.

51944. Except as otherwise provided in the charter, reorganization does not affect any debts, demands, liabilities, or obligations of any kind existing in favor of or against the cities and the county, at the time of reorganization. Reorganization does not affect any pending action or proceeding involving any such debt, demand, liability, or obligation or any action or proceeding brought by or against any city or the county prior to reorganization. All such proceedings shall be continued and concluded, by final judgment or otherwise, as if reorganization had not been effected. All such rights or liabilities become the rights and liabilities of the city-county; provided, however, that the charter may provide for certain debts,

demands, liabilities or obligations which are payable by assessments or ad valorem taxes on properties within a district or area (such as within a former district or city) to remain payable from such assessments or ad valorem taxes within such a district or area as though reorganization had not occurred.

51945. The legislative body of the city-county shall levy and collect the taxes necessary to pay the indebtedness or liability of each city and the county incurred prior to reorganization within the city or the county which incurred such indebtedness, except as may be otherwise provided in the charter.

51946. Notwithstanding any provision to the contrary in Chapter 1.5 (commencing with Section 2161), Part 4, Division 1, of the Revenue and Taxation Code, the charter shall contain provisions either establishing a limitation on the combined ad valorem property tax rate and increases in such tax rate which may be levied by the city-county and reorganized local jurisdictions under said charter or establishing a method to limit such combined ad valorem property tax rate or increases in such tax rate, to the extent that the California Constitution or state law applicable to the city-county from time to time may require such a limitation on the ad valorem property tax rate and increases in such rate by the city-county.

51947. Immediately upon reorganization, all ordinances of the cities and the county shall be deemed repealed. Such repeal shall not discharge any person from any existing civil or criminal liability, nor affect any pending prosecution for violation of any such ordinances, nor affect vested rights created pursuant to said ordinances. The charter may provide that ordinances of any city, reorganized and consolidated, or the county shall remain in effect and shall be applicable throughout the city-county until repealed by the legislative body of the city-county.

51948. The repeal of ordinances pursuant to Section 51947 shall not apply to:

(a) Ordinances under which vested rights have accrued to the extent legally necessary to protect said vested rights.

(b) Ordinances relating to proceedings for street or other public improvements, to the extent legally necessary to preserve said proceedings completed or pending.

(c) Proceedings for opening, extending, widening, straightening, or changing the grade of streets or other public places.

These proceedings shall be continued and conducted by the city-county, with the same effect as if continued and conducted by the city or county which commenced them.

51949. Upon reorganization, the charter of the city-county shall have full effect throughout the city-county. The charter shall recognize the status of each of the other cities which have voted to retain their local governmental structure pursuant to Article 3 or their governmental independence pursuant to Article 3.5, whichever is applicable. The charter may provide for subgovernments, different tax rates, and other differences in taxation, services, costs

of government and levels of service, and type of government representation and administration in different areas of the city-county.

51950. If reorganization is completed, all proper expenses of reorganization proceedings not otherwise provided for shall be paid by the county. If reorganization is not completed, the county shall pay the expenses of calling and holding any election within it at which the question of consolidation was submitted.

51951. One copy of the charter ratified and approved in accordance with the provisions of this article shall be filed with the Secretary of State and one with the recorder in the city-county; and thereafter the courts shall take judicial notice of the provisions of such charter.

51952. This chapter shall not be construed to prevent any consolidated city-county from framing and adopting a new or revised charter after consolidation in which case the provisions of Chapter 3 (commencing with Section 34450) of Part 1 of Division 2 of Title 4 shall be applicable.

51953. The charter may provide for the manner in which any of the other cities which has elected to retain its local governmental structure pursuant to Article 3 or its governmental independence pursuant to Article 3.5, whichever is applicable may at any time become consolidated and merged into the city-county government following a majority vote of its voters voting thereon.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the cities in Sacramento County and the County of Sacramento may proceed with their reorganization plans this statute must be given immediate effect.

CHAPTER 973

An act relating to public lands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. The State Lands Commission is hereby authorized to exchange vacant state school lands under its jurisdiction for lands owned by any state agency, political subdivision, or person, partnership, company, or corporation for the purpose of acquiring lands for the following projects:

(a) Bighorn sheep habitat in Riverside County.

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(b) Expansion of Millerton Lake State Recreation Area in Madera County

(c) Acquisition of coastal beach and uplands in Santa Cruz County for the state park system.

(d) Acquisition of coastal beach and related Navarro River frontage and uplands in Mendocino County for the state park system.

(e) Acquisition of Westport Beach lands, Mendocino County, of approximately 1,100 acres, three miles of ocean frontage.

(f) Acquisition of Bear Harbor lands, Mendocino County, of approximately 3,800 acres, eight miles of ocean frontage.

(g) Acquisition of lands as an addition to Anza-Borrego Desert State Park, of approximately 12,000 acres.

SEC. 2. Lands acquired pursuant to the provisions of this act shall have equal or greater value than the lands conveyed.

SEC. 3. Lands acquired pursuant to this act shall have the same status as to administration, control, and disposition as the lands conveyed.

SEC. 4. The state may release the mineral rights in the lands conveyed, as provided in Section 6401 of the Public Resources Code, if it receives the mineral rights in the lands acquired.

SEC. 5. The transactions authorized pursuant to Section 1 of this act shall not be completed until reviewed and approved by the Department of General Services and the State Public Works Board. Approval of a transaction by the Department of General Services and the State Public Works Board shall constitute a conclusive finding that the provisions of Section 2 of this act have been complied with with respect to such transaction.

SEC. 6. The Department of Parks and Recreation shall establish priorities for the acquisition of lands for the projects specified in Section 1 of this act.

SEC. 7. Notwithstanding the provisions of Section 6371 of the Public Resources Code, the State Lands Commission may dispose of lands acquired pursuant to this act through sale, lease, or exchange; provided, however, that any lands disposed of shall be surplus to the needs of the state park system.

SEC. 8. The State Lands Commission shall report to the Legislature not later than July 1, 1974, on the status of the land exchanges authorized by this act.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Present law limits the exchange of parcels of vacant state school lands solely for those owned by the United States and its agencies and departments. Parcels of land owned by state agencies, political subdivisions, persons, partnerships, companies, and corporations have unique characteristics of statewide significance which may be irrevocably lost to the state and its citizens if not acquired and brought into state ownership. In order to assure that these parcels are

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not lost forever to the state and so that proper steps can be taken for their acquisition, it is necessary that this act take immediate effect.

CHAPTER 974

An act to amend Sections 38010, 38012, 38225, 38245, 38265, and 42204 of the Vehicle Code, relating to vehicles, and making an appropriation therefor.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 38010 of the Vehicle Code is amended to read:

38010. (a) Except as otherwise provided in subdivision (b), every motor vehicle which is not registered under this code because it is to be operated or used exclusively off the highways, except as provided in this division, shall be issued and display an identification plate or device issued by the department.

(b) The provisions of subdivision (a) shall not apply to any of the following:

(1) Motor vehicles specifically exempted from registration under this code, including but not limited to motor vehicles exempted pursuant to Sections 4006, 4010, 4011, 4012, 4013, 4015, 4018, and 4019.

(2) Implements of husbandry.

(3) Motor vehicles owned by the state, or any county, city, district, or political subdivision of the state, or the United States.

(4) Motor vehicles owned or operated by, or operated under contract with a utility, whether privately or publicly owned, when used as specified in Section 22512.

(5) Special construction equipment described in Section 565, regardless of whether such motor vehicles are used in connection with highway or railroad work.

(6) A motor vehicle owned or operated by a nonresident of this state, whether or not such vehicle is identified or registered in a foreign jurisdiction. For the purposes of this paragraph, a person who holds a valid driver's license issued by a foreign jurisdiction shall be presumed to be such a nonresident.

SEC. 2. Section 38012 of the Vehicle Code is amended to read:

38012. (a) As used in this division, "off-highway motor vehicle subject to identification" means a motor vehicle subject to the provisions of subdivision (a) of Section 38010.

(b) "Off-highway motor vehicle subject to identification" includes, but is not limited to, all of the following:

(1) Motor vehicles operated solely on the private property of their owner or on the private property of another, with the express

consent of the owner or tenant of such property or used solely upon commercially operated facilities for such use.

(2) Motor vehicles being operated off the highways in an organized racing or competitive event upon a closed course and which is conducted under the auspices of a recognized sanctioning body, or by permit issued by the local governmental authority having jurisdiction.

SEC. 3. Section 38225 of the Vehicle Code is amended to read:

38225. (a) A service fee of five dollars ($5) shall be paid to the department for the issuance or renewal of identification of off-highway motor vehicles subject to identification, except as expressly exempted under this division.

(b) In addition to the service fee specified in subdivision (a), a special fee of six dollars ($6) shall be paid at the time of payment of the service fee for the issuance or renewal of an identification plate or device. All fees received by the department pursuant to this subdivision, and all day use, overnight use, or annual or biennial use fees for designated off-highway state recreation areas received by the Department of Parks and Recreation, shall be deposited in the Off-Highway Vehicle Fund, which is hereby created. There shall be a separate reporting of special fee revenues by vehicle type, including four-wheeled vehicles, motorcycles, and snowmobiles. All money in the Off-Highway Vehicle Fund is continuously appropriated for expenditure by the Department of Parks and Recreation for the purposes specified in Section 38300.

SEC. 4. Section 38245 of the Vehicle Code is amended to read:

38245. Whenever an off-highway motor vehicle subject to identification is operated or transported in this state without the fees required by this division having first been paid, the fee is delinquent.

SEC. 5. Section 38265 of the Vehicle Code is amended to read:

38265. (a) The penalty for delinquency in respect to any transfer shall be three dollars ($3), and shall apply only to the last transfer

(b) The penalty for delinquency in respect to the fees imposed by Sections 38225 and 38230, shall be equal to the fee after the same has been computed.

(c) If the fee due and delinquent and the amount of the penalty prescribed in this section is paid within 30 days of the date the penalty becomes due, the amount of the penalty on such fee or portion thereof due under Sections 38225 and 38230 shall be reduced to one dollar ($1).

SEC. 6. Section 42204 of the Vehicle Code is amended to read:

42204. Notwithstanding any other provisions of law, 50 percent of all fines and forfeitures collected for violations of Division 16.5 (commencing with Section 38000) shall be deposited in the Off-Highway Vehicle Fund for use and disbursement pursuant to Section 38300, and 50 percent of such fines and forfeitures shall be deposited and distributed in the same manner as specified in Section 42201.5.

SEC. 7. All funds in the Snowmobile Trust Fund as of January 1,

1974, shall be transferred on that date to the Off-Highway Vehicle Fund for expenditure by the Department of Parks and Recreation pursuant to subdivision (b) of Section 38225 of the Vehicle Code and Section 38300 of the Vehicle Code. After such transfer, the Snowmobile Trust Fund is abolished.

SEC. 8. There are no state-mandated local costs in this act that require reimbursement under Section 2164 3 of the Revenue and Taxation Code.

SEC. 9. Sections 1, 2, and 4 of this act shall become operative on July 1, 1974.

CHAPTER 975

An act to amend Section 2954 of the Civil Code, relating to impound accounts.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 2954 of the Civil Code is amended to read:

2954. (a) No impound, trust or other type of account for payment of taxes on the property, insurance premiums or other purposes relating to the property shall be required as a condition of a real property sale contract or a loan secured by a deed of trust or mortgage on real property containing only a single-family, owner-occupied dwelling, except: (1) where required by a state or federal regulatory authority; or (2) where a loan is made, guaranteed, or insured by a state or federal governmental lending or insuring agency; or (3) upon a failure of the purchaser or borrower to pay two consecutive tax installments on the property prior to the delinquency date for such payments; or (4) where the original principal amount of such a loan is (i) 90 percent or more of the sale price, if the property involved is sold, or is (ii) 90 percent or more of the appraised value of the property securing the loan. Nothing contained in this section shall preclude establishment of such an account on terms mutually agreeable to the parties to the loan, if, prior to the execution of the loan or sale agreement, the seller or lender has furnished to the purchaser or borrower a statement in writing, which may be set forth in the loan application, to the effect that the establishment of such an account shall not be required as a condition to the execution of the loan or sale agreement, and further, that interest will not be paid on any funds which are impounded.

(b) Every mortgagee of real property, beneficiary under a deed of trust on real property or vendor on a real property sale contract upon the written request of the mortgagor, trustor or vendee shall furnish to the mortgagor, trustor or vendee for each calendar year

within 60 days after the end of such year an itemized accounting of moneys received for interest and principal repayment and received and held in or disbursed from an impound or trust account, if any, for payment of taxes on the property, insurance premiums or other purposes relating to the property subject to the mortgage, deed of trust or real property sale contract. The mortgagor, trustor or vendee shall be entitled to receive one such accounting for each calendar year without charge and shall be entitled to additional similar accountings for one or more months upon written request and on payment in advance of fees as follows:

(1) Fifty cents ($0.50) per statement when requested in advance on a monthly basis for one or more years.

(2) One dollar ($1) per statement when requested for only one month.

(3) Five dollars ($5) if requested for a single cumulative statement giving all the information described above back to the last statement rendered.

If the mortgagee, beneficiary or vendor transmits to the mortgagor, trustor or vendee a monthly statement or passbook showing moneys received for interest and principal repayment and received and held in and disbursed from an impound or trust account, if any, the mortgagee, beneficiary or vendor shall be deemed to have complied with this section.

No increase in the monthly rate of payment of a mortgagor, trustor or vendee on a real property sale contract for impound or trust accounts shall be effective until after the mortgagee, beneficiary or vendor has furnished the mortgagor, trustor or vendee with an itemized accounting of the moneys presently held by it in the accounts, and a statement of the new monthly rate of payment, and an explanation of the factors necessitating the increase.

The provisions of this section shall be in addition to the obligations of the parties as stated by Section 2943 of this code.

Every person who willfully or repeatedly violates this section shall be subject to punishment by a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100).

(c) As used in this section, "single-family, owner-occupied dwelling" means a dwelling which will be owned and occupied by a signatory to the mortgage or deed of trust secured by such dwelling within 90 days of the execution of such mortgage or deed of trust.

CHAPTER 976

An act to amend Sections 13325, 13832, and 14121 of, to add Section 14034 to, and to repeal Sections 13326, 14034, 14074, and 14190 of, the Education Code, relating to the State Teachers' Retirement System.

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[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 13325 of the Education Code is amended to read:

13325. Except in districts situated wholly or partly within the boundaries of a city or city and county where the charter of the city or city and county provides an age at which employees, including certificated employees of the districts, shall be retired, when a permanent or probationary employee reaches the age of 65 years, his permanent or probationary classification shall cease and thereafter employment shall be from year to year at the discretion of the governing board.

SEC. 2. Section 13326 of the Education Code is repealed.

SEC. 3. Section 13832 of the Education Code, as amended by Chapter 1370 of the Statutes of 1972, 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 compensation subject to contributions reported to this system.

SEC. 4. Section 14034 of the Education Code is repealed.

SEC. 5. Section 14034 is added to the Education Code, to read:

14034. Tax-sheltered contributions may not exceed 10 percent of the compensation paid to him in any one year by his employer, and upon which his other contributions were determined.

SEC. 6. Section 14074 of the Education Code is repealed.

SEC 8. Section 14121 of the Education Code is amended to read:

14121. The system shall pay to the San Francisco Unified School

District and the San Francisco Community College District the amounts due for subventions required prior to the amendments to this chapter during the 1971 Regular Session of the Legislature on account of persons who retired or died prior to July 1, 1972.

SEC. 9. Section 14190 of the Education Code, as amended by Chapter 1010 of the Statutes of 1972, is repealed.

SEC. 10. There are no state-mandated local costs that require reimbursement under Section 2164 3 of the Revenue and Taxation Code

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CHAPTER 977

An act to amend Sections 12020, 12500, 12501.1, 12504, 12505, 12508, 12509, and 12510 of, to add Section 12012.1 to, and to add Chapter 5.5 (commencing with Section 12531) to Division 5 of, the Business and Professions Code, relating to weights and measures.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1 Section 12012.1 is added to the Business and Professions Code, to read:

12012.1. The director may bring an action to enjoin the violation, or the threatened violation, of any provision of this division, or of any regulation adopted pursuant thereto, in the superior court in the county in which such violation occurs or is about to occur. There may be joined in one proceeding any number of defendants alleged to be violating the same provisions or regulations, although their properties, interests, residence, or place of business, may be in several counties and the violations separate and distinct. Any proceeding which is brought pursuant to this section shall be governed in all other respects by the provisions of Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure The county sealer of any county acting through the district attorney or county counsel of that county may bring an action to enjoin the violation in such county or the threatened violation in such county of any provision of this division or of any regulation adopted pursuant thereto in the same manner as may the director, and if the director joins as a party plaintiff, such actions shall not be limited to violations occurring within the county.

SEC. 2. Section 12020 of the Business and Professions Code is amended to read:

12020. It shall be unlawful for any person, by himself or through or for another, to use for commercial purposes any weight or measure or weighing, measuring or counting instrument, knowing it to be "incorrect" as this term is defined in subdivision (d) of Section

12500. Every person who violates this section is guilty of a misdemeanor.

SEC. 3. Section 12500 of the Business and Professions Code is amended to read:

12500 As used in this chapter:

(a) "Weighing instrument" means any device, contrivance, apparatus, or instrument used, or designed to be used, for ascertaining weight and includes any tool, appliance, or accessory used or connected therewith.

(b) "Measuring instrument" means any device, contrivance, apparatus, or instrument used, or designed to be used, for ascertaining measure and includes any tool, appliance, or accessory used or connected therewith.

(c) Weights or measures or weighing, measuring, or counting instruments for sale or use for commercial purposes shall include devices which are used at the time of, or for the purposes of, the trading in, exchanging, selling, or purchasing of commodities but shall not include such devices when for use or operation solely within a plant or business as a part of the manufacturing, processing or preparing for market of commodities.

(d) (1) "Correct" means any weight or measure or weighing, measuring or counting instrument which meet all tolerance and specification requirements established by the director pursuant to Section 12107.

(2) "Incorrect" means any instrument which fails to meet all of the requirements of Section 12107

SEC. 4. Section 12501 1 of the Business and Professions Code is amended to read:

12501.1. Every person who uses, or intends to use, any weight or measure, or weighing or measuring instrument for commercial purposes shall, before using the same, cause them to be sealed by a sealer, unless they have been sealed before sale, in which case they may be used by the purchaser for the remainder of such period as is authorized in the regulations adopted by the director pursuant to Section 12212, or until they become "incorrect," as defined in subdivision (d) of Section 12500.

Notwithstanding any other provision of law, an odometer which has been tested by the manufacturer may be used commercially without further test during the remainder of the inspection period adopted by the director for odometers, but shall not be used commercially thereafter until it has been sealed by a sealer.

SEC. 5. Section 12504 of the Business and Professions Code is amended to read:

12504. Upon the written request of any person who intends to use or sell for commercial purposes any weight or measure, or weighing or measuring instrument in any county, the sealer for such county shall test or cause to be tested, as soon thereafter as is practicable, the weight or measure, or weighing or measuring instrument referred to in the request.

Such written request shall not relieve the person making it from any violation of the provisions of this division or of the responsibility for using or selling any incorrect or unsealed weight, measure, or weighing or measuring instrument.

SEC 6 Section 12505 of the Business and Professions Code is amended to read:

12505. Whenever a sealer examines any weight or measure or weighing, measuring or counting instrument and finds it to be correct as defined in subdivision (d) of Section 12500, he shall seal or mark such weight, measure or instrument with an appropriate device, of a uniform form, design and color, approved by the department, placed so as readily to be seen, showing that the weight, measure or instrument is correct and indicating the date of the inspection. If a lead seal is used, the date may be shown by the year only.

SEC 7. Section 12508 of the Business and Professions Code is amended to read:

12508. Except as provided in Section 12509, any person who removes or obliterates any tag or device placed upon any weight, measure, or weighing or measuring instrument by a sealer is guilty of a misdemeanor.

SEC. 7.5. Section 12509 of the Business and Professions Code is amended to read:

12509. When any weight, measure, or weighing or measuring instrument has been repaired and corrected, and has been reinspected and found correct the sealer shall remove the tag or device with the words "out of order," and shall seal and mark such weight, measure, or weighing or measuring instrument in the manner provided for the marking of the same where, upon inspection, it is found correct.

Upon completion of corrective repairs or adjustments, and with the authorization from the sealer, a repairman may remove an "out of order" tag or device, and the weight, measure, or weighing or measuring instrument may be placed in service pending reinspection by the sealer.

SEC. 8. Section 12510 of the Business and Professions Code is amended to read:

12510. Any person, who by himself, or through or for another, does any of the following is guilty of a misdemeanor:

(a) Uses, in the buying or selling of any commodity, or retains in his possession an incorrect weight or measure or weighing or measuring instrument.

(b) Sells any weight or measure or weighing or measuring instrument which has not been sealed within one year, except weighing or measuring instruments required to be assembled prior to use.

(c) Uses any condemned weight or measure or weighing or measuring instrument contrary to law.

(d) Uses in the buying or selling of any commodity, or for determining the charge for a service, any weight or measure or

weighing or measuring instrument which is not kept at a fixed location, which does not bear a current or previous year's seal and which, upon test by the sealer is found to be incorrect, unless a written request for an inspection of the weighing or measuring instrument has been made to the county sealer; provided, however, the use of any weight or measure or weighing or measuring instrument used by a public utility in connection with measuring gas, electricity, water, steam, or communication service subject to the jurisdiction of the California Public Utilities Commission shall be exempt from the requirements of this chapter.

(e) Sells or uses any device or instrument to be used or calculated to falsify any weight or measure.

(f) So locates or positions a weighing or measuring device used in retail trade, except as used exclusively in preparation of packages put up in advance of sale, that its indications cannot be accurately read by the purchaser under ordinary circumstances.

(g) Uses, in the buying or selling of any commodity, a weighing or measuring device designed to automatically compute price unless the computed price is a true mathematical computation of the amount times the price per unit.

(h) Willfully and knowingly uses, in the buying or selling of any commodity, a measuring device designed to automatically compute price unless the indicators of quantity and the total computed price on such device shall have been returned to zero prior to the beginning of each delivery of such commodity.

(i) Fails to deliver for test to a designated location after receipt of a written notice from a weights and measure official, any device that is ordinarily tested at a central location.

Possession of an incorrect weight or measure or weighing or measuring instrument or records thereof is prima facie evidence of intention to violate the law.

SEC. 9. Chapter 5 5 (commencing with Section 12531) is added to Division 5 of the Business and Professions Code, to read:

CHAPTER 5.5. DEVICE REPAIRMEN

12531. (a) A device repairman means any person engaged in the business of adjusting, repairing, placing in service, or installing commercial weighing or measuring devices for other persons, or any person who maintains a service at one or more locations for, or hires employees who, adjust, repair, place in service, or install commercial weighing or measuring devices used by such person. Installing does not include the initial placement of a motor vehicle fuel pump as part of the initial construction of a motor vehicle fuel service station.

Installing or placing in service does not include the installation or the placing in service of a vapor measuring device approved by a sealer prior to such installation or placing in service.

(b) Commercial weighing or measuring devices means all equipment specified in subdivision (a) of Section 12210, except any

weight or measure or weighing or measuring instrument or device used by a public utility in connection with measuring gas, electricity, water, steam, or communication service subject to the jurisdiction of the California Public Utilities Commission shall be exempt from the requirements of this chapter.

12532. It is unlawful for any person to engage in business as a device repairman or to maintain a device repair service unless such person has first been registered by the Director of Food and Agriculture as a device repairman for the current fiscal year.

12533. Applications for registration or renewal of registration shall be in the form which is prescribed by the Director of Food and Agriculture.

12534. A device repairman registration shall be issued for the fiscal year or balance of the fiscal year for which application is made by a qualified repairman as provided in rules and regulations. Registration may be renewed annually on July 1 in accordance with this chapter.

12535. Each application for a device repairman registration shall be accompanied by an application fee of no more than fifty dollars ($50) for each maintenance location and no more than twenty-five dollars ($25) for each additional maintenance location of such applicant where he is engaged in adjusting, repairing, or installing commercial weighing or measuring devices, and an annual enrollment fee of no more than five dollars ($5) per person for each person employed by a registrant to adjust, repair, place in service, or install commercial weighing or measuring devices. The fee for late renewal shall be double the fee provided above.

12536. Each registrant shall enroll with the Director of Food and Agriculture the name of each person employed by him who adjusts, repairs, or installs commercial weighing or measuring devices. The enrollment of any such person shall expire upon termination of the employment of the enrollee with the registrant. At the time of such enrollment, the registrant shall pay the enrollment fee.

12537. The Director of Food and Agriculture may refuse to issue, revoke, or suspend a device repairman registration for violations of this chapter or upon a showing of lack of qualifications as a device repairman. Proceedings for the denial, suspension, or revocation of a registration shall be in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

The Director of Food and Agriculture shall have all the powers which are granted therein.

12538. Any money which is received by the Director of Food and Agriculture pursuant to this chapter shall be paid into the State Treasury to the credit of the Department of Food and Agriculture to be used for the administration and enforcement of this chapter.

12539. Five-eighths of the funds derived pursuant to this chapter shall be paid to counties that employ a sealer or director of weights and measures. Such payment to each county shall be in proportion

with the funds expended by such county in the enforcement of Division 5 (commencing with Section 12001) and Division 8 (commencing with Section 18400) of this code.

12540. The director may issue rules and regulations necessary for the administration and enforcement of this chapter and for the purpose of assuring the accuracy of commercial weighing devices. These regulations may include, but are not limited to, establishing the responsibilities of device repairmen and users of commercial devices with respect to their accuracy.

SEC. 10. There are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 978

An act to amend Section 13005 of the Health and Safety and to add Section 4442.5 to the Public Resources Code, relating to fire prevention.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 13005 of the Health and Safety Code is amended to read:

13005. Every person is guilty of a misdemeanor who:

(a) Sells, offers for sale, leases, or rents to any person any tractor, engine, machine, or truck equipped with an internal combustion engine that is operated on hydrocarbon fuels, which is designed for use in harvesting or moving grain or hay or for use on land covered with any other flammable agricultural crop, unless the exhaust system of such internal combustion engine is equipped with a spark arrester in effective working order

(b) Operates or causes to be operated, without maintaining in effective working order a spark arrester attached to the exhaust system, any tractor, engine, machine, or truck equipped with an internal combustion engine that is operated on hydrocarbon fuels in harvesting or moving grain or hay, or operates, without maintaining in effective working order a spark arrester attached to the exhaust system, any such equipment or vehicle on land covered with any other flammable agricultural crop

Spark arrester, as used in this section, is as defined in Section 4442 of the Public Resources Code.

Spark arresters attached to the exhaust system of engines on equipment or vehicles, as described in this section, shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

SEC. 1 5. Section 4442.5 is added to the Public Resources Code, to read:

4442.5. After January 1, 1974, no person shall sell, offer for sale, lease, or rent to any person any internal combustion engine subject to the provisions of Section 4442, and not subject to the provisions of Section 13005 of the Health and Safety Code, unless he provides a written notice to the purchaser or bailee, at the time of sale or at the time of entering into the lease or rental contract, stating that the use or operation of the engine on any forest-covered, brush-covered, or grass-covered land, without providing, and maintaining in effective working order, a spark arrester, as defined in Section 4442, attached to the exhaust system, constitutes a violation of the provisions of Section 4442.

SEC. 2. There are no state-mandated local costs that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 979

An act to amend Section 4205 of the Civil Code and to add Section 4205 1 to the Civil Code, Section 26861 to the Government Code, and Section 70.5 to the Penal Code, relating to civil marriages.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 4205 of the Civil Code is amended to read:

4205. Marriage may be solemnized by any judge or retired judge, commissioner, or assistant commissioner of a court of record or justice court in this state or by any priest, minister, or rabbi of any religious denomination, of the age of 18 years or over, or by a person authorized to do so under Section 4205.1.

SEC. 2. Section 4205.1 is added to the Civil Code, to read:

4205.1. In any county with a population of 600,000 or more as determined by the last federal decennial census the board of supervisors of the county may designate the county clerk as a commissioner of civil marriages. The commissioner of civil marriages may appoint deputy commissioners of civil marriages who may solemnize marriages in his county under the direction of the commissioner of civil marriages and shall perform such other duties as the commissioner may direct. The commissioner of civil marriages and his deputy commissioners shall solemnize marriages only within their county and only during regular hours established by the board.

This section shall not be operative at any time in a county with a population of 600,000 or more as determined by the last federal decennial census except during such period or periods as the board

of supervisors may find by resolution that conditions in the county are such that the convenience of the public requires the availability of commissioners of civil marriages for the solemnization of marriage by civil ceremony. The board of supervisors which has made such a finding may, by resolution, at any time rescind or repeal such finding and this section shall no longer be operative in that county until the board again makes such a finding

SEC. 3. Section 26861 is added to the Government Code, to read:

26861. The fee for performing a marriage ceremony pursuant to Section 4205.1 of the Civil Code is ten dollars ($10) which shall be paid into the county treasury.

SEC. 4. Section 70.5 is added to the Penal Code, to read:

70.5. Every commissioner of civil marriages or every deputy commissioner of civil marriages who accepts any money or other thing of value for performing any marriage pursuant to Section 4205.1 of the Civil Code, including any money or thing of value voluntarily tendered by the persons about to be married or who have been married by such commissioner of civil marriages or deputy commissioner of civil marriages, other than a fee expressly imposed by law for performance of a marriage, whether the acceptance occurs before or after performance of the marriage and whether or not performance of the marriage is conditioned on the giving of such money or the thing of value by the persons being married, is guilty of a misdemeanor.

It is not a necessary element of the offense described by this section that the acceptance of the money or other thing of value be committed with intent to commit extortion or with other criminal intent.

SEC. 5. Section 4205 of the Civil Code is amended to read:

4205. Marriage may be solemnized by any judge or retired judge, commissioner, or assistant commissioner of a court of record or justice court in this state or by any priest, minister, or rabbi of any religious denomination, of the age of 18 years or over or by a person authorized to do so under Section 4205.1.

A marriage may also be solemnized by a judge who has resigned from office.

SEC. 6. It is the intent of the Legislature, if this bill and Senate Bill No. 213 are both chaptered and become effective on or before January 1, 1974, both bills amend Section 4205 of the Civil Code, and this bill is chaptered after Senate Bill No. 213, that the amendments to Section 4205 proposed by both bills be given effect and incorporated in Section 4205 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. 213 are both chaptered and become effective on or before January 1, 1974, both amend Section 4205, and this bill is chaptered after Senate Bill No. 213, in which case Section 1 of this act shall not become operative

CHAPTER 980

An act to add Section 25956 to the Health and Safety Code, relating to fetuses.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows.

SECTION 1. Section 25956 is added to the Health and Safety Code, to read:

25956. (a) It is unlawful for any person to use any aborted product of human conception, other than fetal remains, for any type of scientific or laboratory research or for any other kind of experimentation or study, except to protect or preserve the life and health of the fetus. "Fetal remains," as used in this section, means a lifeless product of conception regardless of the duration of pregnancy. A fetus shall not be deemed to be lifeless for the purposes of this section, unless there is an absence of a discernible heartbeat.

(b) In addition to any other criminal or civil liability which may be imposed by law, any violation of this section constitutes unprofessional conduct within the meaning of the State Medical Practice Act, Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code.

SEC 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 981

An act to amend Sections 26001, 26002, 26058, 26156, 31263, 31264, and 31295.3 of, and to repeal Section 26157 of, the Education Code, relating to the California Maritime Academy.

[Approved by Governor September 30, 1973 Filed with Secretary of State September 30, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 26001 of the Education Code is amended to read:

26001. There is within the Department of Education a California Maritime Academy. The California Maritime Academy shall be administered by a board of governors, designated as the California Maritime Academy Board of Governors. The board shall be composed of seven members appointed by the Governor. Two of the

appointive members shall be educators from the field of higher education. Three of the appointive members shall be public lay members, one of whom shall be selected by the other members to serve as the chairman of the board. Two of the appointive members shall be representatives of the maritime industry. The board of governors shall request the Federal Maritime Administration to appoint a representative of the administration to meet with the board. Such a representative shall not have a vote.

SEC. 2. Section 26002 of the Education Code is amended to read:

26002. Except as provided in this section, the term of office of the members of the board is four years, and they shall hold office until the appointment and qualification of their successors. Vacancies shall be filled by appointment for the unexpired term. The terms of members of the board serving on July 1, 1973, shall be classified by lot so that:

(a) Of the two appointive members who shall be educators from the field of higher education, one term shall expire on January 15, 1974, and the other on January 15, 1977.

(b) Of the three appointive members who shall be public lay members, one term shall expire on January 15, 1975, another term shall expire on January 15, 1976, and the third shall expire on January 15, 1977.

(c) Of the two members who shall be representatives of the maritime industry, one term shall expire on January 15, 1975, and the other on January 15, 1976.

SEC. 3. Section 26058 of the Education Code is amended to read:

26058. The board may annually expend for the purposes of the school any funds which the Legislature appropriates, and also any funds which are received from the federal government for the purpose of aiding in the maintenance of the school. All such money shall be expended according to law on vouchers, certified by the superintendent or in his absence from the state, by the chairman of the board of governors. The board shall cause to be kept full and detailed accounts of all such expenditures and shall make a complete report thereof, with a list of all the work of the school, annually to the Governor.

SEC. 3.5. Section 26156 of the Education Code is amended to read:

26156. Under rules and regulations established by the board with approval of the Director of Education, refunds of any fees paid by any student or a part thereof, may be made to a student withdrawing from the school or ceasing to be a pupil. Any student who upon enrollment does not qualify for financial assistance from the federal government or other governmental agency but is subsequently found to qualify for such assistance shall for the period for which he qualifies for financial assistance from the federal government receive a refund in the amount of the difference between the tuition paid by him and the tuition required of students qualified to receive such assistance.

SEC. 4. Section 26157 of the Education Code is repealed.

SEC. 5. Section 31263 of the Education Code is amended to read:

31263. There shall be available up to 1,000 grants in each of the fiscal years 1969–70, 1970–71, 1971–72, and up to 2,000 grants in each of the fiscal years 1972–73, 1973–74, 1974–75, 1975–76, and 1976–77, and the recipients of such grants shall be eligible for renewal of their awards until they have completed an A.B. degree or its equivalent in conformance with the terms prescribed by the State Scholarship and Loan Commission, which terms shall not be in conflict with this chapter. Such grants may be awarded to eligible students who attend public community colleges for vocational purposes terminating with a two-year course of study or the California Maritime Academy established pursuant to Chapter 3 (commencing with Section 25951) of Division 19.

SEC. 5.5. Section 31263 of the Education Code is amended to read:

31263. There shall be available up to 1,000 grants in each of the fiscal years 1969–70, 1970–71, 1971–72, and up to 2,000 grants in each of the fiscal years 1972–73 and 1973–74, and up to 3,000 grants in each of fiscal years 1974–75, 1975–76, 1976–77, and 1977–78, and the recipients of such grants shall be eligible for renewal of their awards until they have completed an A.B. degree or its equivalent in conformance with the terms prescribed by the State Scholarship and Loan Commission, which terms shall not be in conflict with this chapter. Such grants may be awarded to eligible students who attend public community colleges for vocational purposes terminating with a two-year course of study or the California Maritime Academy established pursuant to Chapter 3 (commencing with Section 25951) of Division 19. Such grants may be awarded to eligible students who are currently in attendance in college, as well as to students who have not previously attended a four-year or a two-year college.

College opportunity grants may be utilized at summer quarters or terms. In the aggregate the total amount a student would receive in a four-year period may not be increased as a result of accelerating his progress to a degree by attending summer quarters or terms.

SEC. 6. Section 31264 of the Education Code is amended to read:

31264. To be eligible for a grant under this chapter, a student shall meet all of the following:

(a) Be a disadvantaged student under criteria to be established by the State Scholarship and Loan Commission, which shall take into consideration those financial, educational, cultural, language, home, community, environmental, and other conditions which tend to make difficult the gaining access to and persisting in postsecondary programs.

(b) Be in need of financial assistance to attend college.

(c) Have demonstrated substantial potential for successfully participating at an institution of higher education and for future leadership in the community.

(d) Be a resident of the State of California, as defined in

subdivision (a) of Section 31203.

(e) Be a citizen of the United States or have been admitted to permanent residence.

(f) Be admitted to and enroll in a California public community college either accredited by or accepted as a recognized candidate for accreditation by the Western Association of Schools and Colleges, or be admitted to and enroll in a California public or private college accredited by the Western Association of Schools and Colleges as a full-time undergraduate student, or be admitted to and enroll in the California Maritime Academy established pursuant to Chapter 3 (commencing with Section 25951) of Division 19.

(g) Maintain satisfactory progress toward a degree and eligibility as defined by the State Scholarship and Loan Commission.

SEC. 7. Section 31295.3 of the Education Code is amended to read:

31295.3. To be eligible for an occupational education and training grant under this chapter, an applicant shall meet all of the following requirements:

(a) Be a resident of the State of California, as defined in subdivision (a) of Section 31203.

(b) Be a citizen of the United States or have been admitted to permanent residence.

(c) Have not attained his 30th birthday. This age limitation does not apply in the case of renewed grants. Although grants may be given within this limitation, it is the intent of the Legislature that the major effort of the program be directed to applicants who have recently completed high school.

(d) Demonstrate occupational achievement or aptitude and financial need. In determining occupational achievement or aptitude, the commission may use acceptable testing procedures to the extent these are available. In determining financial need of an applicant, the commission shall expect each student to make a self-help contribution toward occupational or technical training costs and the financial status of his parents shall be taken into consideration.

(e) Use his grant for occupational or technical training in California in institutions either accredited by the Western Association of Schools and Colleges or by a national accrediting association recognized by the U.S. Office of Education or in the California Maritime Academy established pursuant to Chapter 3 (commencing with Section 25951) of Division 19. As used in this section, "occupational or technical training" shall mean that phase of education coming after the completion of a secondary school program and leading toward recognized occupational goals approved by the commission.

(f) Have applied for a state occupational education and training grant and have met the criteria established by the commission for eligibility for such grant.

(g) Have complied with all of the rules and regulations adopted

by the commission for the award, regulation, and administration of state occupational education and training grants adopted pursuant to this chapter.

SEC. 8. It is the intent of the Legislature, if this bill and Senate Bill No. 411 are both chaptered and become effective January 1, 1974, both bills amend Section 31263 of the Education Code, and this bill is chaptered after Senate Bill No. 411, that the amendments to Section 31263 proposed by both bills be given effect and incorporated in Section 31263 in the form set forth in Section 5.5 of this act. Therefore, Section 5.5 of this act shall become operative only if this bill and Senate Bill No. 411 are both chaptered and become effective January 1, 1974, both amend Section 31263, and this bill is chaptered after Senate Bill No. 411, in which case Section 5 of this act shall not become operative.

CHAPTER 982

An act to amend Section 771 of, and to add Section 770.1 to, the Insurance Code, relating to insurance.

[Approved by Governor October 1, 1973. Filed with Secretary of State October 1, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 770.1 is added to the Insurance Code, to read:

770.1. No person making a loan of money on the security of real property shall make available information contained in a policy of fire or casualty insurance to any person for the purpose of soliciting such insurance coverage if the borrower has filed with such lender a statement signed by the borrower that such policy information shall not be made available. Such statement may be included by the borrower in his letter of authorization designating an insurance agent or broker to the lender. Such statement or letter of authorization shall be effective until superseded or revoked by the borrower. This section shall not apply to any person authorized or licensed to make loans pursuant to either Division 7 (commencing with Section 18000) or Division 9 (commencing with Section 22000) of the Financial Code.

SEC. 2. Section 771 of the Insurance Code is amended to read:

771. Sections 770 and 770.1 shall not prevent:

(a) The exercise by any person engaged in such business of his right to approve or disapprove, for reasonable cause, as determined by appropriate regulatory authority, of the insurer selected to underwrite the insurance, nor of his right to furnish such insurance or to renew any insurance required by the contract of sale or trust deed or other loan agreement if the borrower or purchaser shall have failed to furnish the insurance or renewal thereof within such

reasonable time or form as may be specified in the sale or loan agreement. The lender shall not refuse to accept insurance provided by an acceptable insurer on the ground that such insurance provides more coverage than is required in the sale or loan agreement, unless the additional coverage consists of automobile, life or disability insurance.

The Savings and Loan Commissioner, the Superintendent of Banks, and the Corporations Commissioner, in conjunction with the Insurance Commissioner, shall issue appropriate regulations defining "reasonable cause."

(b) Any lender from recommending to any borrower or prospective borrower the placing of insurance with a specified insurer or through a specified insurance agent or broker as long as such recommendation, with respect to a sale of real property or a loan upon the security of real property, clearly sets forth both the name and the mailing address of the recommended insurer or insurance agent or broker and does not violate the provisions of Section 770 or of any other section of this code. On and after July 1, 1972, such recommendation clearly setting forth the name and the mailing address of the recommended insurer or insurance agent or broker, shall be in writing.

(c) The free choice of insurance agent or broker by any borrower or purchaser at any time, and he may revoke any designation of insurance agent or broker at any time irrespective of the provisions of any loan or purchase agreement or trust deed.

(d) The exercise of any person engaged in such business of his right to furnish such insurance or to renew such insurance, and to charge the account of the borrower or purchaser with the costs thereof, if the borrower or purchaser fails to deliver to the lender such insurance at least 30 days prior to the expiration of the policy. If an insurance policy procured by the borrower or purchaser is subsequently substituted for that then in force, the lender may impose a reasonable service charge as determined by the Insurance Commissioner for the transaction, the payment of which charge by the agent or broker is not a violation of any other provision of this code. No service charges shall be imposed for normal insurance changes made during the term of the policy.

(e) The Insurance Commissioner is authorized to adopt a uniform statewide schedule of permissive maximum charges for the substitution of policies authorized in subdivision (d).

CHAPTER 983

An act making an appropriation for the state park system.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

I am reducing the appropriation contained in Assembly Bill No 688 from $14,580,000 to $3,205,000 by deleting the appropriations contained in Schedule (a) $1,500,000, (e) $1,000,000, (g) $775,000, (h) $300,000, (j) $7,700,000, and (k) $100,000

The 1973–74 Budget already contains an unprecedented amount for park and beach acquisitions I do not believe additional funds should be allocated at this time from existing state resources

With the above reductions, I approve Assembly Bill No 688

RONALD REAGAN, Governor

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the General Fund in the State Treasury to the Department of Parks and Recreation the sum of fourteen million five hundred eighty thousand dollars ($14,580,000) for the state park system in accordance with the following schedule:

Schedule:

(a) Acquisition of Navarro Redwoods, Mendocino County, as an addition to Paul M. Dimmick Wayside Campground	1,500,000
(b) Acquisition of Schooner Gulch and Bowling Ball Beach, Mendocino County	200,000
(c) Acquisition of Willow Creek and beach frontage, Sonoma County, approximately 393 acres, as an addition to Sonoma Coast State Beach	750,000
(d) Acquisition of approximately 300 acres of land as an addition to Hendy Woods State Park	300,000
(e) Acquisition of lands as an addition to Salt Point State Park	1,000,000
(f) Acquisition of approximately 100 acres of lands adjacent to the north bank of the Gualala River, lying between State Highway Route 1 and the Pacific Ocean	55,000
(g) Acquisition of approximately 155 acres of land as an addition to Van Damme State Park	775,000
(h) Acquisition of lands adjacent to Folsom Lake State Recreation Area, as an addition to Folsom Lake State Recreation Area	300,000
(i) Acquisition of beach property adjacent to Leo Carrillo State Beach, as an addition to Leo Carrillo State Beach	1,900,000
(j) Development of units of the state park system	7,700,000

(k) Study of feasibility of establishing a statewide system of hostels 100,000

CHAPTER 984

An act to amend Section 7451.1 of, to add Sections 7451.4 and 30133 to, and to amend the heading of Chapter 5 (commencing with Section 30131) of Division 21 of, the Education Code, relating to regional occupational centers and programs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 7451.1 of the Education Code is amended to read:

7451.1. The school district or districts, or county superintendent or superintendents, sponsoring the regional occupational center or program shall conduct a job market survey in those areas in which they propose to establish a regional occupational center or program. The survey shall be conducted in cooperation with the local office of the Department of Human Resources Development, prospective employers, the districts advisory committee on vocational education, and the appropriate advisory committee on vocational education, and the appropriate advisory committee for each of the proposed training programs. The survey shall include an analysis of existing vocational and occupational training programs maintained by high schools, community colleges, and private postsecondary schools in the area to insure that the anticipated employment demand for trainees in the proposed regional centers and programs justifies the establishment of the proposed courses of instruction.

SEC. 2. Section 7451.4 is added to the Education Code, to read:

7451.4. Subsequent to completing the survey required by Section 7451.1 and prior to establishing a regional occupational center or program authorized by Section 7451, the appropriate governing board, boards, or county superintendent of schools, as the case may be, shall determine whether or not the survey and analysis made pursuant to Section 7451.1 justifies the proposed skill training, and shall further determine whether the skill training will be offered through a regional occupational center or program, or through a contract with an approved private postsecondary school pursuant to the provisions of Section 30133.

SEC. 3 The heading of Chapter 5 (commencing with Section 30131) of Division 21 of the Education Code is amended to read:

CHAPTER 5. VOCATIONAL EDUCATION CONTRACTS

SEC. 4. Section 30133 is added to the Education Code, to read:

30133. Any school district or districts; any community college district or districts; any governing body of the agency maintaining a regional occupational center or program; or any county superintendent or superintendents may contract with a private postsecondary school approved pursuant to the provisions of Chapter 1 (commencing with Section 29001) of Division 21 to provide vocational skill training authorized by this code.

All contracts between a public entity and a private educational institution entered into pursuant to this section shall:

(1) Be approved by the State Department of Education pursuant to rules and regulations adopted by the State Board of Education;

(2) Provide that the amount contracted for per student shall not exceed the total direct and indirect costs to provide the same training in the public school or the tuition the private institution charges its private students, whichever is lower;

(3) Provide that the public school students receiving training in a private educational institution pursuant to such contract may not be charged additional tuition for any training included in the contract. The attendance of such students pursuant to a contract authorized by this section shall be credited to the public school entity for the purposes of apportionments from the State School Fund;

(4) Provide that all programs, courses, and classes of instruction shall meet the standards set forth in the California Plan for Vocational Education

The students who attend a private postsecondary school pursuant to a contract under this section shall be enrollees of the public school entity and the attendance of such students at the private school shall be credited to the public school entity for the purposes of apportionments from the State School Fund.

The State Department of Finance and the State Department of Education may audit the accounts of both the public entity and the private party involved in such contracts to the extent necessary to assure the integrity of the public funds involved.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the urgently needed vocational education programs authorized by this act and the preliminary administrative measures may be commenced upon at the earliest possible time, it is necessary that this act take immediate effect.

CHAPTER 985

An act to amend Section 7451.1 of, to amend the Heading of Chapter 5 (commencing with Section 30131) of Division 21 of, and to add Sections 7451.2 and 30133 to, the Education Code, relating to regional occupational centers and programs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 1, 1973. Filed with Secretary of State October 1, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 7451.1 of the Education Code is amended to read:

7451.1. The school district or districts, or county superintendent or superintendents, sponsoring the regional occupational center or program shall conduct a job market survey in those areas in which they propose to establish a regional occupational center or program. The survey shall be conducted in cooperation with the local office of the Department of Human Resources Development, prospective employers, the district's advisory committee on vocational education, and the appropriate advisory committee for each of the proposed training programs. The survey shall include an analysis of existing vocational and occupational training programs maintained by high schools, community colleges, and private postsecondary schools in the area to insure that the anticipated employment demand for trainees in the proposed regional centers and programs justifies the establishment of the proposed courses of instruction.

SEC. 2. Section 7451.2 is added to the Education Code, to read:

7451.2. Subsequent to completing the survey required by Section 7451.1 and prior to establishing a regional occupational center or program authorized by Section 7451, the appropriate governing board, boards, or county superintendent of schools, as the case may be, shall determine whether or not the survey and analysis made pursuant to Section 7451.1 justifies the proposed skill training, and shall further determine whether the skill training will be offered through a regional occupational center or program, or through a contract with an approved private postsecondary school pursuant to the provisions of Section 30133.

SEC. 3. The heading of Chapter 5 (commencing with Section 30131) of Division 21 of the Education Code is amended to read:

CHAPTER 5. VOCATIONAL EDUCATION CONTRACTS

SEC. 4. Section 30133 is added to the Education Code, to read:

30133. Any school district or districts; any community college district or districts; any county superintendent or superintendents; or the governing body of any agency maintaining a regional occupational center or program may contract with a private

postsecondary school approved pursuant to the provisions of Chapter 1 (commencing with Section 29001) of Division 21 to provide vocational skill training authorized by this code.

All contracts between a public entity and a private educational institution entered into pursuant to this section shall:

(1) Be approved by the State Department of Education pursuant to rules and regulations adopted by the State Board of Education;

(2) Provide that the amount contracted for per student shall not exceed the total direct and indirect costs to provide the same training in the public school or the tuition the private institution charges its private students, whichever is lower;

(3) Provide that the public school students receiving training in a private educational institution pursuant to such contract may not be charged additional tuition for any training included in the contract. The attendance of such students pursuant to a contract authorized by this section shall be credited to the public school entity for the purposes of apportionments from the State School Fund;

(4) Provide that all programs, courses, and classes of instruction shall meet the standards set forth in the California Plan for Vocational Education.

The students who attend a private postsecondary school pursuant to a contract under this section shall be enrollees of the public school entity and the attendance of such students at the private school shall be credited to the public school entity for the purposes of apportionments from the State School Fund.

The State Department of Finance and the State Department of Education may audit the accounts of both the public entity and the private party involved in such contracts to the extent necessary to assure the integrity of the public funds involved.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the urgently needed vocational education programs authorized by this act and the preliminary administrative measures may be commenced upon at the earliest possible time, it is necessary that this act take immediate effect.

CHAPTER 986

An act to amend and renumber Section 11900 of, and to add Sections 11900, 11902, and 11903 to, the Vehicle Code, relating to vehicles.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 11900 of the Vehicle Code is amended and renumbered to read:

11901. (a) Any person who sells and installs new parts in passenger cars, in the ordinary course of his business, shall provide the customer with an invoice which identifies by brand name, or other comparable designation, the part or parts installed.

(b) Any person who sells and installs used or factory rebuilt parts in passenger cars, in the ordinary course of his business, shall provide the customer with an invoice which specifically designates the used part or parts installed.

(c) This section shall not apply to any fitting or other device necessary to the installation of any new, used or factory rebuilt part subject to the provisions of this section.

SEC. 2. Section 11900 is added to the Vehicle Code, to read:

11900. The Bureau of Automotive Repair in the Department of Consumer Affairs shall enforce the provisions of this chapter. The Bureau of Automotive Repair shall investigate and inspect retail outlets to insure compliance with this chapter.

SEC. 3. Section 11902 is added to the Vehicle Code, to read:

11902. No person shall knowingly manufacture, sell, or install in any vehicle, any vehicle part which, under the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C., Sec. 1381 et seq.), is, or has been, determined to be defective and subject to customer notification or recall.

SEC. 4. Section 11903 is added to the Vehicle Code, to read:

11903. Any violation of this chapter shall be a misdemeanor.

SEC. 5. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because duties, obligations, or responsibilities imposed on local governmental entities or school districts by this act are such that related costs are incurred as a part of their normal operating procedures.

CHAPTER 987

An act to amend Sections 5102, 5105, 5110, 5113.5, 5116, 5117, 5120, 5121, 5122, 5123, 5125, 5127, 5131, and 5132 of, to add Section 199 to, and to repeal Sections 5101 and 5124 of, the Civil Code, and to amend Sections 12101 and 17300 of the Welfare and Institutions Code, relating to husband and wife.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 199 is added to the Civil Code, to read:

199. The obligation of a father and mother to support their natural child under this chapter, including but not limited to Sections 196 and 206, shall extend only to, and may be satisfied only from, the earnings and separate property of each, if there has been a dissolution of their marriage as specified by Section 4350.

SEC. 2. Section 5101 of the Civil Code is repealed.

SEC. 3. Section 5102 of the Civil Code is amended to read:

5102. Neither husband nor wife has any interest in the separate property of the other, but neither can be excluded from the other's dwelling except as provided in Section 4518 or, in proceedings under Chapter 1 (commencing with Section 4400) or Chapter 2 (commencing with Section 4425) of Title 2 of this part, or under Chapter 1 (commencing with Section 4500) of Title 3 of this part, upon application of either party in the manner provided by Section 527 of the Code of Civil Procedure, the court may order the temporary exclusion of either party from the family dwelling or from the dwelling of the other upon a showing that physical or emotional harm would otherwise result, until the final determination of the proceeding.

SEC. 4. Section 5105 of the Civil Code is amended to read:

5105. The respective interests of the husband and wife in community property during continuance of the marriage relation are present, existing and equal interests. This section shall be construed as defining the respective interests and rights of husband and wife in community property.

SEC. 5. Section 5110 of the Civil Code is amended to read:

5110. Except as provided in Sections 5107, 5108, and 5109 and subdivision (c) of Section 5122, all real property situated in this state and all personal property wherever situated acquired during the marriage by a married person while domiciled in this state, and property held in trust pursuant to Section 5113.5, is community property; but whenever any real or personal property, or any interest therein or encumbrance thereon, is acquired prior to January 1, 1975, by a married woman by an instrument in writing, the presumption is that the same is her separate property, and if so acquired by such married woman and any other person the presumption is that she takes the part acquired by her, as tenant in common, unless a different intention is expressed in the instrument; except, that when any of such property is acquired by husband and wife by an instrument in which they are described as husband and wife, unless a different intention is expressed in the instrument, the presumption is that such property is the community property of said husband and wife and that when a single-family residence of a husband and wife is acquired by them during marriage as joint tenants, for the purpose of the division of such property upon dissolution of marriage or legal separation only, the presumption is that such single-family residence is the community property of said husband and wife. The presumptions in this section mentioned are

conclusive in favor of any person dealing in good faith and for a valuable consideration with such married woman or her legal representatives or successors in interest, and regardless of any change in her marital status after acquisition of said property.

In cases where a married woman has conveyed, or shall hereafter convey, real property which she acquired prior to May 19, 1889, the husband, or his heirs or assigns, of such married woman, shall be barred from commencing or maintaining any action to show that the real property was community property, or to recover the real property from and after one year from the filing for record in the recorder's office of such conveyances, respectively.

As used in this section, personal property does not include and real property does include leasehold interests in real property.

SEC. 6. Section 5113.5 of the Civil Code is amended to read:

5113.5. Where community property, before or after the effective date of this section, is transferred by the husband and wife to a trust, regardless of the identity of the trustee, which trust originally or as amended prior or subsequent to such transfer (a) is revocable in whole or in part during their joint lives, (b) provides that the property after transfer to the trust shall remain community property and any withdrawal therefrom shall be their community property, (c) grants the trustee during their joint lives powers no more extensive than those possessed by a husband or wife under Sections 5125 and 5127, and (d) is subject to amendment or alteration during their joint lifetime upon their joint consent, the property so transferred to such trust, and the interests of the spouses in such trust, shall be community property during the continuance of the marriage, unless the trust otherwise expressly provides. Nothing in this section shall be deemed to affect community property which, before or after the effective date of this section, is transferred in a manner other than as described in this section or to a trust containing different provisions than those set forth in this section; nor shall this section be construed to prohibit the trustee from conveying any trust property, real or personal, in accordance with the provisions of the trust without the consent of the husband or wife unless the trust expressly requires the consent of one or both spouses.

SEC 6.5. Section 5116 of the Civil Code is amended to read:

5116. (a) Except as provided in subdivision (b), the property of the community is not liable for the contracts of the wife, made after marriage, unless secured by pledge or mortgage thereof executed by the husband. Except as otherwise provided by law, the earnings of the wife are liable for her contracts heretofore or hereafter made before or after marriage.

(b) The property of the community is liable for the contracts of the wife which are made after marriage and on or after January 1, 1974, to the extent that her earnings or separate property have been commingled with the property of the community or have become the property of the community by gift or agreement of the spouses.

SEC. 7. Section 5116 of the Civil Code is amended to read:

5116. (a) The property of the community is not liable for the contracts of the wife, made after marriage and prior to January 1, 1975, unless secured by pledge or mortgage thereof executed by the husband.

(b) Except as otherwise provided by law, the earnings of the wife are liable for her contracts heretofore or hereafter made before or after marriage and prior to January 1, 1975.

(c) The property of the community is liable for the contracts of either spouse which are made after marriage and on or after January 1, 1975, provided that the wages of a spouse shall not be subject to garnishment for debts incurred by the other spouse.

SEC. 8. Section 5117 of the Civil Code is amended to read:

5117. The earnings and community property personal injury damages of the wife are not liable for the debts of the husband incurred prior to January 1, 1975; but, except as otherwise provided by law, such earnings and damages shall be liable for the payment of debts, heretofore or hereafter contracted by the husband or wife prior to January 1, 1975, for the necessities of life furnished to them or either of them while they are living together. As used in this section, "community property personal injury damages" has the meaning given that term by subdivision (b) of Section 4800.

SEC. 9 Section 5120 of the Civil Code is amended to read:

5120. Neither the separate property of a spouse nor the earnings of the spouse after marriage is liable for the debts of the other spouse contracted before the marriage.

SEC. 10. Section 5121 of the Civil Code is amended to read:

5121. The separate property of a spouse is liable for the debts of the spouse contracted before or after the marriage of the spouse, but is not liable for the debts of the other spouse contracted after marriage; provided, that the separate property of the spouse is liable for the payment of debts contracted by either spouse for the necessaries of life pursuant to Section 5132.

SEC. 11. Section 5122 of the Civil Code is amended to read·

5122. (a) A married person is not liable for any injury or damage caused by the other spouse except in cases where he would be liable therefor if the marriage did not exist.

(b) The liability of a married person for death or injury to person or property shall be satisfied as follows:

(1) If the liability of the married person is based upon an act or omission which occurred while the married person was performing an activity for the benefit of the community, the liability shall first be satisfied from the community property and second from the separate property of the married person.

(2) If the liability of the married person is not based upon an act or omission which occurred while the married person was performing an activity for the benefit of the community, the liability shall first be satisfied from the separate property of the married person and second from the community property.

SEC. 12. Section 5123 of the Civil Code is amended to read:

5123. (a) The separate property of the wife is not liable for any debt or obligation secured by a mortgage, deed of trust or other hypothecation of the community property which is executed prior to January 1, 1975, unless the wife expressly assents in writing to the liability of her separate property for such debt or obligation.

(b) The separate property of a spouse is not liable for any debt or obligation secured by a mortgage, deed of trust, or other hypothecation of the community property which is executed on or after January 1, 1975, unless the spouse expressly assents in writing to the liability of the separate property for the debt or obligation.

SEC. 13. Section 5124 of the Civil Code is repealed.

SEC. 14. Section 5125 of the Civil Code is amended to read:

5125. (a) Except as provided in subdivisions (b) and (c) and Sections 5113.5 and 5128, either spouse has the management and control of the community personal property, with like absolute power of disposition, other than testamentary, as the spouse has of the separate estate of the spouse; provided, however, that the spouse cannot make a gift of such community personal property, or dispose of the same without a valuable consideration, or sell, convey, or encumber the furniture, furnishings, or fittings of the home, or the clothing or wearing apparel of the other spouse or minor children that is community, without the written consent of the other spouse.

(b) A spouse who is operating or managing a business or an interest in a business which is community personal property has the sole management and control of the business or interest.

SEC. 15. Section 5127 of the Civil Code is amended to read:

5127. Except as provided in Sections 5113.5 and 5128, either spouse has the management and control of the community real property, but both spouses either personally or by duly authorized agent, must join in executing any instrument by which such community real property or any interest therein is leased for a longer period than one year, or is sold, conveyed, or encumbered; provided, however, that nothing herein contained shall be construed to apply to a lease, mortgage, conveyance, or transfer of real property or of any interest in real property between husband and wife; provided, also, however, that the sole lease, contract, mortgage or deed of the husband, holding the record title to community real property, to a lessee, purchaser, or encumbrancer, in good faith without knowledge of the marriage relation, shall be presumed to be valid if executed prior to January 1, 1975, and that the sole lease, contract, mortgage, or deed of either spouse, holding the record title to community real property to a lessee, purchaser, or encumbrancer, in good faith without knowledge of the marriage relation, shall be presumed to be valid if executed on or after January 1, 1975. No action to avoid any instrument mentioned in this section, affecting any property standing of record in the name of either spouse alone, executed by the spouse alone, shall be commenced after the expiration of one year from the filing for record of such instrument in the recorder's office in the county in which the land is situate, and no action to avoid

any instrument mentioned in this section, affecting any property standing of record in the name of the husband alone, which was executed by the husband alone and filed for record prior to the time this act takes effect, in the recorder's office in the county in which the land is situate, shall be commenced after the expiration of one year from the date on which this act takes effect.

SEC. 16. Section 5131 of the Civil Code is amended to read:

5131. A spouse is not liable for the support of the other spouse when the other spouse is living separate from the spouse by agreement unless such support is stipulated in the agreement.

SEC. 17. Section 5132 of the Civil Code is amended to read:

5132. A spouse must support the other spouse while they are living together out of the separate property of the spouse when there is no community property or quasi-community property.

For the purposes of this section, the terms "quasi-community property" and "separate property" have the meanings given those terms by Sections 4803 and 4804.

SEC. 18. Section 12101 of the Welfare and Institutions Code is amended to read:

12101. The ability of an adult child to contribute to the support of a parent shall be determined in accordance with this section.

The director may establish a relatives' contribution scale setting forth the amount an adult child shall be required to contribute toward the support of a parent in receipt of aid under this chapter provided that the schedule established shall not exceed the amounts in the schedule specified in this section. Regulations of the department shall prescribe the criteria, methods of investigation and test check procedures relating to the determination of the maximum amount any adult child may be held liable to contribute toward the support of a parent to the end that the required contribution does not impose an undue hardship upon the adult child and administrative time and effort are not expended on nonproductive investigative activities.

For purposes of this chapter, income of an adult male child is defined as the sum of the income constituting the separate property of the adult male child, the income (excluding earnings) which is community property subject to the direction and control of the adult male child, and the earnings of the adult male child but not of his spouse.

For purposes of this chapter, income of an adult female child is defined as the sum of the income constituting the separate property of the adult female child, and the earnings of the adult female child, but not of her spouse.

In computing net income, a flat 25-percent allowance shall be permitted for the cost of personal income taxes, disability insurance taxes and social security taxes, expenses necessary to produce the income, including the cost of transportation to and from work, meals eaten at work, and union dues, and the cost of tools, equipment and uniforms.

A responsible relative who is self-employed shall also be allowed to deduct the expenses necessary for obtaining the income.

The department, in establishing criteria and regulations for the administration of this section, shall provide for consideration of contributions made in kind.

Relatives' Contribution Scale

A Net monthly income	B. Number of persons dependent upon income					
	1	2	3	4	5	6 or more
	C Maximum required monthly contributions					
$350 or under..	$0	$0	$0	$0	$0	$0
351– 375.....	20	0	0	0	0	0
376– 400.....	25	0	0	0	0	0
401– 425.....	30	20	0	0	0	0
426– 450.....	35	25	0	0	0	0
451– 475.....	40	30	20	0	0	0
476– 500.....	45	35	25	0	0	0
501– 525.....	50	40	30	20	0	0
526– 550.....	55	45	35	25	0	0
551– 575.....	60	50	40	30	20	0
576– 600.....	65	55	45	35	25	0
601– 625.....	70	60	50	40	30	20
626– 650.....	75	65	55	45	35	25
651– 675.....	80	70	60	50	40	30
676– 700.....	85	75	65	55	45	35
701– 725.....	90	80	70	60	50	40
726– 750.....	95	85	75	65	55	45
751– 775.....100		90	80	70	60	50
776– 800.....105		95	85	75	65	55
801– 825.....110		100	90	80	70	60
826– 850.....115		105	95	85	75	65
851– 875.....120		110	100	90	80	70
876– 900.....125		115	105	95	85	75
901– 925.....130		120	110	100	90	80
926– 950.....135		125	115	105	95	85
951– 975.....140		130	120	110	100	90
976–1,000.....145		135	125	115	105	95
1,001–1,025.....150		140	130	120	110	100
1,026–1,050.....155		145	135	125	115	105
1,051–1,075.....160		150	140	130	120	110
1,076–1,100.....165		155	145	135	125	115
1,101–1,125.....170		160	150	140	130	120
1,126–1,150.....175		165	155	145	135	125

The maximum required monthly contribution of responsible relatives in one family where the net monthly income is over one

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thousand one hundred fifty dollars ($1,150) shall be the amount computed by entering the column of maximum required monthly contribution appropriate to number of persons dependent upon income as shown in the relatives' contribution scale for a net monthly income of one thousand one hundred twenty-six dollars ($1,126) to one thousand one hundred fifty dollars ($1,150) and then adding to the required monthly contribution thus ascertained an additional sum of five dollars ($5) contribution for each and every bracket of twenty-five dollars ($25) net income over and above one thousand one hundred fifty dollars ($1,150), the same as if the relatives' contribution scale were extended by brackets of twenty-five dollars ($25) net income in column A with corresponding step-by-step increases of five dollars ($5) monthly contribution in each column under B and C.

Notwithstanding any other provision of this code to the contrary, the provisions of this section and the regulations of the department adopted pursuant thereto shall be the basis for determining the extent of liability of an adult child to contribute to the support of, or defray the cost of any medical care or hospital care and other services rendered to a recipient pursuant to any provision of this code if he is a recipient of aid under this chapter at the time such medical care or hospital care or other services are rendered.

SEC. 19. Section 17300 of the Welfare and Institutions Code is amended to read:

17300. All aid rendered by the county under this part shall be a charge against the spouse, parent, and adult child of the recipient thereof, and the county rendering aid shall be entitled to reimbursement therefor.

The board of supervisors of the county rendering aid shall determine if the spouse, parent, or adult child, or any of them, have financial ability to support or contribute to the support of the recipient and were pecuniarily able to support or contribute to the support of the recipient during the time aid was rendered. If in the opinion of the board of supervisors pecuniary ability existed when the aid was given, and exists when the matter comes before the board of supervisors, the board shall request the district attorney or other civil legal officer of the county granting aid to proceed against such responsible relative or relatives.

Upon such request, the district attorney or other civil legal officer shall maintain an action on behalf of the county granting aid against the relative or relatives to recover for the county the aid rendered and to secure an order requiring the payment of any sums which may become due in the future.

The board of supervisors shall, in the case of aid granted by institutional care, fix a reasonable charge therefor, which shall be the measure of reimbursement to the county, and the existence of the order fixing the charge shall constitute prima facie evidence of its reasonableness.

The earnings and separate property of a wife shall be the only

factors which may be considered in any determination of her ability to support or contribute to the support of a recipient, but shall not be considered in any determination of the ability of a husband to support or contribute to the support of a recipient.

SEC. 20. Except as provided in Section 21, the provisions of this act shall be operative January 1, 1975.

SEC. 21. It is the intent of the Legislature, if this bill and Assembly Bill No. 312 are both chaptered, and become effective January 1, 1974, and amend Section 5116 of the Civil Code, and this bill is chaptered after Assembly Bill No. 312, that Section 5116 of the Civil Code, as amended by Section 6.5 of this act, shall become operative on the effective date of this act and remain operative until the operative date of this act and that on the operative date of this act Section 5116 of the Civil Code, as amended by Section 6.5 of this act, be further amended in the form set forth in Section 7 of this act. Therefore, if Assembly Bill No. 312 is chaptered before this bill and amends Section 5116, Section 7 of this act shall become operative on the operative date of this act, and Section 5116 as amended by Section 6.5 of this act shall become inoperative on the operative date of this act.

CHAPTER 988

An act to repeal Chapter 10 (commencing with Section 8800) of Division 1 of Title 2 of the Government Code, relating to marine and coastal resources.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Chapter 10 (commencing with Section 8800) of Division 1 of Title 2 of the Government Code is repealed.

CHAPTER 989

An act to amend Section 23153 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

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SECTION 1. Section 23153 of the Revenue and Taxation Code is amended to read:

23153. (a) Every corporation not otherwise taxed under this chapter and not expressly exempted by the provisions of this part or the Constitution of this state shall pay annually to the state a tax of one hundred dollars ($100), except that the following corporations shall pay annually to the state a tax of twenty-five dollars ($25):

(1) A credit union not otherwise taxed under this chapter whose gross income is twenty thousand dollars ($20,000) or less.

(2) A corporation formed under the laws of this state whose principal business when formed was gold mining, which is inactive and has not done business within the limits of the state since 1950.

(3) A corporation formed under the laws of this state whose principal business when formed was quicksilver mining, which is inactive and has not done business within the limits of the state since 1971, or has been inactive for a period of 24 consecutive months or more.

Every such domestic corporation taxable under this section shall be subject to the said tax from the date of incorporation until the effective date of dissolution as provided in Section 23331.

For the purpose of paragraphs (2) and (3) a corporation shall not be considered to have done business if it engages in other than mining.

(b) 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. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, the provisions of this act shall apply in the computation of taxes for income years beginning after December 31, 1972.

CHAPTER 990

An act to amend Section 995 of, and to add Section 995.2 to, the Revenue and Taxation Code, and to repeal Section 3 of Chapter 165 of the Statutes of 1972, relating to property taxation.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 995 of the Revenue and Taxation Code, as added by Chapter 165 of the Statutes of 1972, is amended to read:

995. Storage media for computer programs shall be valued on the 1972 lien date and thereafter as if there were no computer program on such media except basic operational programs. Otherwise, computer programs shall not be valued for purpose of property

taxation.

As used in this section, storage media for computer programs may take the form of, but are not limited to, punched cards, tapes, discs or drums on which computer programs may be embodied or stored.

As used in this section, a computer program may be, but is not limited to a set of written instructions, magnetic imprints, required documentation or other process designed to enable the user to communicate with or operate a computer or other machinery.

SEC. 2. Section 995.2 is added to the Revenue and Taxation Code, to read:

995.2. The term "basic operational program," as used in Section 995 and for purposes of Section 995.1, means a computer program which is fundamental and necessary to the functioning of a computer. A basic operational program is that part of an operating system including supervisors, monitors, executives and control or master programs which consist of the control program elements of that system.

For purposes of this section the terms "control program" and "basic operational program" are interchangeable. A control program, as opposed to a processing program, controls the operation of a computer by managing the allocation of all system resources, including the central processing unit, main storage, input/output devices and processing programs. A processing program is used to develop and implement the specific applications which the computer is to perform. Its operation is possible only through the facilities provided by the control program; however, it is not in itself fundamental and necessary to the functioning of a computer.

Excluded from the term "basic operational program" are processing programs, which consist of language translators, including but not limited to, assemblers and compilers; service programs, including but not limited to, data set utilities, sort/merge utilities, and emulators; data management systems, also known as generalized file-processing software; and application programs including but not limited to payroll, inventory control and production control. Also excluded from the term "basic operational program" are programs or parts of programs developed for or by a user if they were developed solely for the solution of an individual operational problem of the user.

A control program, as used in this section, includes such functions as: selection, assignment and control of input and output devices; loading of programs, including selection of programs from a system resident library; handling the steps necessary to accomplish job-to-job transition; controlling the allocation of memory; controlling concurrent operation of multiple programs or computers; and protecting data from being inadvertently destroyed as a result of operator program error.

SEC. 3. The addition of Section 995.2 to the Revenue and Taxation Code by this act does not constitute a change in, but is declaratory of, existing law.

SEC. 4. Section 3 of Chapter 165 of the Statutes of 1972 is repealed.

SEC. 5. No reimbursement shall be made to any local agency pursuant to Section 2163 or 2229 of the Revenue and Taxation Code as a result of the provisions of this act for the following reasons:

The definition of "basic operational program" in this act is a change from the definition adopted by the Board of Equalization late in 1972. Therefore the 1972 assessment roll could not have been prepared with the use of the Board of Equalization definition of "basic operational program" and therefore no actual tax revenue collected in the 1972–73 fiscal year could have been based on such rule.

Sections 2163 and 2229 only require the Legislature to reimburse local agencies for the actual loss of revenue, which does not include potential revenue from property which was not being assessed and taxed on January 1, 1973.

As the property in question was not being actually assessed or taxed for the 1972–73 fiscal year, even though it may have been legally subject to taxation, there is no requirement for the Legislature to reimburse local government due to the adoption of a definition of "basic operational program" in this act.

CHAPTER 991

An act to add Section 11212 to the Welfare and Institutions Code, relating to public assistance, and making an appropriation therefor.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 11212 is added to the Welfare and Institutions Code, to read:

11212. The state, through the county welfare department, shall reimburse the foster parent or foster parents for the cost of the burial plot and funeral expenses incurred for any child who, at the time of death, is receiving foster care, as defined in Section 11251, to the extent that the foster parent or foster parents are not otherwise reimbursed for costs incurred for such purposes. The foster parent shall file a claim for reimbursement of costs with the county welfare department at the time and in the manner specified by the department. The county welfare department shall pay an amount not exceeding six hundred fifty dollars ($650) for such claim out of state funds appropriated for such purposes.

SEC. 2. There is hereby appropriated forty-eight thousand seven hundred fifty dollars ($48,750) from the General Fund to the

Department of Social Welfare for disbursement to the counties for costs incurred by them pursuant to this act.

CHAPTER 992

An act to add Chapter 2 (commencing with Section 13100) to Title 3 of Part 4 of the Penal Code, relating to criminal records.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 2 (commencing with Section 13100) is added to Title 3 of Part 4 of the Penal Code, to read:

CHAPTER 2. CRIMINAL OFFENDER RECORD INFORMATION

Article 1. Legislative Findings and Definitions

13100. The Legislature finds and declares as follows:

(a) That the criminal justice agencies in this state require, for the performance of their official duties, accurate and reasonably complete criminal offender record information.

(b) That the Legislature and other governmental policymaking or policy-researching bodies, and criminal justice agency management units require greatly improved aggregate information for the performance of their duties.

(c) That policing agencies and courts require speedy access to information concerning all felony and selected misdemeanor arrests and final dispositions of such cases.

(d) That criminal justice agencies may require regular access to detailed criminal histories relating to any felony arrest that is followed by the filing of a complaint.

(e) That, in order to achieve the above improvements, the recording, reporting, storage, analysis, and dissemination of criminal offender record information in this state must be made more uniform and efficient, and better controlled and coordinated.

13101. As used in this chapter, "criminal justice agencies" are those agencies at all levels of government which perform as their principal functions, activities which either:

(a) Relate to the apprehension, prosecution, adjudication, incarceration, or correction of criminal offenders; or

(b) Relate to the collection, storage, dissemination or usage of criminal offender record information.

13102. As used in this chapter, "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.

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. It shall be understood to include, where appropriate, such items for each person arrested as the following:

(a) Personal identification.

(b) The fact, date, and arrest charge; whether the individual was subsequently released and, if so, by what authority and upon what terms.

(c) The fact, date, and results of any pretrial proceedings.

(d) The fact, date, and results of any trial or proceeding, including any sentence or penalty.

(e) The fact, date, and results of any direct or collateral review of that trial or proceeding; the period and place of any confinement, including admission, release; and, where appropriate, readmission and rerelease dates.

(f) The fact, date, and results of any release proceedings.

(g) The fact, date, and authority of any act of pardon or clemency.

(h) The fact and date of any formal termination to the criminal justice process as to that charge or conviction.

(i) The fact, date, and results of any proceeding revoking probation or parole.

It shall not include intelligence, analytical, and investigative reports and files, nor statistical records and reports in which individuals are not identified and from which their identities are not ascertainable.

Article 2. Recording Information

13125. All basic information stored in state or local criminal offender record information systems shall be recorded, when applicable and available, in the form of standard data elements. Such standard data elements shall include, but not be limited to:

The following personal identification data:

Name—(full name)
Aliases
Monikers
Race
Sex
Date of birth
Place of birth (state or country)
Height
Weight
Hair color

Eye color
CII number
FBI number
Social security number
California operators license number
Fingerprint classification number
Henry
NCIC
Address
The following arrest data:
Arresting agency
Booking number
Date of arrest
Offenses charged
Statute citations
Literal descriptions
Police disposition
Released
Turned over to
Complaint filed
The following lower court data:
County and court name
Date complaint filed
Original offenses charged in complaint to superior court
Held to answer
Certified plea
Disposition—lower court
Not convicted
Dismissed
Acquitted
Court trial
Jury trial
Convicted
Plea
Court trial
Jury trial
Date of disposition
Convicted offenses
Sentence
Proceedings suspended
Reason suspended
The following superior court data:
County
Date complaint filed
Type of proceeding
Indictment
Information
Certification
Original offenses charged in indictment or information

Disposition
Not convicted
Dismissed
Acquitted
Court trial
Jury trial
On transcript
Convicted—felony, misdemeanor
Plea
Court trial
Jury trial
On transcript
Date of disposition
Convicted offenses
Sentence
Proceedings suspended
Reason suspended
Source of reopened cases
The following corrections data:
Adult probation
County
Type of court
Court number
Offense
Date on probation
Date removed
Reason for removal
County jail (sentenced prisoners only)
Name of jail, camp, or other
Convicted offense
Sentence
Date received
Date released
Reason for release
Committing agency
Youth Authority
County
Type of court
Court number
Youth Authority number
Date received
Convicted offense
Type of receipt
Original commitment
Parole violator
Date released
Type of release
Custody
Supervision

Date terminated
Department of Corrections
County
Type of court
Court number
Department of Corrections number
Date received
Convicted offense
Type of receipt
Original commitment
Parole violator
Date released
Type of release
Custody
Supervision
Date terminated
Mentally disordered sex offenders
County
Hospital number
Date received
Date discharged
Recommendation

13126. The Department of Justice shall, when necessary, modify the list of data elements enumerated in Section 13125, in accord with changes in criminal procedures or the organization of criminal justice agencies that affect criminal record information requirements.

13127. Each recording agency shall insure that each portion of a criminal offender record that it originates shall include, for all felonies and reportable misdemeanors, the state or local unique and permanent fingerprint identification number, within 72 hours of origination of such records, excluding Saturday, Sunday, and holidays.

Article 3. Reporting Information

13150. For each arrest made, the reporting agency shall report to the Department of Justice, concerning each arrest, the applicable identification and arrest data described in Section 13125, including any modification under Section 13126, and fingerprints, except as otherwise provided by law.

13151. The court dispositions of such cases shall be reported by the appropriate agency within 10 days of such disposition. Admissions or releases from detention facilities shall be reported within 10 days of such actions.

13152. Each criminal justice agency filing a complaint subsequent to an arrest where a felony charge is recorded at the time of arrest or booking, and every criminal justice agency taking action towards an offender subsequent to such complaint, shall report, in a

form to be determined by the Department of Justice, such criminal offender record information as the Department of Justice requires. The minimum required shall include, but not be limited to, the appropriate data elements enumerated in Section 13125, including any modification under Section 13126, describing those actions initiated or carried out by the agency.

13153. Criminal justice agencies shall report such additional criminal offender record information as the Department of Justice requires, provided that data relating to arrests for being found in any public place under the influence of intoxicating liquor under subdivision (f) of Section 647 shall not be reported or maintained by the Department of Justice without special individual justification.

Article 4. Information Service

13175. When a criminal justice agency supplies fingerprints, or a fingerprint identification number, or such other personal identifiers as the Department of Justice deems appropriate, to the Department of Justice, such agency shall, upon request, be provided with identification, arrest, and, where applicable, final disposition data relating to such person within 72 hours of receipt by the Department of Justice.

13176. When a criminal justice agency entitled to such information supplies fingerprints, or a fingerprint identification number, or such other personal identifiers as the Department of Justice deems appropriate, to the Department of Justice, such agency shall, upon request, be provided with the criminal history of such person, or the needed portion thereof, within 72 hours of receipt by the Department of Justice.

13177. Nothing in this chapter shall be construed so as to prevent the Department of Justice from requiring criminal justice agencies to report more criminal offender record information, if such information is a public record, than this chapter requires or to record or report it more quickly, or to establish any other regulations authorized by any other provision of law that would improve criminal justice information systems.

Article 5. Access to Information

13200. Nothing in this chapter 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.

13201. Nothing in this chapter 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.

13202. Every public agency or research body immediately concerned with the prevention or control of crime, the quality of criminal justice, or the custody or correction of offenders shall be

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provided with such aggregated criminal offender record information as is required for the performance of its duties, or the execution of research projects relating to the activities of criminal justice agencies or changes in legislative or executive policies, insofar as the technical or financial resources of statistical agencies permit, provided that all material identifying individuals has been removed, and provided that such agency or body pays the cost of the processing of such data when necessary.

SEC. 2. This act shall become operative July 1, 1978.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act. This legislation consists of technical changes to statutes enacted prior to January 1, 1973, and therefore does not mandate a local governmental program under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 993

An act to add Sections 11200.4, 11553.4, 11554.1, and 12804.1 to, the Government Code, to amend Sections 12081 and 13108 of the Health and Safety Code, to amend Sections 53, 55, 57, 140, 141, and 142 of, and to amend the heading of Chapter 6 (commencing with Section 140) of Division 1 of, the heading of Part 1 (commencing with Section 6300) of, and the heading of Chapter 1 (commencing with Section 6300) of Part 1 of, Division 5 of, to add Sections 57.1, 142.1, 142.2, 142.3, 142.4, 142.5, 143, 143.1, 143.2, 144, 144.5, 144.6, 145, 145.1, 146, 147, 147.1, 155, 156, 2626.5, 6300, 6301, 6302, 6303, 6304.1, 6305, 6306, 6307, 6308, 6309, 6310, 6311, 6312, 6313, 6313.5, 6314, 6315, 6315.5, 6316, 6317, 6318, 6319, 6319.5, 6320, 6321, 6322, 6323, 6324, 6325, 6326, 6327, 6327.5, 6328, 6329, and 6330 to, to add Chapter 6.5 (commencing with Section 148) to Division 1 of, and to add Chapter 2 (commencing with Section 6350), Chapter 3 (commencing with Section 6400), Chapter 4 (commencing with Section 6423), Chapter 5 (commencing with Section 6450), Chapter 6 (commencing with Section 6500), Chapter 7 (commencing with Section 6600), Chapter 8 (commencing with Section 6650), and Chapter 9 (commencing with Section 6700), to Part 1 of Division 5 of, to repeal Sections 144, 145, 146, 147, 6300, 6301, 6302, 6303, 6305, 6306, 6307, 6308, 6309, 6310, 6311, 6312, 6313, 6314, 6315, 6316, 6317, 6318, 6319, 6320, and 6321 of, and to repeal Chapter 2 (commencing with Section 6400), Chapter 3 (commencing with Section 6500), and Chapter 4 (commencing with Section 6600), of Part 1 of Division 5 of, the Labor Code,

relating to industrial safety, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 1, 1973. Filed with Secretary of State October 1, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 11200.4 is added to the Government Code, to read:

11200.4. The Governor, upon recommendation of the Director of the Department of Industrial Relations may appoint not to exceed one chief deputy for the Director of the Department of Industrial Relations.

The deputy provided for in this section shall be in addition to those which may be authorized by any other law.

SEC. 1.5. Section 11553.4 is added to the Government Code, to read:

11553.4. An annual salary of thirty-one thousand seven hundred sixty-five dollars ($31,765) shall be paid to the Chairman of the Occupational Safety and Health Appeals Board.

SEC. 2. Section 11554.1 is added to the Government Code, to read:

11554.1. An annual salary of thirty thousand two hundred fifty dollars ($30,250) shall be paid to each member of the Occupational Safety and Health Appeals Board.

SEC. 3. Section 12804.1 is added to the Government Code, to read:

12804.1. The Agriculture and Services Agency is the state agency designated to be responsible for administering the state plan for the development and enforcement of occupational safety and health standards relating to issues covered by corresponding standards promulgated under the Occupational Safety and Health Act of 1970, Public Law 91-596. This responsibility shall be exercised through the Department of Industrial Relations. All enforcement and rulemaking authority shall be in the Department of Industrial Relations.

SEC. 4. Section 12081 of the Health and Safety Code is amended to read:

12081. Except as limited by Chapter 6 (commencing with Section 140), Division 1 of the Labor Code, the State Fire Marshal shall prepare and adopt, in accordance with the provisions of Chapter 4.5 (commencing at Section 11371), Part 1, Division 3, Title 2 of the Government Code, reasonable regulations which are not in conflict with this part, relating to the sale, use, handling, possession, and storage of explosives.

The regulations adopted by the State Fire Marshal shall:

(a) Make reasonable allowances for storage facilities in existence when the regulations become effective. No allowance, however, shall

be made for storage facilities which constitute a distinct hazard to life and property, nor shall any allowance be made for storage facilities wherein proper safeguards for the control and security of explosives cannot be maintained.

(b) Be based on performance standards wherever possible.

(c) Make reasonable allowances for the storage of gunpowder for commercial and private use. No allowance, however, shall be made for storage facilities which constitute a distinct hazard to life and property, nor shall any allowance be made for storage facilities wherein proper safeguards for the control and security of explosives cannot be maintained.

In making the regulations the State Fire Marshal shall consider as evidence of generally accepted safety standards the publications of the National Fire Protection Association, the United Bureau of Mines, the United States Department of Defense, and the Institute of Makers of Explosives.

SEC. 5. Section 13108 of the Health and Safety Code is amended to read:

13108. Except as limited by Chapter 6 (commencing with Section 140), Division 1 of the Labor Code, the State Fire Marshal shall prepare and adopt regulations, not inconsistent with existing laws or ordinances relating to fire protection in the design and construction of, the means of egress and the adequacy of exits from, the installation and maintenance of fire alarm and fire extinguishment equipment or systems in, and the installation and maintenance of equipment and furnishings that present unusual fire hazards in, any state institution or other state-owned building.

The chief of any city, county or fire protection district may enter any state institution or any other state-owned or state-occupied building for the purpose of preparing a fire suppression preplanning program.

Except as otherwise provided in this section, the State Fire Marshal shall enforce the regulations adopted by him in all state-owned buildings and state institutions throughout the state. Upon written request from the chief fire official of any city, county, or fire protection district, the State Fire Marshal may authorize such chief fire official and his authorized representatives, in their geographical area of responsibility, to make fire prevention inspections of state-owned buildings, other than state institutions, for the purpose of enforcing the regulations relating to fire and panic safety adopted by the State Fire Marshal pursuant to this section. Authorization from the State Fire Marshal shall be limited to those fire departments or fire districts which maintain a fire prevention bureau staffed by paid personnel.

Any requirement or order made by any chief fire official pursuant to this section may be appealed to the State Fire Marshal. The State Fire Marshal shall, upon receiving an appeal, determine if the requirement or order made is reasonably consistent with the fire and panic safety regulations adopted by him.

The State Fire Marshal and his salaried assistants shall have the authority under this section to make or enforce orders, rules, or regulations regarding the design or construction of privately owned buildings occupied by the state. This section does not grant authorization to the chief of any city, county, or fire protection district to regulate or affect the design and construction, or the approval of the design and construction of any state-owned or occupied building.

SEC. 6. Section 53 of the Labor Code is amended to read:

53. Whenever in Section 1001 or in Part 1 (commencing with Section 11000) of Division 3 of Title 2 of the Government Code, "head of the department," or similar designation occurs the same shall for the purposes of this code mean the director, except that in respect to matters which by the express provisions of this code are committed to or retained under the jurisdiction of the Division of Industrial Accidents, the State Compensation Insurance Fund, the Occupational Safety and Health Standards Board, the Occupational Safety and Health Appeals Board, or the Industrial Welfare Commission such designation shall mean the Division of Industrial Accidents, the Administrative Director of the Division of Industrial Accidents, the Workmen's Compensation Appeals Board, the State Compensation Insurance Fund, the Occupational Safety and Health Standards Board, the Occupational Safety and Health Appeals Board, or the Industrial Welfare Commission as the case may be.

SEC. 7. Section 55 of the Labor Code is amended to read:

55. For the purpose of administration the director shall organize the department subject to the approval of the Governor, in the manner he deems necessary properly to segregate and conduct the work of the department. Notwithstanding any provision in this code to the contrary, the director may require any division in the department to assist in the enforcement of any or all laws within the jurisdiction of the department. The director may, in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, make such rules and regulations as are reasonably necessary to carry out the provisions of this chapter and to effectuate its purposes. The provisions of this section, however, shall not apply to the Division of Industrial Accidents or the State Compensation Insurance Fund, except as to any power or jurisdiction within such divisions as may have been specifically conferred upon the director by law.

SEC. 8. Section 57 of the Labor Code is amended to read:

57. Each division shall be in charge of a chief who shall be appointed by the Governor and shall receive a salary fixed in accordance with law, and shall serve at the pleasure of the director.

SEC. 9. Section 57.1 is added to the Labor Code, to read:

57.1. The Chief of the Division of Industrial Safety shall receive an annual salary as provided by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 10. The heading of Chapter 6 (commencing with Section 140) of Division 1 of the Labor Code is amended to read:

CHAPTER 6. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

SEC. 11. Section 140 of the Labor Code is amended to read:

140. (a) There is in the Department of Industrial Relations, the Occupational Safety and Health Standards Board which consists of seven members who shall be appointed by the Governor. Two members shall be from the field of management, two members shall be from the field of labor, one member shall be from the field of occupational health, one member shall be from the field of occupational safety and one member shall be from the general public. Members representing occupational safety and health fields and the public member shall be selected from other than the fields of management or labor.

(b) Terms of office for members of the Industrial Safety Board shall expire 60 days after the effective date of the amendment of this section enacted at the 1973–74 Regular Session. Newly appointed members of the Occupational Safety and Health Standards Board shall assume their duties upon that date.

(c) The Governor shall designate the chairman of the board from the membership of the board. The person so designated shall hold the office of chairman at the pleasure of the Governor. The chairman shall designate a member of the board to act as chairman in his absence.

(d) As used in this chapter, "board" means the Occupational Safety and Health Standards Board.

(e) All references in this or any other code to the Industrial Safety Board shall be deemed to mean the Occupational Safety and Health Standards Board.

SEC. 12. Section 141 of the Labor Code is amended to read:

141. (a) The terms of offices of the members of the board shall be four years and they shall hold office until the appointment and qualification of a successor. The terms of the members of the board first appointed shall expire as follows: three members, one representative from management, one representative from labor and one representative from occupational health, on June 1, 1974; three members, one representative from management, one representative from labor, and one representative from occupational safety, on June 1, 1975; one member June 1, 1976. The terms shall thereafter expire in the same relative order. Vacancies occurring shall be filled by appointment to the unexpired term.

(b) Each member of the board shall receive one hundred dollars ($100) for each day of his actual attendance at meetings of the board, and other official business of the board, and his actual and necessary traveling expenses incurred in the performance of his duty as a member.

SEC. 13. Section 142 of the Labor Code is amended to read:

142. The Division of Industrial Safety shall enforce all occupational safety and health standards adopted pursuant to this chapter, and those heretofore adopted by the Industrial Accident Commission or the Industrial Safety Board. General safety orders heretofore adopted by the Industrial Accident Commission or the Industrial Safety Board shall continue to remain in effect but they may be amended or repealed pursuant to this chapter.

SEC. 14. Section 142.1 is added to the Labor Code, to read:

142.1. The board shall meet at least monthly. The meetings shall be rotated throughout the state at locations designated by the chairman. All meetings held by the board shall be open and public. Notice of board meetings shall be published in Sacramento, San Francisco, Fresno, Los Angeles and San Diego in papers of general circulation at least 30 calendar days prior to each such meeting. Written notice of all such meetings and an agenda shall be given to all persons who make request for such notice in writing to the board.

SEC. 15. Section 142.2 is added to the Labor Code, to read:

142.2. At each of its meetings, the board shall make time available to interested persons to propose new or revised orders or standards appropriate for adoption pursuant to this chapter or other items concerning occupational safety and health. The board shall consider such proposed orders or standards and report its decision no later than six months following receipt of such proposals.

SEC. 16. Section 142.3 is added to the Labor Code, to read:

142.3. (a) The board, by an affirmative vote of at least four members, may adopt, amend or repeal occupational safety and health standards and orders. The board shall be the only agency in the state authorized to adopt occupational safety and health standards. The board shall adopt standards at least as effective as the federal standards for all issues for which federal standards have been promulgated under Section 6 of the Occupational Safety and Health Act of 1970 (P.L. 91-596) within six months of the effective date of the federal standards.

(b) Any standard or order promulgated under this section shall prescribe the use of labels or other appropriate forms of warning as are necessary to ensure that employees are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions for safe use or exposure. Where appropriate, such standards or orders shall also prescribe suitable protective equipment and control or technological procedures to be used in connection with such hazards and shall provide for monitoring or measuring employee exposure at such locations and intervals and in such manner as may be necessary for the protection of employees. In addition, where appropriate, any such standard or order shall prescribe the type and frequency of medical examinations or other tests which shall be made available, by the employer or at his cost, to employees exposed to such hazards in order to most effectively determine whether the health of such

employee is adversely affected by such exposure.

(c) The results of such examinations or tests shall be furnished only to the Division of Industrial Safety, the State Department of Health, any other authorized state agency, the employer, the employee, and, at the request of the employee, to his physician.

SEC. 17. Section 142.4 is added to the Labor Code, to read:

142.4. (a) Occupational safety and health standards and orders shall be adopted, amended, or repealed as provided in Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2, of the Government Code, except as modified by this chapter.

(b) If an emergency regulation is based upon an emergency temporary standard published in the Federal Register by the Secretary of Labor pursuant to Section 6(c)(1) of the Federal Occupational Safety and Health Act of 1970 (P.L. 91-596), the 120-day period specified in Section 11422.1 of the Government Code shall be deemed not to expire until 120 days after a permanent standard is promulgated by the Secretary of Labor pursuant to Section 6(c)(3), of the Federal Occupational Safety and Health Act of 1970.

SEC. 18. Section 142.5 is added to the Labor Code, to read:

142.5. Upon the fixing of a time and place for a hearing to consider the adoption, amendment, or repeal of an occupational safety and health standard or order, the board shall publish, at least 30 calendar days prior to each meeting, a notice of such hearing in one or more daily newspapers of general circulation published and circulated in San Francisco and in one or more daily newspapers of general circulation published and circulated in the County of Los Angeles. No defect or inaccuracy in such notice or in the publication thereof invalidates any standard or order issued by the board after a hearing.

SEC. 19. Section 143 is added to the Labor Code, to read:

143. (a) Any employer may apply to the board for a permanent variance from an occupational safety and health standard, order, special order, or portion thereof, upon a showing of an alternate program, method, practice, means, device, or process which will provide equal or superior safety for employees.

(b) The board shall issue such variance if it determines on the record, after opportunity for an investigation where appropriate and a hearing, that the proponent of the variance has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations, or processes used or proposed to be used by an employer will provide employment and places of employment to his employees which are as safe and healthful as those which would prevail if he complied with the standard. The variance so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, and processes which he must adopt and utilize to the extent they differ from the standard in question.

(c) The board is authorized to grant a variance from any standard or portion thereof whenever it determines such variance is necessary

to permit an employer to participate in an experiment approved by the director designed to demonstrate or validate new and improved techniques to safeguard the health or safety of workers.

(d) A permanent variance may be modified or revoked upon application by an employer, employees, or by the board or the division on its own motion, in the manner prescribed for its issuance under this section at any time.

SEC. 20. Section 143.1 is added to the Labor Code, to read:

143.1. The board shall conduct hearings on such requests for a permanent variance after employees or employee representatives are properly notified and given an opportunity to appear. All board decisions on permanent variance requests shall be final except for any rehearing or judicial review provided for by law.

SEC. 21. Section 143.2 is added to the Labor Code, to read:

143.2. The board, acting as a whole, may adopt, amend or repeal rules of practice and procedure pertaining to hearings on applications for permanent variances, variance appeals, and other matters within its jurisdiction. All such rules of practice and procedure amendments thereto, or repeal thereof shall be made in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3, Title 2 of the Government Code.

SEC. 22. Section 144 of the Labor Code is repealed.

SEC. 23. Section 144 is added to the Labor Code, to read:

144. (a) The authority of any agency, department, division, bureau or any other political subdivision other than the Division of Industrial Safety to assist in the administration or enforcement of any occupational safety or health standard, order, or rule adopted pursuant to this chapter shall be contained in a written agreement with the Department of Industrial Relations or an agency authorized by the department to enter into such agreement.

(b) No such agreement shall deprive the Division of Industrial Safety or other state agency to which authority has been delegated of any power or authority of the state agency.

(c) Such an agreement may provide for the right of access of an authorized representative of the designated agency to enter any place of employment which is under the jurisdiction of the Division of Industrial Safety.

(d) If any representative of an agency operating under such an agreement becomes aware of an imminent hazard, he shall notify the employer and affected employees of the hazard and immediately notify the Division of Industrial Safety.

(e) Nothing in this section shall affect or limit the authority of any state or local agency as to any matter other than the enforcement of occupational safety and health standards adopted by the board; however, nothing herein shall limit or reduce the authority of local agencies to adopt and enforce higher standards relating to occupational safety and health for their own employees.

SEC. 24. Section 144.5 is added to the Labor Code, to read:

144.5. (a) The State Department of Health in connection with the enforcement of occupational safety and health standards adopted pursuant to this chapter shall do all of the following:

(1) Upon request from the Division of Industrial Safety, assist in the conduct of inspections or investigations related to specific workplaces for the evaluation of occupational health programs or environmental conditions which may be harmful to the health of employees. The State Department of Health shall report its finding to the division as soon as practicable.

(2) Upon request of the Division of Industrial Safety, any employer or employee, or on its own initiative, conduct special investigations or studies of occupational health problems which are unrelated to a specific enforcement action to the extent the circumstances indicate and priorities permit. Studies initiated by the State Department of Health shall be coordinated with and reported to the division.

(3) Provide a continuing program of training for safety engineers of the Division of Industrial Safety in the recognition of health hazards, in dealing with such hazards that do not require specialized competence or equipment and in acquainting them with the skills available from the State Department of Health and local health agencies.

(b) The State Department of Health may enter into written agreements with local health departments to conduct inspections and evaluations of occupational health problems including environmental and sanitary conditions in places of employment when appropriate. Such agreements shall be entered into only with the specific agreement of the Department of Industrial Relations and only after a finding that the local health department can meet the necessary enforcement performance standards.

SEC. 24.5. Section 144.6 is added to the Labor Code, to read:

144.6. In promulgating standards dealing with toxic materials or harmful physical agents, the board shall adopt that standard which most adequately assures, to the extent feasible, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to a hazard regulated by such standard for the period of his working life.

SEC. 25. Section 145 of the Labor Code is repealed.

SEC. 26. Section 145 is added to the Labor Code, to read:

145. The board may employ necessary assistants, officers, experts, and such other employees as it deems necessary. All such personnel of the board shall be under the supervision of the chairman of the board or an executive officer to whom he delegates such responsibility. All such personnel shall be appointed pursuant to the State Civil Service Act (Part 1 (commencing with Section 18000) of Division 5 of Title 2 of the Government Code), except for the one exempt deputy or employee allowed by subdivision (e) of Section 4 of Article XXIV of the California Constitution.

SEC. 27. Section 145.1 is added to the Labor Code, to read:

145.1. The board and its duly authorized representatives in the performance of its duties shall have the powers of a head of a department as set forth in Article 2 (commencing with Section 11180) of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 28. Section 146 of the Labor Code is repealed.

SEC. 29. Section 146 is added to the Labor Code, to read:

146. In the conduct of hearings related to permanent variances, the board and its representatives are not bound by common law or statutory rules of evidence or by technical or formal rules of procedure but shall conduct the hearings in accordance with the provisions of Section 11513 of the Government Code. A full and complete record shall be kept of all proceedings.

SEC. 30. Section 147 of the Labor Code is repealed.

SEC. 31. Section 147 is added to the Labor Code, to read:

147. The board shall refer to the State Department of Health for evaluation any proposed occupational health standard or variance from adopted standards received by the board from sources other than the State Department of Health. The board shall refer to the Division of Industrial Safety for evaluation any proposed occupational safety standard or variance received by the board from sources other than the Division of Industrial Safety

SEC. 32. Section 147.1 is added to the Labor Code, to read:

147.1. In connection with the development and promulgation of occupational health standards the State Department of Health shall perform all of the following functions:

(a) Analyze proposed and new federal occupational health standards, evaluate their impact on California, determine any necessity for their modification, and present proposed standards to the board in sufficient time for the board to conduct hearings and adopt standards within the time required.

(b) Maintain liaison with the National Institute of Occupational Safety and Health and the federal Occupational Safety and Health Administration in the development of recommended federal standards and when appropriate provide representation on federal advisory committees dealing with the development of occupational health standards.

(c) On occupational health issues not covered by federal standards maintain surveillance, determine the necessity for standards, develop and present proposed standards to the board.

(d) Evaluate any proposed occupational health standard or application for a variance of an occupational health standard received by the board or the Division of Industrial Safety and referred to the State Department of Health, and submit a report to the board or the Division of Industrial Safety on the proposed standard or variance within 60 days of receipt thereof.

(e) Appear and testify at board hearings and other public proceedings involving occupational health matters.

SEC. 33. Chapter 6.5 (commencing with Section 148) is added to

Division 1 of the Labor Code, to read:

CHAPTER 6.5. OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

148. (a) There is in the Department of Industrial Relations the Occupational Safety and Health Appeals Board, consisting of three members appointed by the Governor, subject to the approval of the Senate. One member shall be from the field of management, one shall be from the field of labor and one member shall be from the general public. The public member shall be chosen from other than the fields of management and labor. Each member of the appeals board shall devote his full time to the performance of his duties.

(b) The chairman and each member of the appeals board shall receive the annual salary provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) The Governor shall designate the chairman of the appeals board from the membership of the appeals board. The person so designated shall hold the office of chairman at the pleasure of the Governor. The chairman shall designate a member of the appeals board to act as chairman in his absence.

148.1. Each member of the appeals board shall serve for a term of four years and until his successor is appointed and qualifies. The terms of the first three members appointed to the appeals board shall expire on the second, third, and fourth January 15th following the date of the appointment of the first appointed member. A vacancy shall be filled by the Governor, subject to the approval of the Senate by appointment for the unexpired term.

148.2. The appeals board may employ necessary assistants, officers, experts, hearing officers, and such other employees as it deems necessary. All such personnel of the appeals board shall be under the supervision of the chairman of the appeals board or an executive officer to whom the chairman delegates such responsibility. All such personnel shall be appointed pursuant to the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code), except for the one exempt deputy or employee allowed by subdivision (e) of Section 4 of Article XXIV of the California Constitution. The salaries of the hearing officers shall be fixed by the State Personnel Board at a rate comparable to that of other referees or hearing officers in state service whose duties and responsibilities are comparable, without regard to whether such other positions have membership in the State Bar of California as a prerequisite to appointment.

148.4. All decisions and orders of the appeals board shall be in writing.

148.5. A decision of the appeals board is final, except for any rehearing or judicial review as permitted by Chapter 4 (commencing with Section 6600) of Part 1 of Division 5.

148.6. A decision of the appeals board is binding on the director and the Division of Industrial Safety with respect to the parties involved in the particular appeal. The director shall have the right to seek judicial review of an appeals board decision irrespective of whether or not he appeared or participated in the appeal to the appeals board or its hearing officer.

148.7. The appeals board, acting as a whole, may adopt, amend, or repeal rules of practice and procedure pertaining to hearing appeals and other matters falling within its jurisdiction. All such rules, amendments thereto, or repeals thereof shall be made in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

148.8. The appeals board and its duly authorized representatives in the performance of its duties shall have the powers of a head of a department as set forth in Article 2 (commencing with Section 11180) of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code, except for Section 11185 of the Government Code.

148.9. Decisions of the appeals board shall be made by a majority of the appeals board, except as otherwise expressly provided.

149. The chairman of the appeals board may authorize its executive officer to act as deputy appeals board member, and may delegate authority and duties to the executive officer in the event of the absence of a member of the appeals board.

SEC. 34. Section 155 is added to the Labor Code, to read:

155. The Division of Labor Statistics and Research shall provide the Division of Industrial Safety with quarterly reports of injuries, fatalities, and accident rates for industries covered and any other pertinent information required by the Division of Industrial Safety. This section shall become operative January 1, 1975.

SEC. 35. Section 156 is added to the Labor Code, to read:

156. An annual report containing statistics on California work injuries and occupational diseases and fatalities by industry classifications shall be completed and published by the Division of Labor Statistics and Research no later than July 1st of the following calendar year. All such reports and statistics shall be available to the public.

SEC. 36. Section 2626.5 is added to the Labor Code, to read:

2626.5. Enforcement of occupational safety and health standards established pursuant to Chapter 6 (commencing with Section 140) of Division 1 is hereby specifically and entirely reserved to the Division of Industrial Safety.

SEC. 37. The heading of Part 1 (commencing with Section 6300) of Division 5 of the Labor Code is amended to read:

PART 1. OCCUPATIONAL SAFETY AND HEALTH

SEC. 38. The heading of Chapter 1 (commencing with Section 6300) of Part 1 of Division 5 of the Labor Code is amended to read:

CHAPTER 1. JURISDICTION AND DUTIES

SEC. 39. Section 6300 of the Labor Code is repealed.

SEC. 40. Section 6300 is added to the Labor Code, to read:

6300. The California Occupational Safety and Health Act of 1973 is hereby enacted for the purpose of assuring safe and healthful working conditions for all California working men and women by authorizing the enforcement of effective standards, assisting and encouraging employers to maintain safe and healthful working conditions, and by providing for research, information, education, training, and enforcement in the field of occupational safety and health.

SEC. 41. Section 6301 of the Labor Code is repealed.

SEC. 42. Section 6301 is added to the Labor Code, to read:

6301. The definitions set forth in this chapter shall govern the construction and interpretation of this part.

SEC. 43. Section 6302 of the Labor Code is repealed.

SEC. 44. Section 6302 is added to the Labor Code, to read:

6302. As used in this division:

(a) "Director" means the Director of Industrial Relations.

(b) "Department" means the Department of Industrial Relations.

(c) "Insurer" includes the State Compensation Insurance Fund and any private company, corporation, mutual association, and reciprocal or interinsurance exchange, authorized under the laws of this state to insure employers against liability for compensation under this part and under Division 4 (commencing with Section 3201), and any employer to whom a certificate of consent to self-insure has been issued.

(d) "Division" means the Division of Industrial Safety.

(e) "Standards board" means the Occupational Safety and Health Standards Board, within the department.

(f) "Appeals board" means the Occupational Safety and Health Appeals Board, within the department.

SEC. 45. Section 6303 of the Labor Code is repealed.

SEC. 46. Section 6303 is added to the Labor Code, to read:

6303. (a) "Place of employment" means any place, and the premises appurtenant thereto, where employment is carried on, except a place the safety jurisdiction over which is vested by law in any state or federal agency other than the division.

(b) "Employment" includes the carrying on of any trade, enterprise, project, industry, business, occupation or work, including all excavation, demolition, and construction work, or any process or operation in any way related thereto, in which any person is engaged or permitted to work for hire except household domestic service.

SEC. 47. Section 6304.1 is added to the Labor Code, to read:

6304.1. "Employee" means every person who is required or directed by any employer, to engage in any employment, or to go to work or be at any time in any place of employment.

SEC. 48. Section 6305 of the Labor Code is repealed.

SEC. 49. Section 6305 is added to the Labor Code, to read:

6305. (a) "Occupational safety and health standards and orders" means standards and orders adopted by the standards board pursuant to Chapter 6 (commencing with Section 140) of Division 1.

(b) "Special order" means any order written by the chief or his authorized representative to correct an unsafe condition, device, or place of employment which poses a threat to the health or safety of an employee and which cannot be made safe under existing standards or orders of the standards board. Such orders shall have the same effect as any other standard or order of the standards board, but shall apply only to the employment or place of employment described in the written order of the chief's authorized representative.

SEC. 50. Section 6306 of the Labor Code is repealed.

SEC. 51. Section 6306 is added to the Labor Code, to read:

6306. (a) "Safe," "safety," and "health" as applied to an employment or a place of employment mean such freedom from danger to the life, safety, or health of employees as the nature of the employment reasonably permits.

(b) "Safety device" and "safeguard" shall be given a broad interpretation so as to include any practicable method of mitigating or preventing a specific danger, including the danger of exposure to potentially injurious levels of ionizing radiation or potentially injurious quantities of radioactive materials.

SEC. 52. Section 6307 of the Labor Code is repealed.

SEC. 53. Section 6307 is added to the Labor Code, to read:

6307. The division has the power, jurisdiction, and supervision over every employment and place of employment in this state, which is necessary adequately to enforce and administer all laws and lawful standards and orders, or special orders requiring such employment and place of employment to be safe, and requiring the protection of the life, safety, and health of every employee in such employment or place of employment.

SEC. 54. Section 6308 of the Labor Code is repealed.

SEC. 55. Section 6308 is added to the Labor Code, to read:

6308. The division, in enforcing occupational safety and health standards and orders and special orders may do any of the following:

(a) Declare and prescribe what safety devices, safeguards, or other means or methods of protection are well adapted to render the employees of every employment and place of employment safe as required by law or lawful order.

(b) Enforce standards and orders adopted by the standards board pursuant to Chapter 6 (commencing with Section 140) of Division 1, for the installation, use, maintenance, and operation of reasonable

uniform safety devices, safeguards, and other means or methods of protection, which are necessary to carry out all laws and lawful standards or special orders relative to the protection of the life and safety of employees in employments and places of employment.

(c) Require the performance of any other act which the protection of the life and safety of the employees in employments and places of employment reasonably demands.

An employer may request a hearing on a special order or action ordered pursuant to this section, at which the employer, owner or any other person may appear and show cause why he should not comply with such order or action. The division shall conduct such hearing at the earliest possible time.

All orders, rules, regulations, findings, and decisions of the division made or entered under this part may be reviewed by the Supreme Court and the courts of appeal as may be provided by law.

SEC. 56. Section 6309 of the Labor Code is repealed.

SEC. 57. Section 6309 is added to the Labor Code, to read:

6309. Whenever the division learns or has reason to believe that any employment or place of employment is not safe or is injurious to the welfare of any employee, it may, of its own motion, or upon complaint, summarily investigate the same, with or without notice or hearings. However, when the division secures a complaint from an employee, the employee's representative, or an employer of an employee directly involved in an unsafe place of employment, that his employment or place of employment is not safe, it shall summarily investigate the same as soon as possible, but not later than three working days after receipt of such complaint, with or without notice or hearing. Complaints of serious hazards and conditions posing imminent danger to life and safety of employees will take priority over other complaints placed earlier in time, but otherwise the time limitations herein are applicable. The division may enter and serve any necessary order relative thereto. The division is not required to respond to any complaint within such period where, from the facts stated in the complaint, it determines that the complaint is intended to willfully harass an employer or is without any reasonable basis.

The division shall keep complete and accurate records of any such complaints, whether verbal or written, and shall inform the complainant, whenever his identity is known, of any action taken by the division in regard to the subject matter of the complaint, and the reasons for such action. The division shall, pursuant to authorized regulations, conduct an informal review of any refusal by a representative of the division to issue a citation with respect to any such alleged violation. The division shall furnish the employee or the representative of employees requesting such review a written statement of the reasons for the divisions's final disposition of the case.

Any employee who is discharged, threatened with discharge, demoted, suspended or in any other manner discriminated against

in the terms and conditions of such employment by his employer because such employee has made a bona fide complaint to the division of unsafe working conditions, or work practices, in his employment, or place of employment shall be entitled to reinstatement and reimbursement for lost wages and work benefits caused by such acts of the employer. Any employer who willfully refuses to rehire, promote, or otherwise restore an employee or former employee who has been determined to be eligible for such rehiring or promotion by a grievance procedure, arbitration, or hearing authorized by law, is guilty of a misdemeanor.

The name of any person who submits to the division a complaint regarding the unsafeness of an employment or place of employment shall be kept confidential by the division upon the request of that person.

The requirements of this section shall not relieve the division of its requirement to inspect and assure that all places of employment are safe and healthful for employees The division shall maintain the capability to receive and act upon complaints at all times.

SEC. 58. Section 6310 of the Labor Code is repealed.

SEC. 59. Section 6310 is added to the Labor Code, to read:

6310. No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or relating to his rights or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any rights afforded him.

SEC. 60. Section 6311 of the Labor Code is repealed.

SEC. 61. Section 6311 is added to the Labor Code, to read:

6311. No employee shall be laid off or discharged for refusing to perform work in the performance of which this code, any occupational safety or health standard or any safety order of the division or standards board will be violated, where such violation would create a real and apparent hazard to the employee or his fellow employees. Any employee who is laid off or discharged in violation of this section or is otherwise not paid because he refused to perform work in the performance of which this code, any occupational safety or health standard or any safety order of the division or standards board will be violated and where such violation would create a real and apparent hazard to the employee or his fellow employees shall have a right of action for wages for the time such employee is without work as a result of such layoff or discharge; provided, that such employee notifies his employer of his intention to make such a claim within 10 days after being laid off or discharged and files a claim with the Labor Commissioner within 30 days after being laid off, or discharged or otherwise not paid in violation of this section.

SEC. 62. Section 6312 of the Labor Code is repealed.

SEC. 63. Section 6312 is added to the Labor Code, to read:

6312. Any employee who believes that he has been discharged or

otherwise discriminated against by any person in violation of Section 6310 or 6311 may, within 30 days after the occurrence of the violation, file a complaint with the Labor Commissioner alleging the discrimination. Upon receipt of the complaint, the Division of Labor Law Enforcement shall cause such investigation to be made as it deems appropriate. If upon investigation it determines that the provisions of Section 6310 or 6311 have been violated, it shall bring an action in any appropriate court against the person who committed the violation. In any such action the courts shall have jurisdiction, for cause shown, to restrain violations of Section 6310 or 6311 and order all appropriate relief including rehiring or reinstatement of the employee to his former position with back pay.

Within 30 days of the receipt of a complaint pursuant to this section, the Division of Labor Law Enforcement shall review the facts of the employee's complaint, set a hearing date or notify the employee and the employer of its decision, and, where necessary, begin the appropriate court action to enforce such decision.

SEC. 64. Section 6313 of the Labor Code is repealed.

SEC. 65. Section 6313 is added to the Labor Code, to read:

6313. (a) The division shall investigate the causes of any employment accident which is fatal to one or more employees or which results in a serious injury, as defined in subdivision (c) of Section 6409, to five or more employees.

(b) The division may investigate the causes of any other industrial accident or occupational illness which has caused serious injury or which has a substantial probability of causing serious injury, as defined in subdivision (c) of Section 6409, and which occurs within the state in any employment or place of employment, or which directly or indirectly arises from or is connected with the maintenance or operation of such employment or place of employment, and shall issue any orders necessary to eliminate such causes and to prevent reoccurrence. Such orders shall not be admitted as evidence in any action for damages, or any proceeding to recover compensation, based on or arising out of such injury or death.

SEC. 66. Section 6313.5 is added to the Labor Code, to read:

6313.5. The division shall transmit to the Registrar of Contractors copies of any reports made in any investigation conducted pursuant to subdivision (a) of Section 6313, and may, upon its own motion or at the request of the Registrar of Contractors, transmit copies of any other reports made in any investigation conducted pursuant to subdivision (b) of Section 6313 involving a contractor licensed pursuant to the Contractors License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code).

SEC. 67. Section 6314 of the Labor Code is repealed.

SEC. 68. Section 6314 is added to the Labor Code, to read:

6314 (a) To make an investigation or inspection, the chief of the division and all employees authorized by him shall, upon presenting

appropriate credentials to the employer, have free access to any place of employment. Any person who obstructs or hampers such an investigation or inspection which is authorized by the division, is guilty of a misdemeanor.

(b) Any employer or authorized representative, who upon demand by the division neglects or refuses to furnish statistics, information or any physical materials in his possession or under his control, which is directly related to the purpose of the investigation or inspection, or who refuses to admit the chief or his authorized representatives engaged in the performance of their duties to a place of employment, is guilty of a misdemeanor.

(c) The chief and his authorized representatives may issue subpoenas to compel the attendance of witnesses and the production of books, papers, records, and physical materials, administer oaths, examine witnesses under oath, take verification or proof of written materials, and take depositions and affidavits for the purpose of carrying out the duties of the division.

(d) In the course of any investigation or inspection of an employer or place of employment by an authorized representative of the division, a representative of the employer and a representative authorized by his employees shall have an opportunity to accompany him on the tour of inspection. Any employee or employer, or their authorized representatives, shall have the right to discuss safety violations or safety problems with the inspector privately during the course of an investigation or inspection. Where there is no authorized employee representative, the chief or his authorized representative shall consult with a reasonable number of employees concerning matters of health and safety of the place of employment.

SEC. 69. Section 6315 of the Labor Code is repealed.

SEC. 70. Section 6315 is added to the Labor Code, to read:

6315. There shall be within the division a Bureau of Investigations. The bureau shall be responsible for directing accident investigations involving violations of standards, orders, or special orders in which there is a serious injury, death, or request for prosecution by a division representative, and for preparing cases for prosecution, including evidence, findings, and recommendations for appropriate action.

(a) The supervisor of the bureau shall be the administrative chief of the bureau.

(b) The bureau shall be staffed by as many attorneys and investigators as are necessary to carry out the purposes of this chapter.

(c) The supervisor of the bureau and such investigators as are designated by him shall have a right of access to all places of employment necessary to the investigation, may collect any evidence or samples they deem necessary to an investigation, and shall have all of the powers enumerated in Section 6314.

(d) The supervisor and investigators of the bureau may serve all processes and notices throughout the state.

(e) In any case where the bureau is required to conduct an investigation, and in which there is a serious injury or death, the results of the investigation shall be referred by the bureau to the city attorney or district attorney having jurisdiction for appropriate action.

SEC. 70.5. Section 6315.5 is added to the Labor Code, to read:

6315.5. All occupational safety and health standards and orders, rules, regulations, findings, and decisions of the division made and entered pursuant to this part are admissible as evidence in any prosecution for the violation of any provision of this part, and shall, in every such prosecution, be presumed to be reasonable and lawful and to fix a reasonable and proper standard and requirement of safety unless, prior to the institution of the prosecution for such violation, proceedings for a hearing on a special order are instituted, or a petition is filed under Section 11426 of the Government Code.

SEC. 71. Section 6316 of the Labor Code is repealed.

SEC. 72. Section 6316 is added to the Labor Code, to read:

6316. Except as limited by Chapter 6 (commencing with Section 140) of Division 1, nothing in this part shall deprive the governing body of any county, city, or public corporation, board, or department, of any power or jurisdiction over or relative to any place of employment.

SEC. 73. Section 6317 of the Labor Code is repealed.

SEC. 74. Section 6317 is added to the Labor Code, to read:

6317. If, upon inspection or investigation, the division believes that an employer has violated any standard, rule, order, or regulation established pursuant to Chapter 6 (commencing with Section 140) of Division 1, or any standard, rule, order, or regulation established pursuant to this part, it shall with reasonable promptness issue a citation to the employer. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the code, standard, rule, regulation, or order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the alleged violation.

In the event the violations found in an inspection or investigation do not have a direct relationship upon the health or safety of an employee a "notice" in lieu of citation may be issued.

The division may impose a civil penalty against an employer as specified in Chapter 4 (commencing with Section 6423) of this part.

No citation or notice shall be issued by the division for a given violation or violations after six months have elapsed since occurrence of the violation.

The director shall prescribe procedures for the issuance of a citation or notice.

The division shall prepare and maintain records capable of supplying an inspector with previous citations and notices issued to an employer.

SEC. 75. Section 6318 of the Labor Code is repealed.

SEC. 76. Section 6318 is added to the Labor Code, to read:

6318. Each citation issued under Section 6317, or a copy or copies thereof, shall be prominently posted, as prescribed in regulations issued by the director, at or near each place a violation referred to in the citation occurred. All such postings shall be maintained for three days or until the unsafe condition is abated, whichever is longer.

SEC. 77. Section 6319 of the Labor Code is repealed.

SEC. 78. Section 6319 is added to the Labor Code, to read:

6319. (a) If, after an inspection or investigation, the division issues a citation under this chapter, it shall, within a reasonable time after the termination of such inspection or investigation, notify the employer by certified mail of the citation, and that the employer has 15 working days from receipt of the notice within which to notify the appeals board that he wishes to contest the citation for any reason set forth in Section 6600.

(b) Any employer served by certified mail with a notice of civil penalty may appeal to the appeals board within 15 working days from receipt of that notice with respect to the amount of proposed penalties.

(c) The director shall promulgate regulations covering the assessment of civil penalties under this chapter which give due consideration to the appropriateness of the penalty with respect to the following factors:

(1) The size of the business of the employer being charged.

(2) The gravity of the violation.

(3) The good faith of the employer.

(4) The history of previous violations.

(d) The employer shall not be liable for a civil penalty under this part for any citation issued by a division representative providing consulting services pursuant to Sections 6354 and 6355.

SEC. 78.5. Section 6319.5 is added to the Labor Code, to read:

6319.5. Upon a showing by an employer of a good-faith effort to comply with the abatement requirement of a citation, and that abatement has not been completed because of factors beyond his reasonable control, the division, after an opportunity for a hearing, shall issue an order affirming or modifying the abatement requirements in such citation.

SEC. 79. Section 6320 of the Labor Code is repealed.

SEC. 80. Section 6320 is added to the Labor Code, to read:

6320. If, after inspection or investigation, the division issues a citation for a serious violation the division shall conduct a reinspection at the end of the period fixed for abatement of the violation or within a reasonable time thereafter.

SEC. 81. Section 6321 of the Labor Code is repealed.

SEC. 82. Section 6321 is added to the Labor Code, to read:

6321. No person or employer shall be given advance warning of an inspection or investigation by any authorized representative of the division unless authorized under provisions of this part.

Only the chief or, in the case of his absence, his authorized

representatives shall have the authority to permit advance notice of an inspection or investigation. The director shall, as soon as practicable, set down limitations under which an employer may be granted advance notice by the chief. In no case, except an imminent danger to the health or safety of an employee or employees, is advance notice to be authorized when the investigation or inspection is to be made as a result of an employee complaint.

Any person who gives advance notice of any inspection to be conducted, without authority from the chief or his designees, is guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not more than one thousand dollars ($1,000) or by imprisonment for not more than six months, or by both.

SEC. 83. Section 6322 is added to the Labor Code, to read:

6322. All information reported to or otherwise obtained by the chief or his representatives in connection with any inspection or proceeding of the division which contains or which might reveal a trade secret referred to in Section 1905 of Title 18 of the United States Code, or other information that is confidential pursuant to Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code, shall be considered confidential, except that such information may be disclosed to other officers or employees of the division concerned with carrying out the purposes of the division or when relevant in any proceeding of the division. The appeals board, standards board, the courts, or the director shall in any such proceeding issue such orders as may be appropriate to protect the confidentiality of trade secrets. Violation of this section is a misdemeanor.

SEC. 84. Section 6323 is added to the Labor Code, to read:

6323. If the condition of any employment or place of employment or the operation of any machine, device, apparatus, or equipment constitutes a serious menace to the lives or safety of persons about it, the division may apply to the superior court of the county in which such place of employment, machine, device, apparatus, or equipment is situated, for an injunction restraining the use or operation thereof until such condition is corrected.

SEC. 85. Section 6324 is added to the Labor Code, to read:

6324. The application to the superior court accompanied by affidavit showing that such place of employment, machine, device, apparatus, or equipment is being operated in violation of a safety order of the division, and that such use or operation constitutes a menace to the life or safety of any person employed thereabout and accompanied by a copy of the order applicable thereto is a sufficient prima facie showing to warrant, in the discretion of the court, the immediate granting of a temporary restraining order. No bond shall be required from the division as a prerequisite to the granting of any restraining order.

SEC. 86. Section 6325 is added to the Labor Code, to read:

6325. When, in the opinion of the division, a place of employment, machine, device, apparatus, or equipment or any part

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thereof is in a dangerous condition, is not properly guarded or is dangerously placed so as to constitute an imminent hazard to employees, entry therein, or the use thereof, as the case may be, shall be prohibited by the division, and a conspicuous notice to that effect shall be attached thereto. Such prohibition of use shall be limited to the immediate area in which the imminent hazard exists, and the division shall not prohibit any entry in or use of a place of employment, machine, device, apparatus, or equipment, or any part thereof, which is outside such area of imminent hazard. Such notice shall not be removed except by an authorized representative of the division, nor until the place of employment, machine, device, apparatus, or equipment is made safe and the required safeguards or safety appliances or devices are provided. This section shall not prevent the entry or use with the division's knowledge and permission for the sole purpose of eliminating the dangerous conditions.

SEC. 87. Section 6326 is added to the Labor Code, to read:

6326. Every person who, after such notice is attached as provided in Section 6325, enters any such place of employment, or uses or operates any such place of employment, machine, device, apparatus, or equipment before it is made safe and the required safeguards or safety appliances or devices are provided, or who defaces, destroys or removes any such notice without the authority of the division, is guilty of a misdemeanor punishable by a fine of up to one thousand dollars ($1,000), or up to one year in the county jail, or both.

SEC. 88. Section 6327 is added to the Labor Code, to read:

6327. (a) Any authorized representative of the division may prohibit the use under Section 6325 of a device, machine, apparatus or equipment in a place of employment for 24 hours on his finding that an imminent hazard exists.

(b) When in the opinion of the regional manager of the division an extension of such a prohibition of use under Section 6325 is necessary to preserve the occupational safety and health of workers, he may extend the prohibition for not more than an additional 72 hours.

(c) When in the opinion of the chief of the division a prohibition of use should extend beyond the 96 hours allowed in subdivisions (a) and (b), the division may, after a hearing, extend the prohibition until such time as the division declares that the place of employment, machine, device, apparatus, or equipment is no longer an imminent hazard.

(d) Once an authorized representative of the division has determined that an imminent hazard exists and prohibits the use of a device, machine, apparatus, or equipment in a place of employment, as specified in subdivision (a), the employer may request and shall be granted an immediate hearing to review the validity of the representative's order. For purposes of this section, an immediate hearing shall be within 24 hours after the use of the device, machine, apparatus, or equipment is prohibited.

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SEC. 89. Section 6327.5 is added to the Labor Code, to read:

6327.5. If the division arbitrarily or capriciously fails to take action to prevent or prohibit any conditions or practices in any employment or place of employment which are such that danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through other available means, any employee who may be injured by reason of such failure, or the representatives of such employees, may bring an action against the chief of the division in any appropriate court for a writ of mandate to compel the division to prevent or prohibit the condition. Nothing contained in this section shall be deemed to prevent the bringing of a writ of mandate against any appropriate person or entity as may be provided by law.

SEC. 90. Section 6328 is added to the Labor Code, to read:

6328. The division shall prepare a notice containing pertinent information regarding safety rules and regulations. The notice shall contain the address and telephone number of the nearest division office; a clear explanation of an employee's right to report any unsafe working conditions; the right to request a safety inspection by the division for unsafe conditions; the right to refuse to work under conditions which endanger his life or health; posting and notice requirements of employers and the division and any other information the division deems necessary. It shall be supplied to employers as soon as practical. The division shall promulgate regulations on the content and the required location and number of notices which must be posted by employers. Sufficient posters in both English and Spanish shall be printed to supply employers in this state.

SEC. 91. Section 6329 is added to the Labor Code, to read:

6329. All money collected for violation of standards, orders, or special orders of, or for fees paid pursuant to this division shall be paid into the state treasury to the credit of the General Fund.

The Department of Industrial Relations shall account to the Department of Finance and the State Controller for all moneys so received and furnish proper vouchers therefor.

SEC. 92. Section 6330 is added to the Labor Code, to read:

6330. The director shall prepare and submit to the Legislature an annual report on the division activities. The report shall include, but need not be limited to:

(a) The amount of funds allocated and spent in enforcement, education and research, and administration by the division.

(b) Total inspections made, and citations issued by the division.

(c) The number of civil penalties assessed, total amount of fines collected and the number of appeals heard.

(d) The number of contractors referred to the State Contractors Licensing Board for hearing, pursuant to Section 7109.5 of the Business and Professions Code, and the total number of such cases resulting in suspension or revocation of a license.

(e) The total number of division requests for criminal

prosecution, the total number approved for prosecution and disposition of those cases.

(f) Recommendations for legislation which improves the ability of the division to provide safety in places of employment.

Such report shall be made to the Speaker of the Assembly and the Chairman of the Rules Committee of the Senate, for assignment to the appropriate committee or committees for evaluation.

SEC. 93. Chapter 2 (commencing with Section 6400) of Part 1 of Division 5 of the Labor Code is repealed.

SEC. 94. Chapter 2 (commencing with Section 6350) is added to Part 1 of Division 5 of the Labor Code, to read:

CHAPTER 2. EDUCATION AND RESEARCH

6350. The division shall maintain an education and research program for the purpose of providing in-service training of division personnel, safety education for employees and employers, research and consulting safety services.

6351. The division shall be responsible for preparation and distribution of information concerning occupational safety and health programs, methods, techniques or devices. Such information may include but is not limited to safety publications, films and audiovisual material, speeches and conferences on safety.

6352. The division shall provide safety training programs, upon request, for employees and employers. Priority for the development of safety training programs shall be in those occupations which pose the greatest hazard to the safety and health of employees.

6353. The division shall conduct continuing research into methods, means, operations, techniques, processes and practices necessary for improvement of occupational safety and health of employees.

6354. The division shall, upon request, provide a full range of occupational safety and health consulting services to any employer or employee group. Such consulting services may include but are not limited to providing employers or employees with information, advice and recommendations on maintaining safe employment or place of employment, and on applicable occupational safety and health standards, techniques, devices, methods, practices or programs.

6355. If the employer requests consulting services pursuant to Section 6354, the division in providing such services at the employer's employment or place of employment shall neither institute any prosecution under Section 6423 nor issue any citations for a violation of any standard or order adopted pursuant to Chapter 6 (commencing with Section 140) of Division 1, except in any instance in which the division representative providing the consulting service finds the conditions of employment, place of employment, or the operation of any machine, device, apparatus, or equipment constitutes an imminent hazard to the lives or safety of

employees.

SEC. 95. Chapter 3 (commencing with Section 6500) of Part 1 of Division 5 of the Labor Code is repealed.

SEC. 96. Chapter 3 (commencing with Section 6400) is added to Part 1 of Division 5 of the Labor Code, to read:

CHAPTER 3. RESPONSIBILITIES AND DUTIES OF EMPLOYERS AND EMPLOYEES

6400. Every employer shall furnish employment and a place of employment which are safe and healthful for the employees therein.

6401. Every employer shall furnish and use safety devices and safeguards, and shall adopt and use practices, means, methods, operations, and processes which are reasonably adequate to render such employment and place of employment safe and healthful. Every employer shall do every other thing reasonably necessary to protect the life, safety, and health of employees.

6402. No employer shall require, or permit any employee to go or be in any employment or place of employment which is not safe and healthful.

6403. No employer shall fail or neglect:

(a) To provide and use safety devices and safeguards reasonably adequate to render the employment and place of employment safe.

(b) To adopt and use methods and processes reasonably adequate to render the employment and place of employment safe.

(c) To do every other thing reasonably necessary to protect the life, safety, and health of employees.

6404. No employer shall occupy or maintain any place of employment that is not safe and healthful.

6405. No employer, owner, or lessee of any real property shall construct or cause to be constructed any place of employment that is not safe and healthful.

6406. No person shall do any of the following:

(a) Remove, displace, damage, destroy or carry off any safety device, safeguard, notice, or warning, furnished for use in any employment or place of employment.

(b) Interfere in any way with the use thereof by any other person.

(c) Interfere with the use of any method or process adopted for the protection of any employee, including himself, in such employment, or place of employment.

(d) Fail or neglect to do every other thing reasonably necessary to protect the life, safety, and health of employees.

6407. Every employer and every employee shall comply with occupational safety and health standards and all rules, regulations, and orders pursuant to this division which are applicable to his own actions and conduct.

6408. All employers shall provide information to employees in the following ways, as prescribed by authorized regulations:

(a) Posting of information regarding protections and obligations

of employees under occupational safety and health laws.

(b) Posting prominently each citation issued under Section 6317, or a copy or copies thereof, at or near each place a violation referred to in the notice of violation occurred.

(c) The opportunity for employees or their representatives to observe monitoring or measuring of employee exposure to hazards conducted pursuant to standards promulgated under Section 142.3.

(d) Allow access by employees or their representatives to accurate records of employee exposures to potentially toxic materials or harmful physical agents.

(e) Notification of any employee who has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels exceeding those prescribed by an applicable standard, order, or special order, and informing any employee so exposed of corrective action being taken.

6409. (a) Every employer, insurer and physician or surgeon who attends any injured employee shall file with the Division of Labor Statistics and Research a complete report of every injury or occupational illness to each employee arising out of or in the course of his employment unless disability resulting from such injury does not last through the day or does not require medical service other than ordinary first aid treatment. Each such report of injury or occupational illness shall indicate the social security number of the injured employee. The Division of Labor Statistics and Research may, in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, adopt reasonable rules and regulations prescribing the detail and time limits of such report.

(b) In every case involving a serious injury or illness, or death, in addition to the report required in subdivision (a), a report shall be made immediately by the employer to the Division of Industrial Safety by telephone or telegraph.

(c) Serious injury or illness shall be defined as any injury or illness occurring in a place of employment or in connection with any employment which requires inpatient hospitalization for a period in excess of 24 hours for other than medical observation or in which an employee suffers loss of any member of the body or any serious degree of permanent disfigurement. Serious injury or illness or death shall not include any injury, illness or death caused by the commission of a Penal Code violation, except the violation of Penal Code Section 385, or an accident on a public street or highway.

(d) Whenever a state, county, or local fire or police agency is called to an accident involving an employee covered by this part in which a serious injury or illness, or death occurs, the nearest office of the Division of Industrial Safety shall be notified by telephone immediately by the responding agency.

6410. The reports made to the Division of Labor Statistics and Research shall be in the form and detail and within the time limits prescribed by the Division of Labor Statistics and Research, and shall

answer specifically all questions required by the Division of Labor Statistics and Research under its rules and regulations.

Nothing in this chapter requiring recordkeeping and reporting by employers shall relieve such employer of maintaining records and making reports to the assistant secretary, United States Department of Labor, as required under the Federal Occupational Safety and Health Act of 1970 (P.L. 91-596).

All state and local government employers shall maintain records and make reports in the same manner and to the same extent as required of other employers by this section.

6411. Every employer or insurer receiving forms with directions from the Division of Labor Statistics and Research to complete them shall cause them to be properly filled out so as to answer fully and correctly each question propounded therein. In case of inability to answer any such questions, a good and sufficient reason shall be given for such failure.

6412. No information furnished to the Division of Labor Statistics and Research by an employer or an insurer shall be open to public inspection or made public. No report of injury required to be filed by an employer or an insurer by this chapter shall be admissible as evidence in any adversary proceeding before the Workmen's Compensation Appeals Board. However, the reports required of physicians or surgeons by subdivision (a) of Section 6409 shall be admissible as evidence in such proceeding.

SEC. 97. Chapter 4 (commencing with Section 6600) of Part 1 of Division 5 of the Labor Code is repealed.

SEC. 98. Chapter 4 (commencing with Section 6423) is added to Part 1 of Division 5 of the Labor Code, to read:

CHAPTER 4. PENALTIES

6423. Except where another penalty is specifically provided, every employer, and every officer, management official, or supervisor having direction, management, control, or custody of any employment, place of employment, or other employee, who does any of the following shall be guilty of a misdemeanor:

(a) Knowingly or negligently violates any standard, order, or special order, or any provision of this division, or of any part thereof in, or authorized by, this part the violation of which is deemed to be a serious violation pursuant to Section 6432.

(b) Repeatedly violates any standard, order, or special order, or provision of this division, or any part thereof in, or authorized by, this part, which repeated violation creates a real and apparent hazard to employees.

(c) Fails or refuses to comply, after notification and expiration of any abatement period, with any such standard, order, special order, or provision of this division, or any part thereof, which failure or refusal creates a real and apparent hazard to employees.

(d) Directly or indirectly, knowingly induces another to do any of

the above.

6425. Any employer, and every employee having direction, management, control, or custody of any employment, place of employment, or other employee, who willfully violates any occupational safety or health standard, order, or special order, and that violation caused death to any employee, or caused permanent or prolonged impairment of the body of any employee, shall, upon conviction, be punished by a fine of not more than ten thousand dollars ($10,000), or by imprisonment for not more than six months, or by both; except that if the conviction is for a violation committed after a first conviction of such person, punishment shall be by a fine of not more than twenty thousand dollars ($20,000) or by imprisonment for not more than one year, or by both. Nothing in this section shall prohibit a prosecution under Section 192 of the Penal Code, rather than under this section, for the death of an employee. However, no person may be prosecuted under both this section and Section 192 of the Penal Code for the same act or omission.

6426. Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this division shall, upon conviction, be punished by a fine of not more than ten thousand dollars ($10,000), or by imprisonment for not more than six months, or by both.

6427. Any employer who violates any occupational safety or health standard, order, or special order and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of up to one thousand dollars ($1,000) for each such violation.

6428. Any employer who violates any occupational safety or health standard, order, or special order if that violation is a serious violation, shall be assessed a civil penalty of up to one thousand dollars ($1,000) for each such violation.

6429. Any employer who willfully or repeatedly violates any occupational safety or health standard, order, or special order may be assessed a civil penalty of not more than ten thousand dollars ($10,000) for each violation.

6430. Any employer who fails to correct a violation of any occupational safety or health standard, order, or special order within the period permitted for its correction may be assessed a civil penalty of not more than one thousand dollars ($1,000) for each day during which such failure or violation continues.

6431. Any employer who violates any of the posting requirements as prescribed pursuant to Section 6408 and authorized regulations, shall be assessed a civil penalty of up to one thousand dollars ($1,000) for each violation.

6432. As used in this chapter, a "serious violation" shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means,

methods, operations, or processes which have been adopted or are in use, in such place of employment unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

6433. The civil penalties set forth in Sections 6427 to 6431, inclusive, shall not be considered as other penalties specifically provided within the meaning of Section 6423.

6434. The civil penalties provided for in this chapter shall not be assessed against employers that are governmental entities.

6435. Any employer who violates any of the requirements of Chapter 6 (commencing with Section 6500) of this part shall be assessed a civil penalty under the appropriate provisions of Sections 6427 to 6430, inclusive.

SEC. 99. Chapter 5 (commencing with Section 6450) is added to Part 1 of Division 5 of the Labor Code, to read:

CHAPTER 5. TEMPORARY VARIANCES

6450. (a) Any employer may apply to the division for a temporary order granting a variance from an occupational safety or health standard. Such temporary order shall be granted only if the employer files an application which meets the requirements of Section 6451, and establishes that (1) he is unable to comply with a standard by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the standard or because necessary construction or alteration of facilities cannot be completed by the effective date, (2) he is taking all available steps to safeguard his employees against the hazards covered by the standard, and (3) he has an effective program for coming into compliance with the standard as quickly as practicable.

(b) Any temporary order issued under this section shall prescribe the practices, means, methods, operations, and processes which the employer must adopt and use while the order is in effect and state in detail his program for coming into compliance with the standard. Such a temporary order may be granted only after notice to employees and an opportunity for a hearing. However, the division may issue one interim order for a temporary variance upon submission of an application showing that the employment or place of employment will be safe for employees pending a hearing on the application for a temporary variance. No temporary order may be in effect for longer than the period needed by the employer to achieve compliance with the standard or one year, whichever is shorter, except that such an order may be renewed not more than twice provided that the requirements of this section are met and an application for renewal is filed prior to the expiration date of the order. No single renewal of an order may remain in effect for longer than 180 days.

6451. An application for a temporary order under Section 6450

shall contain all of the following:

(a) A specification of the standard or portion thereof from which the employer seeks a variance.

(b) A representation by the employer, supported by representations from qualified persons having firsthand knowledge of the facts represented, that he is unable to comply with the standard or portion thereof and a detailed statement of the reasons therefor.

(c) A statement of the steps he has taken and will take, with specific dates, to protect employees against the hazard covered by the standard.

(d) A statement of when he expects to be able to comply with the standard and what steps he has taken and what steps he will take, with dates specified, to come into compliance with the standard.

(e) A certification that he has informed his employees of the application by giving a copy thereof to their authorized representative, posting a statement giving a summary of the application and specifying where a copy may be examined at the place or places where notices to employees are normally posted, and by other appropriate means. A description of how employees have been informed shall be contained in the certification. The information to employees shall also inform them of their right to petition the division for a hearing.

6452. The division is authorized to grant a temporary variance from any standard or portion thereof whenever it determines such variance is necessary to permit an employer to participate in an experiment approved by the director designed to demonstrate or validate new and improved techniques to safeguard the health or safety of workers.

6453. Hearings conducted by the division pursuant to this part shall give any affected employer or other affected person the opportunity to submit facts or arguments but may be conducted informally, orally or in writing.

6454. The division may, in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, make such rules and regulations as are reasonably necessary to carry out the provisions of this chapter and to establish rules and regulations relating to the granting or denial of temporary variances.

6455. Any employer or other person adversely affected by the granting or denial of a temporary variance may appeal to the standards board within 15 working days from receipt of the notice granting or denying the variance. The 15-day period may be extended by the standards board for good cause.

6456. A decision of the standards board on a variance appeal is binding on the director and the division with respect to the parties involved in the particular appeal. The director shall have the right to seek judicial review of a standards board decision irrespective of whether he appeared or participated in the appeal to the standards

board.

6457. The standards board shall conduct hearings and render decisions on appeals of decisions of the division relating to allowance or denial of temporary variances. All board decisions on such variance appeals shall be in writing and shall be final except for any rehearing or judicial review.

SEC. 100. Chapter 6 (commencing with Section 6500) is added to Part 1 of Division 5 of the Labor Code, to read:

CHAPTER 6. PERMIT REQUIREMENTS

6500. For those employments or places of employment which by their nature involve a substantial risk of injury, the division shall require the issuance of a permit prior to the initiation of any practices, work, method, operation or process of employment. Such employment or places of employment shall be limited to:

a. Construction of trenches or excavations which are five feet or deeper and into which a person is required to descend.

b. The construction of any building, structure, falsework, or scaffolding more than three stories high or the equivalent height.

c. The demolition of any building, structure, falsework, or scaffold more than three stories high or the equivalent height.

6501. Any employer subject to Section 6500 shall apply to the division for a permit pursuant to Section 6500. Such application for a permit shall contain such information as the division may deem necessary to evaluate the safety of the proposed employment or place of employment.

An application by an employer shall include a provision that the applicant has knowledge of applicable occupational safety and health standards and will comply with such standards and any other lawful order of the division.

6502. The division may issue a permit based on a determination the employer has demonstrated evidence that the conditions, practices, means, methods, operations or processes used or proposed to be used will provide a safe and healthful place of employment. The division may issue a single permit for two or more projects to be performed by a single employer if similar conditions exist on each project and the chief or his representative is satisfied an adequate safety program has been developed for all the projects. The division may, upon its motion, conduct any investigation or hearing it deems necessary for the purpose of this section, and may require a safety conference prior to the start of actual work.

6503. A safety conference shall include representatives of the owner or contracting agency, the contractor, the employer, employees and employee representatives. The safety conference shall include a discussion of the employer's safety program and such means, methods, devices, processes, practices, conditions or operations as he intends to use in providing safe employment and a safe place of employment.

6504. Any employer issued a permit pursuant to this chapter shall post a copy or copies of the permit pursuant to subdivision (a) of Section 6408.

6505. The division may at any time, upon good cause being shown therefor, and after notice and an opportunity to be heard revoke any permit issued pursuant to this chapter.

6506. Any employer denied a permit upon application may appeal such denial to the director.

6507. The division shall set a fee to be charged for such permits in an amount reasonably necessary to cover the costs involved in investigating and issuing such permits.

6508. No permit shall be required of the State of California, a city, city and county, county, district, or public utility subject to the jurisdiction of the Public Utilities Commission.

SEC. 101. Chapter 7 (commencing with Section 6600) is added to Part 1 of Division 5 of the Labor Code, to read:

CHAPTER 7. APPEAL PROCEEDINGS

6600. Any employer served with a citation or notice pursuant to Section 6317, or a notice of civil penalty under this part, may appeal to the appeals board within 15 working days from the receipt of such citation or such notice with respect to violations alleged by the division, abatement periods, amount of proposed penalties, and the reasonableness of the changes required by the division to abate the condition.

6601. If within 15 working days from receipt of the citation or notice of civil penalty issued by the division, the employer fails to notify the appeals board that he intends to contest the citation or notice of civil penalty, and no notice is filed by any employee or representative of the employee within such time, the citation or notice of civil penalty shall be deemed a final order of the appeals board and not subject to review by any court or agency. The 15-day period may be extended by the appeals board for good cause.

6602. If an employer notifies the appeals board that he intends to contest a citation issued under Section 6317 or notice of civil penalty issued under Section 6319, or if, within 15 working days of the issuance of a citation any employee or representative of employee files a notice with the division or appeals board alleging that the period of time fixed in the citation for the abatement of the violation is unreasonable, the appeals board shall afford an opportunity for a hearing. The appeals board shall thereafter issue a decision, based on findings of fact, affirming, modifying or vacating the division's citation or proposed penalty or directing other appropriate relief and such decision shall become final 20 days after its issuance unless a petition for reconsideration is filed in the time allowed.

6603. The rules of practice and procedure adopted by the appeals board shall be consistent with Sections 11507, 11507.5, 11507.6, 11507.7, 11508, 11510, 11513, 11514, 11515, 11516, and 11525 of the

Government Code, and shall provide affected employees or representatives of affected employees an opportunity to participate as parties to a hearing under Section 6602.

6604. The appeals board may, in accordance with rules of practice and procedure which it shall adopt, direct and order a hearing officer:

(a) To try the issues in any proceeding before it, whether of fact or of law, and make and file a finding, order, or decision based thereon.

(b) To hold hearings and ascertain facts necessary to enable the appeals board to determine any proceeding or to make any order or decision that the appeals board is authorized to make, or necessary for the information of the appeals board.

6605. The appeals board may appoint one or more hearing officers in any proceeding, as it may deem necessary or advisable, and may defer, remove to itself, or transfer to a hearing officer the proceedings on any appeal. Any hearing officer appointed by the appeals board has the powers, jurisdiction, and authority granted by law, by the order of appointment, and by the rules of the appeals board.

6606. Any party to the proceeding may object to the reference of the proceeding to a particular hearing officer upon any one or more of the grounds specified in Section 641 of the Code of Civil Procedure and such objection shall be heard and disposed of by the appeals board. Affidavits may be read and witnesses examined as to such objections.

6607. Before entering upon his duties, the hearing officer shall be sworn, before an officer authorized to administer oaths, faithfully and fairly to hear and determine the matters and issues referred to him, to make just findings and to report according to his understanding. In any proceedings under this chapter, the hearing officer shall have the power to administer oaths and affirmations and to certify official acts.

6608. The appeals board or a hearing officer shall, within 30 days after the case is submitted, make and file findings upon all facts involved in the appeal and file an order or decision. Together with the findings or the decision, there shall be served upon all the parties to the proceedings a summary of the evidence received and relied upon and the reasons or grounds upon which the decision was made.

6609. Within 30 days after the filing of the findings, decision, or order, the appeals board may confirm, adopt, modify or set aside the findings, order, or decision of a hearing officer and may, with or without further proceedings, and with or without notice, enter its order, findings, or decision based upon the record in the case.

6610. Any notice, order, or decision required by this part to be served upon any person either before, during, or after the institution of any proceeding before the appeals board, shall be served in the manner provided by Chapter 5 (commencing with Section 1010) of Title 14 of Part 2 of the Code of Civil Procedure, unless otherwise

directed by the appeals board. In the latter event the document shall be served in accordance with the order or direction of the appeals board. The appeals board may, in the cases mentioned in the Code of Civil Procedure, order service to be made by publication of notice of time and place of hearing. Where service is ordered to be made by publication the date of the hearing shall be fixed at more than 30 days from the date of filing the application.

6611. If the employer fails to appear, the appeals board may take action upon the employer's express admissions or upon other evidence, and affidavits may be used without any notice to the employer. Where the burden of proof is upon the employer to establish the appeals board action sought, the appeals board may act without taking evidence. Nothing in this section shall be construed to deprive the employer of the right to make any showing by way of mitigation.

6612. No informality in any proceeding or in the manner of taking testimony shall invalidate any order, decision, or finding made and filed as specified in this division. No order, decision, or finding shall be invalidated because of the admission into the record, and use as proof of any fact in dispute of any evidence not admissible under the common law or statutory rules of evidence and procedure.

6613. The appeals board, a hearing officer, 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 hearing officer in any proceeding before the appeals board may cause evidence to be taken in other jurisdictions before the agency authorized.

6614. (a) Any person aggrieved directly or indirectly by any final order or decision, made and filed by the appeals board or a hearing officer under any provision contained in this division, may petition the appeals board for reconsideration in respect to any matters determined or covered by the final order or decision and specified in the petition for reconsideration. Such petition shall be made only within the time and in the manner specified in this chapter.

(b) At any time within 30 days after the filing of an order or decision made by a hearing officer and the accompanying report, the appeals board may, on its own motion, grant reconsideration.

6615. No cause of action arising out of any final order or decision made and filed by the appeals board or a hearing officer shall accrue in any court to any person until and unless the appeals board on its own motion sets aside such final order or decision and removes such proceeding to itself or such person files a petition for reconsideration, and such reconsideration is granted or denied. Nothing herein

contained shall prevent the enforcement of any such final order or decision, in the manner provided in this division.

6616. The petition for reconsideration shall set forth specifically and in full detail the grounds upon which the petitioner considers the final order or decision made and filed by the appeals board or a hearing officer to be unjust or unlawful, and every issue to be considered by the appeals board. The petition shall be verified upon oath in the manner required for verified pleadings in courts of record and shall contain a general statement of any evidence or other matters upon which the applicant relies in support thereof.

6617. At any time within 30 days after the service of any final order or decision made and filed by the appeals board or a hearing officer, any person aggrieved thereby may petition for reconsideration upon one or more of the following grounds and no other:

(a) That by such order or decision made and filed by the appeals board or hearing officer, the appeals board acted without or in excess of its powers.

(b) That the order or decision was procured by fraud.

(c) That the evidence does not justify the findings of fact.

(d) That the petitioner has discovered new evidence material to him, which he could not, with reasonable diligence, have discovered and produced at the hearing.

(e) That the findings of fact do not support the order or decision.

6618. The petitioner for reconsideration shall be deemed to have finally waived all objections, irregularities, and illegalities concerning the matter upon which the reconsideration is sought other than those set forth in the petition for reconsideration.

6619. A copy of the petition for reconsideration shall be served forthwith upon all parties by the person petitioning for reconsideration. Any party may file an answer thereto within 10 days thereafter. Such answer shall likewise be verified. The appeals board may require the petition for reconsideration to be served on other persons designated by it.

6620. Upon the filing of a petition for reconsideration, or having granted reconsideration upon its own motion, the appeals board may, with or without further proceedings and with or without notice affirm, rescind, alter, or amend the order or decision made and filed by the appeals board or hearing officer on the basis of the evidence previously submitted in the case, or may grant reconsideration and direct the taking of additional evidence. Notice of the time and place of any hearing on reconsideration shall be given to the petitioner and adverse parties and to such other persons as the appeals board orders.

6621. If at the time of granting reconsideration, it appears to the satisfaction of the appeals board that no sufficient reason exists for taking further testimony, the appeals board may affirm, rescind, alter or amend the order or decision made and filed by the appeals board or hearing officer and may, without further proceedings, without notice, and without setting a time and place for further hearing,

enter its findings, order or decision based upon the record in the case.

6622. After the taking of additional evidence and a consideration of all of the facts the appeals board may affirm, rescind, alter, or amend the original order or decision. An order or decision made following reconsideration which affirms, rescinds, alters, or amends the original order or decision shall be made by the appeals board but shall not affect any right or the enforcement of any right arising from or by virtue of the original order or decision unless so ordered by the appeals board.

6623. Any decision of the appeals board granting or denying a petition for reconsideration or affirming, rescinding, altering, or amending the original findings, order, or decision following reconsideration shall be made by the appeals board and not by a hearing officer and shall be in writing, signed by a majority of the appeals board members assigned thereto, and shall state the evidence relied upon and specify in detail the reasons for the decision.

6624. A petition for reconsideration is deemed to have been denied by the appeals board unless it is acted upon within 30 days from the date of filing. The appeals board may, upon good cause being shown therefor, extend the time within which it may act upon such petition for not exceeding 30 days.

6625. The filing of a petition for reconsideration shall suspend for a period of 10 days the order or decision affected, insofar as it applies to the parties to the petition, unless otherwise ordered by the appeals board. The appeals board upon the terms and conditions which it by order directs, may stay, suspend, or postpone the order or decision during the pendency of the reconsideration.

6626. Nothing contained in this chapter shall be construed to prevent the appeals board, on petition of an aggrieved party or on its own motion, from granting reconsideration of an original order or decision made and filed by the appeals board within the same time specified for reconsideration of an original order or decision.

6627. Any person affected by an order or decision of the appeals board may, within the time limit specified in this section, apply to the superior court of the county in which he resides, for a writ of mandate, for the purpose of inquiring into and determining the lawfulness of the original order or decision or of the order or decision following reconsideration. The application for writ of mandate must be made within 30 days after a petition for reconsideration is denied, or, if a petition is granted or reconsideration is had on the appeals board's own motion, within 30 days after the filing of the order or decision following reconsideration.

6628. The writ of mandate shall be made returnable at a time and place then or thereafter specified by court order and shall direct the appeals board to certify its record in the case to the court within the time therein specified. No new or additional evidence shall be introduced in such court, but the cause shall be heard on the record

of the appeals board, as certified to by it.

6629. The review by the court shall not be extended further than to determine, based upon the entire record which shall be certified by the appeals board, whether:

(a) The appeals board acted without or in excess of its powers.

(b) The order or decision was procured by fraud.

(c) The order or decision was unreasonable.

(d) The order or decision was not supported by substantial evidence.

(e) If findings of fact are made, such findings of fact support the order or decision under review.

Nothing in this section shall permit the court to hold a trial de novo, to take evidence, or to exercise its independent judgment on the evidence.

6630. The findings and conclusions of the appeals board on questions of fact are conclusive and final and are not subject to review. Such questions of fact shall include ultimate facts and the findings and conclusions of the appeals board. The appeals board and each party to the action or proceeding before the appeals board shall have the right to appear in the review proceeding. Upon the hearing, the court shall enter judgment either affirming or annulling the order or decision, or the court may remand the case for further proceedings before the appeals board.

6631. The provisions of the Code of Civil Procedure relating to writs of mandate shall, so far as applicable, apply to proceedings in the courts under the provisions of this part. A copy of every pleading filed pursuant to the terms of this part shall be served on the appeals board and upon every party who entered an appearance in the action before the appeals board and whose interest therein is adverse to the party filing such pleading.

6632. No court of this state, except the Supreme Court, the courts of appeal, and the superior court to the extent herein specified, has jurisdiction to review, reverse, correct, or annul any order or rule, or decision of the appeals board, or to suspend or delay the operation or execution thereof, or to restrain, enjoin, or interfere with the appeals board in the performance of its duties

6633. The filing of a petition for, or the pendency of, a writ of review shall not of itself stay or suspend the operation of any order, rule or decision of the appeals board, but the court before which the petition is filed may stay or suspend, in whole or in part, the operation of the order or decision of the appeals board subject to review, upon the terms and conditions which it by order directs.

SEC. 102. Chapter 8 (commencing with Section 6650) is added to Part 1 of Division 5 of the Labor Code, to read:

CHAPTER 8. CIVIL JUDGMENTS

6650. The director or any party affected thereby may file a certified copy of a decision of the appeals board or a notice of civil

penalty which has become final with the clerk of the superior court of any county. Judgment shall be entered immediately by the clerk in conformity therewith.

6651. The certified copy of the decision of the appeals board or notice of civil penalty and a copy of the judgment constitute the judgment-roll. The pleadings, all orders of the appeals board, and all other papers and documents filed in the cause shall remain on file in the office of the appeals board.

6652. The appeals board may stay the execution of any judgment entered upon a decision or notice of civil penalty upon good cause appearing therefor and may impose the terms and conditions of the stay of execution. A certified copy of such order shall be filed with the clerk entering judgment. Where it is desirable to stay the enforcement of a decision or notice and a certified copy thereof has not been issued, the appeals board may order the certified copy to be withheld with the same force and under the same conditions as it might issue a stay of execution if the certified copy had been issued and judgment entered thereon.

6653. When a judgment is satisfied in fact, otherwise than upon an execution, the appeals board may, upon motion of either party or of its own motion, order the entry of satisfaction of the judgment. The clerk shall enter satisfaction of judgment only upon the filing of a certified copy of such order.

6654. No fees shall be charged by the clerk of any court for the performance of any official service required by this chapter, except for the docketing of decisions as judgments and for certified copies of transcripts thereof.

SEC. 103. Chapter 9 (commencing with Section 6700) is added to Part 1 of Division 5 of the Labor Code, to read:

CHAPTER 9. MISCELLANEOUS SAFETY PROVISIONS

6700. (a) Any employer who causes or allows the use of any flammable or combustible material for the installation acceptance pressure test of any gas houseline or piping shall be conclusively presumed to be maintaining an unsafe place of employment.

(b) Any employer who causes or allows gas pipelines to be tested with gas at pressures in excess of that permitted by applicable sections of the American Society of Mechanical Engineers Code for Pressure Piping shall be conclusively presumed to be maintaining an unsafe place of employment.

6701. It shall be the duty of the standards board to determine by the maximum allowable standards of emissions of contaminants from portable and from mobile internal combustion engines used inside factories, manufacturing plants, warehouses, buildings and other enclosed structures, which standards are compatible with the safety and health of employees.

6702. All portable and all mobile internal combustion engines that are used inside factories, manufacturing plants, warehouses,

buildings and other enclosed structures shall be equipped with a certified exhaust purifier device after the certification of such a device by the State Air Resources Board.

The Division of Industrial Safety shall be responsible for the enforcement of the provisions of this section.

6703. Sections 6702 and 6703 shall apply to all portable and all mobile internal combustion engines used inside factories, manufacturing plants, warehouses, buildings and other enclosed structures unless the operation of such an engine used inside a particular factory, plant, warehouse, building or enclosed structure does not result in harmful exposure to concentrations of dangerous gases or fumes in excess of maximum acceptable concentrations as determined by the standards board.

6704. All crawler and wheel cranes with cable-controlled booms and with rated lifting capacity of more than 10 tons sold or operated in this state shall be equipped with boomstops that meet standards that shall be established therefor by the standards board.

6705. No contract for public works involving an estimated expenditure in excess of twenty-five thousand dollars ($25,000), for the excavation of any trench or trenches five feet or more in depth, shall be awarded unless it contains a clause requiring submission by the contractor and acceptance by the awarding body or by a registered civil or structural engineer, employed by the awarding body, to whom authority to accept has been delegated, in advance of excavation, of a detailed plan showing the design of shoring, bracing, sloping, or other provisions to be made for worker protection from the hazard of caving ground during the excavation of such trench or trenches. If such plan varies from the shoring system standards, the plan shall be prepared by a registered civil or structural engineer.

Nothing in this section shall be deemed to allow the use of a shoring, sloping, or protective system less effective than that required by the Construction Safety Orders.

Nothing in this section shall be construed to impose tort liability on the awarding body or any of its employees.

The terms "public works" and "awarding body", as used in this section, shall have the same meaning as in Sections 1720 and 1722, respectively, of the Labor Code.

6706. For the purposes of subdivision (a) of Section 6500, only one permit shall be required for a project involving several trenches or excavations. The provisions of Section 6500 shall not apply to the construction of trenches or excavations for the purpose of performing emergency repair work to underground facilities, or the construction of swimming pools, or the construction of "graves" as defined in Section 7014 of the Health and Safety Code or to the construction or final use of excavations or trenches where the construction or final use does not require a person to descend into the excavations or trenches.

6707. Whenever the state, a county, city and county, or city issues

a call for bids for the construction of a pipeline, sewer, sewage disposal system, boring and jacking pits, or similar trenches or open excavations, which are five feet or deeper, such call shall specify that each bid submitted in response thereto shall contain, as a bid item, adequate sheeting, shoring, and bracing, or equivalent method, for the protection of life or limb, which shall conform to applicable safety orders. Nothing in this section shall be construed to impose tort liability on the body awarding the contract or any of its employees. This section shall not apply to contracts awarded pursuant to the provisions of Chapter 3 (commencing with Section 14250) of Part 5 of Division 3 of Title 2 of the Government Code.

6708. Every contractor on a construction project, including but not limited to any public works, shall maintain adequate emergency first aid treatment for his employees. As used in this section, "adequate" shall be construed to mean sufficient to comply with the Federal Occupational Safety and Health Act of 1970 (P.L. 91-596).

SEC. 103.5. The Director of the Department of Industrial Relations shall prepare and submit to the Legislature by January 1, 1975, a study on the feasibility of a statewide publication which would meet the legal requirements for publication of notices, appeals, announcement of hearings and proposed rules or regulations of the department.

SEC. 104. If the Secretary of Labor issues a formal ruling that any provision of this act cannot be given effect without causing the state's plan to be out of conformity with federal requirements, that provision shall become inoperative to the extent it is out of conformity with federal requirements.

In the event that such a ruling is issued the Agriculture and Services Agency shall immediately inform the appropriate policy committees of the Legislature in writing.

SEC. 105. 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 of 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. 106. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because the cost of implementing this act is minimal on a statewide basis in relation to the effect on local tax rates.

SEC. 107. This act is an urgency statute necessary for the immediate preservation of the public peace, health or property within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The purpose of this act is to allow the State of California to assume responsibility for development and enforcement of occupational safety and health standards under a state plan pursuant to Section 18

of the Federal Occupational Safety and Health Act of 1970 (Public Law 91-596) which was enacted December 29, 1970. Until the provisions of this act become effective, the Division of Industrial Safety will not have the authority and other statutory provisions to conduct an occupational safety and health program as effective as that of the United States Department of Labor. Employers will continue to be subject to inspection by the federal officials and the authority of the California Division of Industrial Safety will be subject to question until California has an occupational safety and health program as effective as the federal program.

CHAPTER 994

An act to add Chapter 14 (commencing with Section 13985) to Division 7 of the Water Code, relating to providing for the preparation, issuance and sale of state bonds to create a fund to provide aid to public agencies in the planning, design and construction of facilities for the control and prevention of water pollution; defining the powers and duties of state officers in respect to the administration of the provisions hereof; providing ways and means for the payment of the interest of such bonds as such interest falls due, and also for the payment and discharge of the principal of such bonds as such principal matures; appropriating money for the purpose of carrying out this chapter; and providing for the submission of the measure to the people at a special election to be consolidated with the 1974 direct primary election.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 14 (commencing with Section 13985) is added to Division 7 of the Water Code, to read:

CHAPTER 14. CLEAN WATER BOND LAW OF 1974

Article 1. Short Title, Legislative Declarations, and General Definitions

13985. This chapter may be cited as the Clean Water Bond Law of 1974.

13986. The Legislature hereby finds and declares that clean water, which fosters the health of the people, the beauty of their environment, the expansion of industry and agriculture, the enhancement of fish and wildlife, the improvement of recreational facilities and the provision of pure drinking water at a reasonable cost, is an essential public need. Although the State of California is

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endowed with abundant lakes and ponds, streams and rivers, and hundreds of miles of shoreline, as well as large quantities of underground water, these vast water resources are threatened by pollution, which, if not checked, will impede the state's economic, community and social growth. The chief cause of pollution is the discharge of inadequately treated waste into the waters of the state. Many public agencies have not met the demands for adequate waste treatment or the control of water pollution because of inadequate financial resources and other responsibilities. Increasing population accompanied by accelerating urbanization, growing demands for water of high quality, rising costs of construction and technological changes mean that unless the state acts now the needs may soar beyond the means available for public finance. Meeting these needs is a proper purpose of the federal, state and local governments. Local agencies, by reason of their closeness to the problem, should continue to have primary responsibility for construction, operation and maintenance of the facilities necessary to cleanse our waters. Since water pollution knows no political boundaries and since the cost of eliminating the existing backlog of needed facilities and of providing additional facilities for future needs will be beyond the ability of local agencies to pay, the state, to meet its responsibility to protect and promote the health, safety and welfare of the inhabitants of the state, should assist in the financing. The federal government is contributing to the cost of control of water pollution, and just provision should be made to cooperate with the United States of America. It is the intent of this chapter to provide necessary funds to insure the full participation by the state under the provisions of Title 11 of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and acts amendatory thereof or supplementary thereto.

13987. The State General Obligation Bond Law is adopted for the purpose of the issuance, sale, and repayment of, and otherwise providing with respect to, the bonds authorized to be issued by this chapter, and the provisions of that law are included in this chapter as though set out in full in this chapter except that notwithstanding anything in the State General Obligation Bond Law, the bonds authorized hereunder shall bear such rates of interest, or maximum rates, as may from time to time be fixed by the State Treasurer, with the approval of the committee, and the maximum maturity of the bonds shall not exceed 50 years from the date of the bonds, or from the date of each respective series. The maturity of each respective series shall be calculated from the date of such series.

13988. As used in this chapter, and for the purposes of this chapter as used in the State General Obligation Bond Law, the following words shall have the following meanings:

(a) "Committee" means the Clean Water Finance Committee, created by Section 13989.

(b) "Board" means the State Water Resources Control Board.

(c) "Fund" means the State Clean Water Fund.

(d) "Municipality" shall have the same meaning as in the Federal

Water Pollution Control Act (33 U.S.C. 1251 et seq.) and acts amendatory thereof or supplementary thereto and shall also include the state or any agency or department thereof.

(e) "Treatment works" shall have the same meaning as in the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and acts amendatory thereof or supplementary thereto.

(f) "Construction" shall have the same meaning as in the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and acts amendatory thereof or supplementary thereto.

(g) "Eligible project" means a project for the construction of treatment works which is all of the following:

(1) Eligible for federal assistance, whether or not federal funds are then available therefor;

(2) Necessary to prevent water pollution;

(3) Certified by the board as entitled to priority over other treatment works, and which complies with applicable water quality standards, policies and plans.

(h) "Federal assistance" means funds available to a municipality either directly or through allocation by the state, from the federal government as grants for construction of treatment works, pursuant to Title II of the Federal Water Pollution Control Act, and acts amendatory thereof.

13989. The Clean Water Finance Committee is hereby created. The committee shall consist of the Governor or his designated representative, the State Controller, the State Treasurer, the Director of Finance, and the chairman of the board. The executive officer of the board shall serve as a member of the committee in the absence of the chairman. Said committee shall be the "committee" as that term is used in the State General Obligation Bond Law.

13990. The committee is hereby authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the aggregate amount of two hundred fifty million dollars ($250,000,000), in the manner provided in this chapter. Such debt or debts, liability or liabilities, shall be created for the purpose of providing the fund to be used for the object and work specified in Section 13991.

13991. (a) The moneys in the fund shall be used for the purposes set forth in this section.

(b) The board is authorized to enter into contracts with municipalities having authority to construct, operate and maintain treatment works, for grants to such municipalities to aid in the construction of eligible projects, and for reclamation of water.

Grants may be made pursuant to this section to reimburse municipalities for construction for which contracts were let subsequent to July 1, 1970, and before the first sale of bonds authorized to be issued by this chapter.

Any contract pursuant to this section may include such provisions as may be agreed upon by the parties thereto, and any such contract concerning an eligible project shall include, in substance, the

following provisions:

(1) An estimate of the reasonable cost of the eligible project;

(2) An agreement by the board to pay to the municipality, during the progress of construction or following completion of construction as may be agreed upon by the parties, an amount which equals at least 12½ percent of the eligible project cost determined pursuant to federal and state laws, and regulations;

(3) An agreement by the municipality, (i) to proceed expeditiously with, and complete, the eligible project, (ii) to commence operation of the treatment works on completion thereof, and to properly operate and maintain such works in accordance with applicable provisions of law, (iii) to apply for and make reasonable efforts to secure federal assistance for the eligible project, (iv) to secure the approval of the board before applying for federal assistance in order to maximize the amounts of such assistance received or to be received for all eligible projects in the state, and (v) to provide for payment of the municipality's share of the cost of the eligible project.

(c) The board may make direct grants to any municipality or by contract or otherwise undertake plans, surveys, research, development and studies necessary, convenient or desirable to the effectuation of the purposes and powers of the board pursuant to this division and to prepare recommendations with regard thereto, including the preparation of comprehensive statewide or areawide studies and reports on the collection, treatment and disposal of waste under a comprehensive cooperative plan.

The aggregate amount of moneys which may be advanced or granted to or committed to municipalities for the purpose of planning, research and development, whether by the board or under the direction of the board or in the form of direct grants to municipalities for such purpose, shall not exceed in the aggregate such amount as may be fixed from time to time by the committee.

(d) The board may from time to time with the approval of the committee transfer moneys in the fund to the State Water Quality Control Fund to be available for loans to public agencies pursuant to Chapter 6 (commencing with Section 13400) of this division.

(e) Not more than one-half of one percent of the moneys deposited in the fund may be expended by the board for costs incurred in administering the provisions of this chapter.

(f) As much of the moneys in the fund as is necessary shall be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code.

(g) The board may adopt rules and regulations governing the making and enforcing of contracts pursuant to this section.

13992. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereon.

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There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the state, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue, to do and perform each and every act which shall be necessary to collect said additional sum.

All money deposited in the fund which has been derived from premium and accrued interest on bonds sold shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

13993. All money deposited in the fund pursuant to any provision of law requiring repayments to the state for assistance financed by the proceeds of the bonds authorized by this chapter shall be available for transfer to the General Fund. When transferred to the General Fund such money shall be applied as a reimbursement to the General Fund on account of principal and interest on the bonds which has been paid from the General Fund.

13994. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this chapter such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this chapter, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 13995, which sum is appropriated without regard to fiscal years.

13995. For the purpose of carrying out the provisions of this chapter, the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which the committee has by resolution authorized to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the fund and shall be disbursed by the board in accordance with this chapter. Any moneys made available under this section to the board shall be returned by the board to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out this chapter.

13996. Upon request of the board, supported by a statement of the proposed arrangements to be made pursuant to Section 13991 for the purposes therein stated, the committee shall determine whether or not it is necessary or desirable to issue any bonds authorized under this chapter in order to make such arrangements, and, if so, the amount of bonds then to be issued and sold. Successive issues of bonds may be authorized and sold to make such arrangements progressively, and it shall not be necessary that all of the bonds herein authorized to be issued shall be sold at any one time.

13997. The committee may authorize the State Treasurer to sell all or any part of the bonds herein authorized at such time or times

as may be fixed by the State Treasurer.

13998. All proceeds from the sale of bonds, except those derived from premiums and accrued interest, shall be available for the purpose provided in Section 13991 but shall not be available for transfer to the General Fund to pay principal and interest on bonds. The money in the fund may be expended only as herein provided.

SEC. 2. Section 1 of this act shall take effect upon the adoption by the people of the Clean Water Bond Law of 1974, as set forth in Section 1 of this act. Sections 2 to 9, inclusive, of this act provide for the calling of an election and contain provisions relating to and necessary for the submission of the Clean Water Bond Law of 1974 to the people, and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

SEC. 3. A special election is hereby called to be held throughout the state on the fourth day of June, 1974. The special election shall be consolidated with the direct primary election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used. Except as otherwise provided in this act, all of the provisions of law relating to the submission of measures proposed by the Legislature shall apply to the measure submitted pursuant to this act. A ballot pamphlet shall be prepared, compiled and distributed relating to the Clean Water Bond Law of 1974, set forth in Section 1 of this act. The Secretary of State shall distribute the ballot pamphlets to the county clerks not later than 45 days before the election, and the county clerks shall commence to mail those pamphlets to the voters not less than 15 days before the election. The distribution of ballot pamphlets in all respects shall be conducted in accordance with the provisions of Section 3573 of the Elections Code.

SEC. 4. At the special election called by this act there shall be submitted to the electors Section 1 of this act. All provisions of this act shall control the submission of Section 1 of this act to, and the holding of, the special election called by this act.

SEC. 5. Upon the effective date of this section, arguments for and against the measure hereby ordered submitted to the electors shall be prepared in time, form and manner as provided in Article 1.8 (commencing with Section 3527) of Chapter 1 of Division 4 of the Elections Code.

SEC. 6. The special election provided for in this act shall be proclaimed, held, conducted, the ballots shall be prepared, marked, collected, counted and canvassed and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the Constitution applicable thereto and the law governing general elections insofar as provisions thereof are applicable to the election provided for in this act; provided, however, that the Governor need not issue his election proclamation until 30 days before the election.

SEC. 7. Notwithstanding any other provision of law, all ballots at said election shall have printed thereon and in a square thereof, the

words: "For the Clean Water Bond Law of 1974," and in the same square under said words the following in eight-point type: "This act provides for a bond issue of two hundred fifty million dollars ($250,000,000) to provide funds for water pollution control." In the square immediately below the square containing such words, there shall be printed on said ballot the words, "Against the Clean Water Bond Law of 1974," and in the same square immediately below said words, in eight-point type shall be printed "This act provides for a bond issue of two hundred fifty million dollars ($250,000,000) to provide funds for water pollution control." Opposite the words "For the Clean Water Bond Law of 1974," and "Against the Clean Water Bond Law of 1974," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words, "For the Clean Water Bond Law of 1974," and those voting against the said act shall do so by placing a cross opposite the words "Against the Clean Water Bond Law of 1974." Provided, that where the voting of said election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, such use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The Governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said election.

SEC. 8. The votes cast for or against the Clean Water Bond Law of 1974 shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appears that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

SEC. 9. Upon the effective date of this section the Secretary of State shall request the Legislative Counsel to prepare an analysis of the measure in accordance with Section 3566 of the Elections Code, and the Legislative Analyst to prepare an analysis in accordance with Section 3566.3 of the Elections Code. Each such analysis shall be filed with the Secretary of State within the time specified in the Elections Code.

CHAPTER 995

An act to add Chapter 5 (commencing with Section 8450) to Part 2 of Division 5 of the Water Code, relating to maintenance of vegetative cover for wildlife, recreational, and scenic purposes on levees, and making an appropriation therefor.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Chapter 5 (commencing with Section 8450) is added to Part 2 of Division 5 of the Water Code, to read:

CHAPTER 5. MAINTENANCE COSTS OF VEGETATION ON LEVEES

8450. The Legislature finds and declares as follows:

(a) Although the levees of flood control projects in this state have in the past been considered to be single-purpose, flood control features, many of these projects receive heavy nonlocal usage for recreation, transportation, and other purposes for which the retention and maintenance of vegetative cover is desirable.

(b) Construction and maintenance practices have been developed over the past several decades which were designed to minimize costs while still furnishing the required degree of flood control. These practices in many instances resulted in "bare" levees, devoid of any vegetative cover which might interfere with local maintenance, levee inspection, or flood fighting.

(c) Flood control project levees are increasingly recognized as valuable wildlife, recreational, scenic, and aesthetic resources, and construction and maintenance standards have been developed by the Army Corps of Engineers and the State of California which minimize vegetation removal and which encourage or require, as a condition of the project work, replanting and controlled vegetation maintenance on such levees as part of the responsibility of local flood control districts.

(d) Costs of maintaining vegetation on levees for such non-flood-control purposes as wildlife enhancement, recreation, and scenic beauty are approximately double those of normal flood-control-related maintenance, and nonlocal users are the prime beneficiaries. It is therefore appropriate that the general public participate in meeting such additional maintenance costs.

8451. It is the intent of the Legislature, in providing for state participation in the additional costs attributable to the non-flood-control activities described in this chapter, that the Reclamation Board and the Department of Water Resources, in preparing rules and regulations to implement this chapter, provide that, in processing applications from flood control districts for state participation in such costs, highest priority be given to those districts

in which factors, such as the size of the district, degree of nonlocal benefits, and level of non-flood-control maintenance costs which have been transferred to the district due to circumstances beyond their control, combine to work financial hardship on such districts.

8452. Wherever the words "department or the Reclamation Board" are used together in this chapter, they shall mean the Reclamation Board as to any flood control project levees under its jurisdiction and the Department of Water Resources as to all other flood control project levees.

8453. Notwithstanding any other provision of law to the contrary, it is the intention of the Legislature that the state shall pay 50 percent of the costs associated with the operation and maintenance of project facilities under the State Water Resources Law of 1945 which are directly attributable to the planting or retention of controlled vegetative cover for wildlife, recreational, scenic, and aesthetic purposes on project levees.

8454. Local agencies maintaining project facilities under the State Water Resources Law of 1945 shall be eligible for reimbursement pursuant to the provisions of this chapter if the cost of maintenance is increased by the planting or retention of vegetative cover on such levees, if the local agency agrees to maintain such vegetative cover on project levees as may be determined by the department or Reclamation Board, after consultation with any other affected state agencies, to be necessary for wildlife habitat, recreational, aesthetic, and scenic purposes.

8455. Local agencies entering into agreements with the state shall annually prepare a work program and estimate of cost for conducting any maintenance activities necessary to carry out the project maintenance and the purposes of this chapter and shall submit the proposed program and cost estimates to the department or the Reclamation Board for review. The department or the Reclamation Board shall review the proposed program and, after receiving the comments of any other affected state agencies, the department or the Reclamation Board shall certify for reimbursement 50 percent of those costs which are found to be attributable to the maintenance of vegetative cover for wildlife, recreational, aesthetic, and scenic purposes, and may allocate funds appropriated for these purposes to local agencies which have entered into agreements with the state pursuant to this chapter.

8456. Administrative costs incurred by the department or the Reclamation Board under this chapter in any fiscal year shall not exceed 10 percent of the annual cost of the program established by this chapter.

8457. State expenditures for the purposes of this chapter shall not exceed the amount of two hundred thousand dollars ($200,000) per year.

SEC. 2. For the 1973–74 fiscal year and for each fiscal year thereafter, the sum of two hundred thousand dollars ($200,000) is hereby annually appropriated from revenues derived pursuant to

Section 8679 of the Water Code to the Secretary of the Resources Agency for allocation to the Department of Water Resources and the Reclamation Board for the purposes of Chapter 5 (commencing with Section 8450) of Part 2 of Division 5 of the Water Code.

CHAPTER 996

An act to amend Sections 320, 3000, 3050, 3051, 9262, 9550, 9552, 11700, 11701, 11702, 11703, 11703.1, 11704, 11705, 11706, 11708, 11719, 11723, and 11724 of, to amend and renumber Section 11900 of, to add Sections 232, 296, 297, 331, 331.1, 331.2, 350, 388, 389, 507, 512, 11713.1, 11713.2, 11726, and 11727 to, and to add Article 4 (commencing with Section 3060) to Chapter 6 of Division 2 and Article 3 (commencing with Section 11900) to Chapter 4 of Division 5 of, the Vehicle Code, relating to vehicles, and making an appropriation therefor.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that the distribution and sale of new motor vehicles in the State of California vitally affects the general economy of the state and the public welfare and that in order to promote the public welfare and in the exercise of its police power, it is necessary to regulate and to license vehicle dealers, manufacturers, manufacturer branches, distributors, distributor branches, and representatives of vehicle manufacturers and distributors doing business in California in order to avoid undue control of the independent new motor vehicle dealer by the vehicle manufacturer or distributor and to insure that dealers fulfill their obligations under their franchises and provide adequate and sufficient service to consumers generally.

SEC. 2. Section 232 is added to the Vehicle Code, to read:

232. The "board" is the New Motor Vehicle Board.

SEC. 3. Section 296 is added to the Vehicle Code, to read:

296. A "distributor" is any person other than a manufacturer who sells or distributes new vehicles subject to registration under this code to dealers in this state and maintains representatives for the purpose of contacting dealers or prospective dealers in this state.

SEC. 4. Section 297 is added to the Vehicle Code, to read:

297. A "distributor branch" is an office maintained by a distributor for the sale of new motor vehicles to dealers or for directing or supervising in whole or in part the distributor's representatives.

SEC. 5. Section 320 of the Vehicle Code is amended to read:

320. "Established place of business" is a place actually occupied

either continuously or at regular periods by:

(a) A dealer, manufacturer, manufacturer branch, distributor, distributor branch, or automobile driving school where the books and records pertinent to the type of business being conducted are kept. The place of business shall have an office and in the case of a dealer or manufacturer shall have a display or manufacturing area situated on the same property where the business peculiar to the type of license issued by the department is or may be transacted. When a room or rooms in a hotel, roominghouse, apartment house building, or a part of any single- or multiple-unit dwelling house be used as an office or offices of an established place of business, such room or rooms shall be devoted exclusively to and occupied for the office or offices of the dealer, manufacturer, manufacturer branch, distributor, distributor branch, or automobile driving school, shall be located on the ground floor, and shall be so constructed as to provide a direct entrance into such room or rooms from the exterior of the building.

(b) An automobile dismantler where the books and records pertinent to the type of business being conducted are kept. The place of business shall have an office and a dismantling area located in a zone properly zoned for that purpose by the city, county, or city and county. A place of business of an automobile dismantler which qualified as an "established place of business" before the enactment of amendments to this section at the 1970 Regular Session of the Legislature shall be deemed to be an "established place of business" as defined in this section.

A licensee issued an occupational license by the department and conducting more than one type of business from an establishment, as herein defined, shall provide a clear physical division between the types of business involving vehicles or their component parts. The place of business shall be open to inspection of the premises, pertinent records and vehicles by any peace officer during business hours.

SEC. 6. Section 331 is added to the Vehicle Code, to read:

331. A "franchise" is a written agreement between two or more persons having all of the following conditions:

(a) A commercial relationship of definite duration or continuing indefinite duration.

(b) The franchisee is granted the right to offer and sell at retail new motor vehicles manufactured or distributed by the franchisor.

(c) The franchisee constitutes a component of the franchisor's distribution system.

(d) The operation of the franchisee's business is substantially associated with the franchisor's trademark, trade name, advertising, or other commercial symbol designating the franchisor.

(e) The operation of a portion of the franchisee's business is substantially reliant on the franchisor for a continued supply of new vehicles, parts, and accessories.

SEC. 7. Section 331.1 is added to the Vehicle Code, to read:

331.1. A "franchisee" is any person who, pursuant to a franchise, receives new motor vehicles subject to registration under this code from the franchisor and who sells such vehicles at retail.

SEC. 8. Section 331.2 is added to the Vehicle Code, to read:

331.2. A "franchisor" is any person who manufactures, assembles, or distributes new motor vehicles subject to registration under this code and who grants a franchise.

SEC. 8.5. Section 350 is added to the Vehicle Code, to read:

350. The term "good moral character" shall have the same meaning as specified in Division 1.5 (commencing with Section 475) of the Business and Professions Code.

SEC. 9. Section 388 is added to the Vehicle Code, to read:

388. A "manufacturer" is any person who manufactures or assembles new motor vehicles subject to registration under this code and who maintains representatives for the purpose of contacting dealers or distributors in this state or grants franchises to dealers or distributors in this state. The scope and application of this section shall be limited to Division 2 (commencing with Section 1500).

SEC. 10. Section 389 is added to the Vehicle Code, to read:

389. A "manufacturer branch" is an office maintained by a manufacturer for the sale of new motor vehicles to dealers or for directing or supervising in whole or in part the manufacturer's representatives.

SEC. 11. Section 507 is added to the Vehicle Code, to read:

507. The "relevant market area" is any area within a radius of 10 miles from the site of a potential new dealership.

SEC. 12. Section 512 is added to the Vehicle Code, to read:

512. A "representative" is any person regularly employed by a manufacturer or distributor for the purpose of negotiating or promoting the sale of the manufacturer's or distributor's vehicles to their franchisees or for regularly supervising or contacting franchisees or prospective franchisees in this state for any purpose.

SEC. 13. Section 3000 of the Vehicle Code is amended to read:

3000. There is in the Department of Motor Vehicles a New Motor Vehicle Board, which consists of nine members.

SEC. 14. Section 3050 of the Vehicle Code is amended to read:

3050. The board shall:

(a) Adopt rules and regulations in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code governing such matters as are specifically committed to its jurisdiction.

(b) Hear and consider, within the limitations and in accordance with the procedure hereinafter provided, an appeal presented by an applicant for, or holder of, a license as a new car dealer, manufacturer, manufacturer branch, distributor, distributor branch, or representative when any such applicant or licensee submits such an appeal provided for in this chapter from a decision arising out of the department.

(c) Consider any matter concerning the activities or practices of

any person applying for or holding a license as a new car dealer, manufacturer, distributor, or representative pursuant to Chapter 4 (commencing with Section 11700) of Division 5 submitted by any person; and, after such consideration, the board may do any one or any combination of the following:

(1) Direct the department to conduct such investigation of such matter as the board deems reasonable, and make a written report on the results of such investigation to the board within the time specified by the board;

(2) Undertake to arbitrate amicably or resolve any honest difference of opinion or viewpoint existing between any member of the public and any new car dealer, manufacturer, distributor, or representative;

(3) Order the department to exercise any and all authority or power that the department may have with respect to the issuance, renewal, refusal to renew, suspension or revocation of the license of any new car dealer, manufacturer, distributor, or representative as such license is required under Chapter 4 (commencing with Section 11700) of Division 5.

(d) Hear and consider, within the limitations and in accordance with the procedure hereinafter provided, a protest presented by a franchisee pursuant to Section 3060, 3062, 3064, or 3065.

SEC. 15. Section 3051 of the Vehicle Code is amended to read:

3051. The provisions of this chapter are not applicable to any person licensed as a transporter under Article 1 (commencing with Section 11700) or as a salesman under Article 2 (commencing with Section 11800) of Chapter 4 of Division 5, or to any licensee who is not a new car dealer, motor vehicle manufacturer, manufacturer branch, new motor vehicle distributor, distributor branch or representative. The provisions of this chapter shall not apply to transactions involving "mobilehomes", as defined in Section 18008 of the Health and Safety Code, "recreational vehicles", as defined in Section 18010.5 of the Health and Safety Code, or "commercial coaches", as defined in Section 18012 of the Health and Safety Code. Except as otherwise provided in this chapter, the provisions of this chapter shall be applicable to a new car dealer as defined in Section 426, a manufacturer as defined in Section 388, a manufacturer branch as defined in Section 389, a distributor as defined in Section 296, a distributor branch as defined in Section 297, a representative as defined in Section 512, or an applicant therefor.

SEC. 16. Article 4 (commencing with Section 3060) is added to Chapter 6 of Division 2 of the Vehicle Code, to read:

Article 4. Hearings on Franchise Modification, Replacement, Termination, Refusal to Continue and Issuance

3060. Notwithstanding the terms of any franchise, no franchisor shall terminate or refuse to continue any existing franchise unless:

(a) The franchisee and the board have received written notice

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from the franchisor as follows:

(1) Sixty days before the effective date thereof setting forth the specific grounds for termination or refusal to continue.

(2) Fifteen days before the effective date thereof setting forth the specific grounds with respect to any of the following:

(i) Transfer of any ownership or interest in the franchise without the consent of the franchisor, which consent shall not be unreasonably withheld.

(ii) Misrepresentation by the franchisee in applying for the franchise.

(iii) Insolvency of the franchisee, or filing of any petition by or against the franchisee under any bankruptcy or receivership law.

(iv) Any unfair business practice after written warning thereof.

(b) The board finds that there is good cause for termination or refusal to continue, following a hearing called pursuant to Section 3066. The franchisee may file a protest with the board within 30 days after receiving a 60-day notice, or within 10 days after receiving a 15-day notice. When such a protest is filed, the board shall advise the franchisor that a timely protest has been filed, that a hearing is required pursuant to Section 3066, and that the franchisor may not terminate or refuse to continue until the board makes its findings.

(c) The franchisor has received the written consent of the franchisee, or the appropriate period for filing a protest has elapsed.

The franchisor shall not modify or replace a franchise with a succeeding franchise if such modification or replacement would substantially affect the franchisee's sales or service obligations or investment, unless the franchisor shall have first given the board and each affected dealer notice thereof at least 60 days in advance of such modification or replacement. Within 30 days of receipt of such notice, a dealer may file an appeal with the board and such modification or replacement shall not become effective until there is a finding by the board that there is good cause for such modification or replacement. If, however, a replacement franchise is the successor franchise to an expiring or expired term franchise, such prior franchise shall continue in effect until resolution of the appeal by the board. In the event of multiple appeals, hearings shall be consolidated to expedite the disposition of the issue.

3061. In determining whether good cause has been established for modifying, replacing, terminating, or refusing to continue a franchise, the board shall take into consideration the existing circumstances, including, but not limited to:

(1) Amount of business transacted by the franchisee, as compared to the business available to the franchisee.

(2) Investment necessarily made and obligations incurred by the franchisee to perform its part of the franchise.

(3) Permanency of the investment.

(4) Whether it is injurious or beneficial to the public welfare for the franchise to be modified or replaced or the business of the franchisee disrupted.

(5) Whether the franchisee has adequate motor vehicle sales and service facilities, equipment, vehicle parts, and qualified service personnel to reasonably provide for the needs of the consumers for the motor vehicles handled by the franchisee and has been and is rendering adequate services to the public.

(6) Whether the franchisee fails to fulfill the warranty obligations of the franchisor to be performed by the franchisee.

(7) Extent of franchisee's failure to comply with the terms of the franchise.

3062. In the event that a franchisor seeks to enter into a franchise establishing an additional motor vehicle dealership or relocating an existing motor vehicle dealership in a relevant market area where the same line-make is then represented, the franchisor shall notify in writing each franchisee in such line-make in the relevant market area of intention to establish or relocate an additional dealership in that market area. Within 15 days of receiving such notice or within 15 days after the end of any appeal procedure provided by the franchisor, any dealer receiving such notice may file with the board a protest to the establishing or relocating of the proposed additional dealership. If a notice of protest is filed, the franchisor shall not establish or relocate the proposed dealership until the board has held a hearing as provided for in Section 3066, nor thereafter if the board has determined that there is good cause for not permitting such additional dealership.

3063. In determining whether good cause has been established for not entering into or relocating an additional franchise for the same line-make, the board shall take into consideration the existing circumstances, including, but not limited to:

(1) Permanency of the investment.

(2) Effect on the retail motor vehicle business and the consuming public in the relevant market area.

(3) Whether it is injurious to the public welfare for an additional franchise to be established.

(4) Whether the franchisees of the same line-make in that relevant market area are providing adequate competition and convenient consumer care for the motor vehicles of the line-make in the market area which shall include the adequacy of motor vehicle sales and service facilities, equipment, supply of vehicle parts, and qualified service personnel.

(5) Whether the establishment of an additional franchise would increase competition and therefore be in the public interest.

3064. (a) Every franchisor shall specify to its franchisees the delivery and preparation obligations of such franchisees prior to delivery of new motor vehicles to retail buyers. A copy of the delivery and preparation obligations, which shall constitute the franchisee's only responsibility for product liability between the franchisee and the franchisor but which shall not in any way affect the franchisee's responsibility for product liability between the purchaser and either the franchisee or the franchisor, and a schedule

of compensation to be paid franchisees for the work and services they shall be required to perform in connection with such delivery and preparation obligations shall be filed with the board by franchisors, and shall constitute the compensation as set forth on such schedule. The schedule of compensation shall be reasonable, with the reasonableness thereof being subject to the approval of the board, providing a franchisee files a notice of protest with the board. In determining the reasonableness of the schedules, the board shall consider all relevant circumstances, including, but not limited to, the time required to perform each function that the dealer is obligated to perform and the appropriate labor rate.

(b) Upon delivery of the vehicle, the franchisee shall give a copy of the delivery and preparation obligations to the purchaser and a written certification that he has fulfilled these obligations.

3065. (a) Every franchisor shall properly fulfill every warranty agreement made by it and adequately and fairly compensate each of its franchisees for labor and parts used to fulfill such warranty when the franchisee has fulfilled warranty obligations of repair and servicing and shall file a copy of its warranty reimbursement schedule or formula with the board. The warranty reimbursement schedule or formula shall be reasonable with respect to the time and compensation allowed the franchisee for the warranty work and all other conditions of such obligation. The reasonableness thereof shall be subject to the determination of the board; provided that a franchisee files a notice of protest with the board.

(b) In determining the adequacy and fairness of such compensation, the franchisee's effective labor rate charged to its various retail customers may be considered together with other relevant criteria.

(c) If any franchisor disallows a franchisee's claim for a defective part, alleging that such part, in fact, is not defective, the franchisor shall return such part so alleged not to be defective to the franchisee at the expense of the franchisor, or the franchisee shall be reimbursed for the franchisee's cost of the part, at the franchisor's option.

(d) All such claims made by franchisees hereinunder shall be either approved or disapproved within 30 days after their receipt by the franchisor. When any such claim is disapproved, the franchisee who submits it shall be notified in writing of its disapproval within such period, and each notice shall state the specific grounds upon which the disapproval is based. All claims made by franchisees under this section and Section 3064 for such labor and parts shall be paid within 30 days following approval. Failure to approve or pay within the above specified time limits, in individual instances for reasons beyond the reasonable control of the franchisor, shall not constitute a violation of this article.

3066. (a) Upon receiving a notice of protest pursuant to Section 3060, 3062, 3064, or 3065, the board shall fix a time, which shall be within 60 days of such order, and place of hearing and send by

registered mail a copy of the order to the franchisor, the protesting franchisee, and all individuals and groups which have requested notification by the board of protests and decisions of the board. The board shall hear and consider the oral and documented evidence introduced by the parties and other interested individuals and groups and shall make its decision solely on the record so made. Government Code Sections 11507.6, 11507 7, except subdivision (c), 11511, 11513, 11514, and 11515 shall be applicable to such proceedings.

(b) In any hearing on a protest filed pursuant to Section 3060 or 3062, the franchisor shall have the burden of proof to establish that there is good cause to modify, replace, terminate, or refuse to continue a franchise. The franchisee shall have the burden of proof to establish there is good cause not to enter into a franchise establishing or relocating an additional motor vehicles dealership.

(c) In any hearing on a protest filed pursuant to Section 3064 or 3065, the franchisee shall have the burden to establish that the schedule of compensation or the warranty reimbursement schedule is not reasonable.

3067. The decision of the board shall be in writing and shall contain findings of fact and a determination of the issues presented. If the board fails to act within 30 days after such hearing, or such longer period as may be mutually agreed upon by the parties, then the proposed action shall be deemed to be approved. Copies of the decision shall be delivered to the parties personally or sent to them by registered mail, as well as to all individuals and groups, which have requested notification by the board of protests and decisions by the board. The decision shall be final upon its delivery or mailing and no reconsideration or rehearing shall be permitted.

3068. Either party may seek judicial review of final decisions of the board. Time for filing for such review shall not be more than 45 days from the date on which the final order of the board is made public and is delivered to the parties personally or is sent them by registered mail, as well as to all individuals and groups which have requested notification by the board of protests and decisions of the board.

3069. The provisions of this article shall be applicable to all franchises existing between dealers and manufacturers, manufacturer branches, distributors and distributor branches at the time of its enactment and to all such future franchises.

SEC. 17. Section 9262 of the Vehicle Code is amended to read:

9262. The fees for a license and special plates issued to manufacturers, manufacturer branches, distributors, distributor branches, transporters and dealers shall be:

(a) For the license and the first set of special plates where, in the discretion of the department, an investigation is necessary, the fee shall be fifty dollars ($50), plus the prevailing vehicle registration fee as set forth in Section 9250 during the period for which the special plates are to be issued.

(b) For the first set of special plates where no investigation is

necessary or upon annual renewal, the fee shall be the prevailing vehicle registration fee as set forth in Section 9250 during the period for which the special plates are to be issued.

(c) For each additional set of special plates, or upon annual renewal, the fee shall be the prevailing vehicle registration fee as set forth in Section 9250 during the period for which the special plates are to be issued.

SEC. 18. Section 9550 of the Vehicle Code is amended to read:

9550. All fees required to be paid by a vehicle dealer, manufacturer, manufacturer branch, distributor, distributor branch, or transporter in accordance with this code, for any license or special plates shall be paid at the time application is made to the department.

SEC. 19. Section 9552 of the Vehicle Code is amended to read:

9552. (a) Whenever any vehicle is operated upon any highway of this state without the registration fee having first been paid as required by this code, such fee is delinquent.

(b) Whenever any person has received as transferee a properly endorsed certificate of ownership and the registration card of the vehicle described in the certificate and card and the transfer fee has not been paid as required by this code within 10 days, the fee is delinquent.

(c) Whenever any person becomes an automobile dismantler, dealer, manufacturer, manufacturer branch, distributor, distributor branch, or transporter without first having paid the license and special plate fees as required by this code, the fees are delinquent.

SEC. 20. Section 11700 of the Vehicle Code is amended to read:

11700. It shall be unlawful for any person to act as a dealer, manufacturer, or transporter, and, on and after July 1, 1974, it shall be unlawful for any person to act as a manufacturer branch, distributor, or distributor branch, without having first procured a license and special plates as required by Section 11701 or temporary permit issued by the department, or when such license or temporary permit issued by the department has been canceled, suspended, revoked, or invalidated or has expired.

SEC. 21. Section 11701 of the Vehicle Code is amended to read:

11701. Every manufacturer of, and manufacturer branch, distributor of, and distributor branch, transporter of, or dealer in vehicles of a type subject to registration or of snowmobiles shall make application to the department for a license and special plates containing a general distinguishing number. The applicant shall submit proof of his status as a bona fide manufacturer, manufacturer branch, distributor, distributor branch, transporter, or dealer as may reasonably be required by the department.

SEC. 22. Section 11702 of the Vehicle Code is amended to read:

11702. The department may issue, or for reasonable cause shown, refuse to issue a license and special plates to any applicant applying for a manufacturer's, manufacturer's branch, distributor's, distributor's branch, transporter's, or dealer's license special plates.

SEC. 23. Section 11703 of the Vehicle Code is amended to read:

11703. The department may refuse to issue a license and special plates to a manufacturer, manufacturer branch, distributor, distributor branch, transporter, or dealer, when it determines that:

(a) The applicant was previously the holder of a license and special plates issued under this chapter, which license and special plates were revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of suspension have not been fulfilled.

(b) The applicant was previously a limited or general partner, stockholder, director, or officer of a partnership or corporation whose license and special plates issued under the authority of this chapter were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated.

(c) If the applicant is a partnership or corporation, that one or more of the limited or general partners, stockholders, directors or officers was previously the holder or a limited or general partner, stockholder, director or officer of a partnership or corporation whose license and special plates issued under the authority of this chapter were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated, or that by reason of the facts and circumstances touching the organization, control, and management of the partnership or corporation business the policy of such business will be directed, controlled, or managed by individuals who, by reason of their conviction of violations of the provisions of this code, would be ineligible for a license and that by licensing such corporation or partnership the purposes of this code would likely be defeated.

(d) The applicant, or one of the limited or general partners, if the applicant be a partnership, or one or more of the officers or directors of the corporation, if the corporation be the applicant, or one or more of the stockholders if the policy of such business will be directed, controlled, or managed by such stockholder or stockholders, has ever been convicted of a felony or a crime involving moral turpitude. A conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

(e) The information contained in the application is incorrect.

(f) The decision of the department to suspend or revoke a license under the provisions of subdivision (c) of Section 11721 has been entered, and this applicant was the licensee, a copartner, or an officer, director or stockholder of such suspended or revoked licensee.

SEC. 24. Section 11703.1 of the Vehicle Code is amended to read:

11703.1. Any of the causes specified in Section 11705 as a cause to suspend or revoke the license and special plates issued to a dealer, manufacturer, manufacturer branch, distributor, distributor branch, or transporter, shall be cause to refuse to issue a license and special plates to a dealer, manufacturer, manufacturer branch, distributor,

distributor branch, or transporter.

SEC 25. Section 11704 of the Vehicle Code is amended to read:

11704. The department shall prescribe and provide forms to be used for application for licenses to be issued under the terms and provisions of this article and require of such applicants, where appropriate, as a condition precedent to issuance of such license, such information, including, but not limited to, fingerprints and personal history statements, touching on and concerning the applicant's character, honesty, integrity and reputation as it may consider necessary; provided, however, that every application for a dealer's license shall contain, in addition to such information as the department may require, a statement of the following facts:

(a) The name and residence address of the applicant and the trade name, if any, under which he intends to conduct his business; and if the applicant be a copartnership, the name and residence address of each member thereof, whether a limited or general partner, and the name under which the partnership business is to be conducted; and if the applicant be a corporation, the name of the corporation and the name and address of each of its principal officers and directors.

(b) A complete description, including the city, town or village with the street and number, if any, of the established place of business and such other and additional place or places of business as shall be operated and maintained by the applicant in conjunction with the established place of business.

(c) If the application be for a dealer's license, the name or names of the new motor vehicle or vehicles that the applicant has been enfranchised to sell or exchange and the name or names and address of the manufacturer or distributor who has enfranchised the applicant.

(d) If the application be for a manufacturer's or manufacturer's branch license, the names and addresses of all distributors and representatives acting for the applicant in this state and all dealers franchised by said applicant in this state and business addresses of such dealers. Thereafter, all manufacturers or manufacturer's branches shall inform the board within 30 days of any change in the list of distributors, representatives or dealers.

(e) If the application be for a distributor's or distributor's branch license, the name of the manufacturer for whom the distributor will act, the names and business addresses of all representatives acting for the applicant in this state and the names and business addresses of all dealers in this state franchised by such distributor. Thereafter, all distributors shall inform the department within 30 days of any change in the list of representatives and dealers.

(f) Upon receipt of an application accompanied with the appropriate fee, the department shall, within 120 days, make a thorough investigation of the information contained in the application.

SEC. 26. Section 11705 of the Vehicle Code is amended to read:

11705. (a) The department, after notice and hearing, may suspend or revoke the license issued to a dealer, transporter, manufacturer, manufacturer branch, distributor, or distributor branch upon determining that the person to whom the license was issued is not lawfully entitled thereto, or has committed any of the following acts:

(1) Filed an application for the license thereafter issued using a false or fictitious name not registered with the proper authorities, or knowingly made any false statement or knowingly concealed any material fact, in the application for such license

(2) Has made, or knowingly or negligently permitted, any illegal use of the special plates issued to such license.

(3) Has used a false or fictitious name, knowingly made any false statement, or knowingly concealed any material fact, in any application for the registration of a vehicle, or otherwise committed a fraud in such application.

(4) Failed to deliver to a transferee lawfully entitled thereto a properly endorsed certificate of ownership.

(5) Has knowingly purchased, sold, or otherwise acquired or disposed of a stolen motor vehicle.

(6) Failed to provide and maintain a clear physical division between the type of business licensed pursuant to this chapter and any other type of business conducted at the established place of business.

(7) Has violated one or more of the terms and provisions of Division 3 (commencing with Section 4000) or a rule or regulation adopted pursuant thereto, or Section 1651.

(8) Has violated one or more of the terms and conditions of Division 4 (commencing with Section 10500) or the rules and regulations adopted pursuant thereto or adopted pursuant to Section 1651.

(9) Has violated one or more of the provisions of Article 1 (commencing with Section 11700) of Chapter 4 of Division 5 or rules and regulations adopted pursuant thereto or adopted pursuant to Section 1651.

(10) Has violated any of the terms or provisions of Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code or rules and regulations adopted pursuant thereto or adopted pursuant to Section 1651 of this code.

(11) Has violated any of the terms or provisions of Chapter 2b (commencing with Section 2981) of Title 14 of Part 4 of Division 3 of the Civil Code or the rules and regulations adopted pursuant thereto under the authority of Section 1651 of this code.

(12) Has committed and has been convicted of a crime of a felony or a crime of moral turpitude.

(13) Has submitted a check, draft, or money order to the department for any obligation or fee due the state and it is thereafter dishonored or refused payment upon presentation.

(14) Has caused any person to suffer any loss or damage by reason

of any fraud or deceit practiced on him or fraudulent representations made to such person in the sale or purchase of a vehicle or parts or accessories thereof.

For the purposes of this subdivision, the term "fraud" includes any act or omission which is included within the definition of either "actual fraud" or "constructive fraud" as defined in Sections 1572 and 1573 of the Civil Code, and the term "deceit" has the same meaning as defined in Section 1710 of the Civil Code. In addition, the terms "fraud" and "deceit" include, but are not limited to, the following: a misrepresentation in any manner, whether intentionally false or due to gross negligence, of a material fact; a promise or representation not made honestly and in good faith; an intentional failure to disclose a material fact; any act falling within the provisions of Section 484 of the Penal Code.

(b) Any of the causes specified in Section 11703 as a cause for refusal to issue a license and certificate to a transporter, manufacturer, manufacturer branch, distributor, distributor branch, or dealer applicant shall be cause to suspend or revoke a license and certificate issued to a transporter, manufacturer, manufacturer branch, distributor, distributor branch, or dealer.

(c) Every hearing as provided for in this section shall be pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 27. Section 11706 of the Vehicle Code is amended to read:

11706. The department may, pending a hearing, temporarily suspend the license and special plates issued to a manufacturer, manufacturer branch, distributor, distributor branch, transporter, or dealer, for a period not to exceed 30 days, if the director finds that such action is required in the public interest. In any such case a hearing shall be held and a decision thereon issued within 30 days after notice of the temporary suspension.

Every hearing as provided for in this section shall be pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 28. Section 11708 of the Vehicle Code is amended to read:

11708. (a) Upon refusal of the department to issue a license and special plates to a manufacturer, manufacturer branch, distributor, distributor branch, transporter, or dealer, the applicant shall be entitled to demand in writing a hearing before the director or his representative within 60 days after notice of refusal.

(b) The hearing shall be conducted pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 29. Section 11713.1 is added to the Vehicle Code, to read:

11713.1. It shall be unlawful and a violation of this code for any manufacturer, manufacturer branch, distributor, or distributor branch licensed under this code to coerce or attempt to coerce any dealer in this state:

(a) To order or accept delivery of any motor vehicle, part or

accessory thereof, appliance, equipment or any other commodity not required by law which shall not have been voluntarily ordered by the dealer.

(b) To order or accept delivery of any motor vehicle with special features, appliances, accessories or equipment not included in the list price of such motor vehicles as publicly advertised by the manufacturer or distributor.

(c) To order for any person any parts, accessories, equipment, machinery, tools, appliances, or any commodity whatsoever.

(d) To participate in an advertising campaign or contest, any promotional campaign, promotional materials, training materials, showroom or other display decorations or materials at the expense of the dealer.

(e) To enter into any agreement with the manufacturer, manufacturer branch, distributor, or distributor branch, or to do any other act prejudicial to the dealer by threatening to cancel a franchise or any contractual agreement existing between the dealer and manufacturer, manufacturer branch, distributor, or distributor branch. Notice in good faith to any dealer of the dealer's violation of any terms or provisions of such franchise or contractual agreement shall not constitute a violation of this article.

SEC. 30. Section 11713.2 is added to the Vehicle Code, to read:

11713.2. It shall be unlawful and a violation of this code for any manufacturer, manufacturer branch, distributor, or distributor branch licensed under this code:

(a) To refuse or fail to deliver in reasonable quantities and within a reasonable time after receipt of an order from a dealer having a franchise for the retail sale of any new vehicle sold or distributed by the manufacturer or distributor, any new vehicle or parts or accessories to new vehicles as are covered by such franchise, if such vehicle, parts or accessories are publicly advertised as being available for delivery or actually being delivered. This subdivision is not violated, however, if such failure is caused by acts or causes beyond the control of the manufacturer, manufacturer branch, distributor, or distributor branch.

(b) To prevent or require or attempt to prevent or require, by contract or otherwise any change in the capital structure of a dealership or the means by or through which the dealer finances the operation of the dealership, provided that the dealer at all times meets any reasonable capital standards agreed to by the dealer and the manufacturer or distributor, and also provided that no change in capital structure shall cause a change in the principal management or have the effect of a sale of the franchise without the consent of the manufacturer or distributor.

(c) To prevent or require, or attempt to prevent or require, a dealer to change the executive management of a dealership, other than the principal dealership operator or operators if the franchise was granted the dealer in reliance upon the personal qualifications of such person or persons.

(d) To prevent or require, or attempt to prevent or require, by contract or otherwise, any dealer, or any officer, partner, or stockholder of any dealership, the sale or transfer of any part of the interest of any of them to any other person or persons. No dealer, officer, partner, or stockholder shall, however, have the right to sell, transfer, or assign the franchise, or any right thereunder, without the consent of the manufacturer or distributor except that such consent shall not be unreasonably withheld.

(e) To prevent, or attempt to prevent a dealer from receiving fair and reasonable compensation for the value of the franchised business. There shall be no transfer or assignment of the dealer's franchise without the consent of the manufacturer or distributor, which consent shall not be unreasonably withheld.

(f) To obtain money, goods, service, or any other benefit from any other person with whom the dealer does business, on account of, or in relation to, the transaction between the dealer and such other person, other than for compensation for services rendered, unless such benefit is promptly accounted for, and transmitted to, the dealer.

(g) To require a dealer to prospectively assent to a release, assignment, novation, waiver, or estoppel which would relieve any person from liability to be imposed by this article or to require any controversy between a dealer and a manufacturer, distributor, or representative, to be referred to any person other than the board, if such referral would be binding on the dealer. This subdivision shall not, however, prohibit arbitration before an independent arbitrator.

(h) To increase prices of motor vehicles which the dealer had ordered for private retail consumers prior to the dealer's receipt of the written official price increase notification. A sales contract signed by a private retail consumer shall constitute evidence of each such order. In the event of manufacturer price reductions, the amount of any such reduction received by a dealer shall be passed on to the private retail consumer by the dealer if the retail price was negotiated on the basis of the previous higher price to the dealer. Price reductions shall apply to all vehicles in the dealer's inventory which were subject to the price reduction. Price differences applicable to new model or series motor vehicles at the time of the introduction of new models or series shall not be considered a price increase or price decrease. Price changes caused by either (1) the addition to a motor vehicle of required or optional equipment pursuant to state or federal law, or (2) revaluation of the United States dollar in the case of foreign-make vehicles, shall not be subject to the provisions of this subdivision.

(i) To fail to pay to a dealer, within a reasonable time following receipt of a valid claim by a dealer thereof, any payment agreed to be made by the manufacturer or distributor to the dealer by reason of the fact that a new vehicle of a prior year model is in such dealer's inventory at the time of introduction of new model vehicles. A manufacturer or distributor shall not authorize or enable any new

model or series passenger vehicle or station wagon to be delivered by dealers at retail more than 30 days prior to the eligibility date of such model change allowance payment for prior year model vehicles.

(j) To deny the widow or heirs designated by a deceased owner of a dealership, the opportunity to participate in the ownership of such dealership or successor dealership under a valid franchise for a reasonable time after the death of such owner.

(k) To offer any refunds or other types of inducements to any person for the purchase of new motor vehicles of a certain line-make to be sold to the state or any political subdivision thereof without making the same offer to all other dealers in the same line-make within the relevant market area.

(*l*) To modify, replace, enter into, relocate, terminate or refuse to renew a franchise in violation of Article 4 (commencing with Section 3060) of Chapter 6 of Division 2.

(m) To employ a person as a representative who has not been licensed pursuant to Article 3 (commencing with Section 11900) of Chapter 4 of Division 5.

(n) To deny any dealer the right of free association with any other dealer for any lawful purpose.

(o) To compete with a dealer operating under an agreement or franchise from a manufacturer or distributor in the relevant market area. A manufacturer or distributor shall not, however, be deemed to be competing when operating a dealership either temporarily for a reasonable period, or in a bona fide retail operation which is for sale to any qualified independent person at a fair and reasonable price, or in a bona fide relationship in which an independent person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership of such dealership on reasonable terms and conditions. A distributor shall not be deemed to be competing when a wholly owned subsidiary corporation of such distributor sells motor vehicles at retail, if, for at least three years prior to January 1, 1973, such subsidiary corporation has been a wholly owned subsidiary of such distributor and engaged in the sale of vehicles at retail.

(p) To unfairly discriminate among its franchisees with respect to warranty reimbursement or authority granted its franchisees to make warranty adjustments with retail customers.

(q) To sell vehicles to persons not licensed under this chapter for resale.

SEC. 31. Section 11719 of the Vehicle Code, as amended by Chapter 215 of the Statutes of 1972, is amended to read:

11719. Pending the satisfaction of the department that the applicant has met the requirements under this article, it may issue a temporary permit to any person applying for a manufacturer's, manufacturer's branch, distributor's, distributor's branch, transporter's or dealer's license and special plates. The temporary permit shall permit the operation by the manufacturer, manufacturer branch, distributor, distributor branch, transporter or

dealer for a period not to exceed 120 days while the department is completing its investigation and determination of all facts relative to the qualifications of the applicant to such license and special plates. The department may cancel such temporary permit when it has determined or has reasonable cause to believe that the application is incorrect or incomplete or the temporary permit was issued in error. Such temporary permit shall be invalid when canceled or when the applicant's license has been issued or refused.

SEC. 32. Section 11723 of the Vehicle Code is amended to read:

11723. The board may require that fees shall be paid to the department for the issuance or renewal of a license to do business as a new car dealer, manufacturer, manufacturer branch, distributor, distributor branch, or representative. Such fees shall be to reimburse the department for costs incurred in licensing such dealers, manufacturers, distributors, branches and representatives. This section and Section 11724 shall not apply to manufacturers, distributors, or representatives of motorcycles or vehicles not subject to registration under this code.

SEC. 33. Section 11724 of the Vehicle Code is amended to read:

11724. Any new car dealer, manufacturer, manufacturer branch, distributor, distributor branch, or representative required to be licensed under this chapter who fails to make application for such license when required, shall, in addition to the fees required pursuant to Section 11723, pay a penalty of 50 percent of the license fee.

SEC. 34. Section 11726 is added to the Vehicle Code, to read:

11726. Any licensee suffering pecuniary loss because of any willful failure by any other licensee to comply with any provision of Article 1 (commencing with Section 11700) or 3 (commencing with Section 11900) of Chapter 4 of Division 5 or Article 3 (commencing with Section 3052) of Chapter 6 of Division 2 or with any regulation adopted by the department or any rule adopted or decision rendered by the board under authority vested in them may recover damages and reasonable attorney fees therefor in any court of competent jurisdiction. Any such licensee may also have appropriate injunctive relief in any such court.

SEC. 35. Section 11727 is added to the Vehicle Code, to read:

11727. The revocation or suspension of a license of a manufacturer, manufacturer branch, distributor, distributor branch, or representative may be limited to one or more municipalities or counties or any other defined area, or may be revoked or suspended in a defined area only as to certain aspects of its business, or as to a specified dealer or dealers.

SEC. 36. Article 3 (commencing with Section 11900) is added to Chapter 4 of Division 5 of the Vehicle Code, to read:

Article 3. Representatives

11900. It shall be unlawful for any person to act as a representative on or after January 1, 1975, without having first procured a license or temporary permit issued by the department or when such license or temporary permit has been canceled, suspended, revoked, or invalidated or has expired.

11901. The department shall prescribe and provide forms to be used for application for licenses to be issued under the terms and provisions of this chapter and require of such applicants, as a condition precedent to issuance of such license, such information touching on and concerning the applicant's character, honesty, integrity and reputation as it may consider necessary. Every application for a representative's license shall contain, in addition to such information as the department may require, a statement of the following facts:

(a) Name and address of the applicant.

(b) Whether the applicant has ever had a court judgment rendered for which he has been liable as a result of his activity in connection with an occupation licensed under this chapter and whether such judgment remains unpaid or unsatisfied.

(c) Whether the applicant ever had a license, issued under the authority of this chapter, revoked, suspended, or subjected to other disciplinary action and whether the applicant was ever a partner in a partnership or an officer, director, or stockholder in a corporation licensed under the authority of this chapter, the license of which was revoked, suspended, or subjected to other disciplinary action.

(d) Name, address, and license number of the manufacturer, manufacturer branch, distributor, or distributor branch employing the applicant.

11902. (a) The department shall issue a representative's license when satisfied that the applicant has furnished the required information, and that he intends in good faith to act as a representative and has paid the fees as required in Section 11906.

(b) The department may refuse to issue or may suspend or revoke a license, when satisfied that:

(1) The information contained in the application is incorrect.

(2) The applicant or licensee, based on the information contained in the application or by subsequent investigation, is not of good moral character.

The conviction of a crime, including a conviction after a plea of nolo contendere, involving moral turpitude shall be prima facie evidence that the applicant or licensee is not of good moral character.

(3) The applicant or licensee has outstanding an unpaid final court judgment rendered in connection with an activity licensed under the authority of this chapter.

(4) The applicant or licensee was previously the holder of or was a partner in a partnership or was an officer, director, or stockholder

involved in management of a corporation which was the holder of a license and certificate issued under this chapter, which license and certificate were revoked for cause and never reissued by the department or which license and certificate were suspended for cause and the terms of suspension have not been fulfilled.

(5) The applicant or licensee has committed any of those acts prohibited by Sections 11713.1 and 11713.2.

(c) Pending the satisfaction of the department that the applicant has met the requirements under this chapter, it may issue a temporary permit to any person applying for a representative's license. The temporary permit shall permit the operation by the representative for a period not to exceed 120 days while the department is completing its investigation and determination of all facts relative to the qualifications of the applicant to such a license. Such temporary permit shall be invalid when the applicant's license has been issued or refused.

(d) The department may issue a probationary representative's license upon any ground or grounds contained in subdivision (b) of this section subject to conditions to be observed in the exercise of the privilege granted either upon application for issuance of a license or upon application for renewal of a license. The conditions to be attached to the exercise of the privilege shall not appear on the face of the license but shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein.

11903. (a) If the department suspends or revokes a representative's license, the licensee shall be entitled to an appropriate hearing. Such hearing shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) If the department issues or renews a representative's license requiring conditions of probation or if the department refuses to issue such license, the applicant shall be entitled to demand in writing a hearing as hereinabove provided before the director or his representative within 60 days after notice of refusal or issuance of the probationary license.

(c) A person whose application for a license has been denied may reapply for such license after a period of not less than one year has elapsed from the date of filing of such denial; provided, however, that if such denial was filed under the authority of paragraph (3) or (4) of subdivision (b) of Section 11902, an earlier reapplication may be made accompanied by evidence satisfactory to the department that such grounds no longer exist.

11904. Every representative's license issued hereunder shall expire at midnight on the 30th day of June of each year.

11905. Every application for the renewal of a representative's license which expires on the 30th day of June shall be made by the

person to whom issued between June 1st and midnight of June 30th preceding such expiration date and shall be made by presenting the application form provided by the department and by payment of the full annual renewal fee for such license.

11906. Fees for the original issuance of a representative's license and for the annual renewal of a representative's license shall be the same as the fees for the original issuance and for the annual renewal, respectively, of a manufacturer's, dealer's, and transporter's license, as provided in Section 9262.

11907. The representative's license, or any permit provided for in this chapter, shall be automatically canceled upon the failure of the licensee to file an application for renewal of the license or permit before July 1st following the expiration date of the current license or permit.

11908. The suspension, expiration, or cancellation of the representative's license provided for in this chapter shall not prevent the filing of an accusation for revocation or suspension of the suspended, expired, or canceled license as provided in Section 11903, and the department's decision that such license should be suspended or revoked. Such determination may be considered in granting or refusing to grant any subsequent license authorized by Division 5 (commencing with Section 11100) to such licensee.

SEC. 37. Section 11900 of the Vehicle Code is amended and renumbered to read:

12000. (a) Any person who sells and installs new parts in passenger cars, in the ordinary course of his business, shall provide the customer with an invoice which identifies by brand name, or other comparable designation, the part or parts installed.

(b) Any person who sells and installs used or factory rebuilt parts in passenger cars, in the ordinary course of his business, shall provide the customer with an invoice which specifically designates the used part or parts installed.

(c) This section shall not apply to any fitting or other device necessary to the installation of any new, used or factory rebuilt part subject to the provisions of this section.

(d) Any willful violation of this section shall be a misdemeanor.

SEC. 38. There are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

SEC. 39. This act shall become operative on July 1, 1974.

CHAPTER 997

An act to add Section 1505.5 to the Public Utilities Code, and to amend Sections 31304 and 71810 of the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 1, 1973. Filed with Secretary of State October 1, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 1505.5 is added to the Public Utilities Code, to read:

1505.5. The provisions of Sections 1503 and 1504 will be applicable to any political subdivision which constructs facilities to provide or extend water service or provides or extends such service to any territory theretofore actually being lawfully served by any other political subdivision with facilities designed and constructed to provide the same type of service. The provisions of this section shall not apply to any territory, or portion thereof, which is the subject of any final judgment or litigation pending on the effective date of this section involving any duplication of water service occurring prior to the effective date of this section.

SEC. 2. Section 31304 of the Water Code is amended to read:

31304. The district may issue negotiable promissory notes bearing interest at a rate not exceeding 6 percent per annum; provided, however, that said notes shall be payable from revenues and general taxes of the district, unless paid from other available funds of the district, in the same manner as bonds of said district; and provided further, that the maturity shall not be later than five years from the date thereof and that the total aggregate amount of such notes outstanding at any one time shall not exceed 2 percent of the assessed valuation of the taxable property in the district or, if said assessed valuation is not obtainable, 2 percent of the county assessor's estimate of the assessed valuation of the taxable property in the district evidenced by his certificate; and provided further, that a district which has been formed for less than 18 months may borrow an amount not exceeding twenty-five thousand dollars ($25,000), or an amount not exceeding 2 percent of the assessed valuation or estimated valuation of the taxable property in the district, whichever is greater, and no district shall borrow for purposes other than flood control in excess of one million dollars ($1,000,000).

SEC. 3. Section 71810 of the Water Code is amended to read:

71810. A district may issue negotiable promissory notes pursuant to Sections 71811 and 71812. Such promissory notes shall bear interest at a rate not exceeding 7 percent per year. They shall be payable from revenues and taxes levied for purposes of the district other than the payment of principal and interest on any bonded debt of the district or of an improvement district therein.

SEC. 4. Section 31304 of the Water Code is amended to read:

31304. The district, or the district on behalf of an improvement district thereof, may issue negotiable promissory notes which shall be payable from general taxes, revenues, and other available funds of the district or the improvement district, as the case may be, in the same manner as general obligation bonds. The notes shall bear interest at a rate not exceeding 7 percent per annum and shall

mature and be payable not later than five years from the date of issue. The balance of such notes unpaid shall not at any one time exceed 2 percent of the assessed valuation of the taxable property in the district or the improvement district, as the case may be, or, if said assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the district, or the improvement district, as evidenced by his certificate. No district shall borrow, pursuant to this section, for purposes other than flood control, in excess of one million dollars ($1,000,000); provided, however, that any district with an assessed valuation in excess of one hundred million dollars ($100,000,000) may borrow, pursuant to this section, for purposes other than flood control, an amount not exceeding 1 percent of the assessed valuation of all taxable property within the district. The balance of such notes unpaid at any time shall not result in a proportionate obligation on any parcel of land within the district in excess of 2 percent of the assessed valuation of that parcel.

SEC. 5. The Legislature hereby finds and declares that any new or increased costs incurred by local agencies pursuant to this act are incurred voluntarily by such agencies, and, therefore, no appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

SEC. 6. It is the intent of the Legislature, if this bill and Assembly Bill No. 2437 are both chaptered and become effective on or before January 1, 1974, both bills amend Section 31304 of the Water Code, and this bill is chaptered after Assembly Bill No. 2437, that Section 31304 of the Water Code, as amended by Section 1 of Assembly Bill No. 2437, be further amended on the effective date of this act in the form set forth in Section 4 of this act to incorporate the changes in Section 31304 proposed by this bill. Therefore, if this bill and Assembly Bill No. 2437 are both chaptered and become effective on or before January 1, 1974, and Assembly Bill No. 2437 is chaptered before this bill and amends Section 31304, Section 4 of this act shall become operative on the effective date of this act and Section 2 of this act shall not become operative.

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:

This act will require any political subdivision that constructs facilities to provide or extend water service, or provides or extends such service, to territory actually being lawfully served by another political subdivision with facilities designed and constructed to provide the same type of service, to compensate such political subdivision to the extent it is injured because the property used in providing the water service is made inoperative, reduced in value or

made useless. It will also clarify the law with respect to the issuance of negotiable promissory notes by certain water districts. In order to insure that the protection afforded to the public health and safety by this act is available at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 998

An act to add Section 22859.7 to the Education Code, relating to community college attendance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 22859.7 is added to the Education Code, to read:

22859.7. A district may classify a student as a district resident if he lives with a parent who earns a livelihood primarily by performing agricultural labor for hire in California and other states and the parent has performed such labor in this state for at least two months per year in each of the two preceding years, the parent lives within the district which maintains the community college attended by the student, and the parent claims the student as a dependent on his state or federal personal income tax returns if he has sufficient income to have a personal income tax liability.

A district may also classify a student as a district resident if he earns a livelihood primarily by performing agricultural labor for hire in California and other states and he has performed such labor in this state for at least two months per year in each of the two preceding years.

The Board of Governors of the California Community Colleges shall prescribe rules and regulations for the implementation of this section.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that agricultural workers, their children, and certain wards of agriculture workers, who are unable to reside long enough in one place to establish a community college district residency and whose mobility is necessary to the economy of this state, may be afforded the opportunity to better themselves by attending community college at the earliest possible time, and, more particularly, prior to the commencement of the 1973–74 school term, it is necessary that this act take effect immediately.

CHAPTER 999

An act to add Chapter 2 (commencing with Section 1812.30) to Title 2 of Part 4 of, and to amend Section 5116 of, the Civil Code, relating to women.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Chapter 2 (commencing with Section 1812.30) is added to Title 2 of Part 4 of the Civil Code, to read:

CHAPTER 2. CREDIT TRANSACTIONS REGARDING WOMEN

1812.30. (a) No married woman shall be denied credit in her own name if her uncommingled earnings or separate property are such that a man possessing the same amount of property or earnings would receive credit.

(b) No unmarried woman shall be denied credit if her property or earnings are such that a man possessing the same amount of property or earnings would receive credit.

(c) A credit reporting agency shall, upon the written request of a married person, identify within the report delivered by the agency both the credit history of each spouse and of their joint accounts, if such information is on file with the credit reporting agency.

(d) For the purposes of this section, "credit" means obtainance of money, property, labor, or services on a deferred-payment basis.

(e) Nothing in subdivisions (a) and (b) or any other provision in this chapter shall be construed to prohibit a person from utilizing any other relevant factors or methods in determining whether to extend credit to a woman.

1812.31. When any person willfully violates any provision of subdivision (a) or (b) of Section 1812.30, a woman who suffers any damage as a result of the willful violation may, on her own behalf and for her own benefit only, do any or both of the following:

(a) Bring an action to recover actual damages and five hundred dollars ($500) in addition thereto, for each and every willful violation.

(b) Petition the court to order the person violating any such subdivisions to extend credit upon such terms, conditions, and standards as he normally utilizes in granting credit to males.

SEC. 2. Section 5116 of the Civil Code is amended to read:

5116. (a) Except as provided in subdivision (b), the property of the community is not liable for the contracts of the wife, made after marriage, unless secured by pledge or mortgage thereof executed by the husband. Except as otherwise provided by law, the earnings of the wife are liable for her contracts heretofore or hereafter made before or after marriage.

(b) The property of the community is liable for the contracts of the wife which are made after marriage and on or after January 1, 1974, to the extent that her earnings or separate property have been commingled with the property of the community or have become the property of the community by gift or agreement of the spouses.

SEC. 3. Section 5116 of the Civil Code is amended to read:

5116. (a) The property of the community is not liable for the contracts of the wife, made after marriage and prior to January 1, 1975, unless secured by pledge or mortgage thereof executed by the husband.

(b) Except as otherwise provided by law, the earnings of the wife are liable for her contracts heretofore or hereafter made before or after marriage and prior to January 1, 1975.

(c) The property of the community is liable for the contracts of either spouse which are made after marriage and on or after January 1, 1975.

SEC. 4. It is the intent of the Legislature, if this bill and Senate Bill No. 569 are both chaptered and amend Section 5116 of the Civil Code, and this bill is chaptered after Senate Bill No. 569, that Section 5116 of the Civil Code, as amended by Section 2 of this act, shall remain operative until the operative date of Senate Bill No. 569, and that on the operative date of Senate Bill No. 569 Section 5116 of the Civil Code, as amended by Section 2 of this act, be further amended in the form set forth in Section 3 of this act to incorporate the changes in Section 5116 proposed by Senate Bill No. 569. Therefore, if Senate Bill No. 569 is chaptered before this bill and amends Section 5116, Section 3 of this act shall become operative on the operative date of Senate Bill No. 569.

CHAPTER 1000

An act to amend Section 1259 of the Unemployment Insurance Code and to amend Section 11308.6 of the Welfare and Institutions Code, relating to employment.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 1259 of the Unemployment Insurance Code is amended to read:

1259. Notwithstanding any other provisions of this division, no work or employment shall be deemed suitable and benefits shall not be denied to any otherwise eligible and qualified individual for refusing new work under any of the following conditions:

(a) If the position offered is vacant due directly to a strike, lockout, or other labor dispute.

(b) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

(c) If, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(d) If the offer of employment is from an employer who does not possess an appropriate state license to engage in his business, trade, or profession if required by state law.

(e) If the offer of employment is from an employer who does not carry either workmen's compensation insurance or possess a certificate of self-insurance as required by Division 4 (commencing with Section 3201) of the Labor Code.

(f) If the offer of employment is from an employer who does not withhold or hold in trust the employee contributions required by Part 2 (commencing with Section 2601) of this division for unemployment compensation disability benefits and does not transmit all such employee contributions to the Department of Human Resources Development for the Disability Fund as required by Section 986.

SEC. 2. Section 11308.6 of the Welfare and Institutions Code is amended to read:

11308.6. (a) Good cause for failure to report for enrollment in or refusal to enroll in a work incentive program shall be deemed to exist, when:

(1) Participation would be unreasonable because it would interrupt a program in process for permanent rehabilitation or self-support or conflict with an imminent likelihood of reemployment at the person's regular work, or

(2) Participation would be unreasonable because the assignment is not suited to the person's abilities or potential, or will not lead to realistic employment opportunities suited to the person's abilities or potential.

(b) Good cause for refusal of employment shall be deemed to exist when:

(1) The offer of employment is not for a specific job at a stated wage which meets the wage rate requirements set by the Department of Human Resources Development, or

(2) The job is available because of a labor dispute, or

(3) The job is not within the physical or mental capacity of the person, as established by competent professional authority, or

(4) Acceptance would be unreasonable because it would interrupt a program in process for permanent rehabilitation or self-support or conflict with an imminent likelihood of reemployment at the person's regular work, or

(5) The offer of employment is from an employer who does not:

(A) Possess an appropriate state license to engage in his business, trade, or profession,

(B) Carry either workmen's compensation insurance or possess a

certificate of self-insurance as required by Division 4 (commencing with Section 3201) of the Labor Code, or

(c) Withhold or hold in trust the employee contributions required by Part 2 (commencing with Section 2601) of Division 1 of the Unemployment Insurance Code for unemployment compensation disability benefits and does not transmit all such employee contributions to the Department of Human Resources Development for the Disability Fund as required by Section 986 of the Unemployment Insurance Code.

CHAPTER 1001

An act to amend and supplement the Budget Bill for the 1973–74 fiscal year (enacted as the Budget Act of 1973) by adding thereto Section 2.7B, relating to an appropriation to the Regents of the University of California, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds that facilities in which the Dental School of the University of California, San Francisco, is presently housed are inadequate and that new facilities are needed. The Legislature further finds that such dental facilities should be developed so as to provide the dental student with a quality dental education in a wide variety of settings; and that such dental facility should have a minimal environmental impact on the communities in and around the Parnassus Avenue-Mt. Sutro Campus of the University of California. In addition, the Legislature finds that the highest priority should be given to the use or renovation of existing off-campus facilities and clinics, including the San Francisco General Hospital, before new construction of off-campus facilities and clinics is proposed, and that where feasible, off-campus dental education facilities should be located in areas of San Francisco which are deficient in dental services.

It is the intention of the Legislature that further construction of facilities on the Dental School of the University of California, San Francisco, campus be limited to avoid overdevelopment of the campus. It is, therefore, the intent of the Legislature that total development at that campus should not exceed 1.7 million assignable square feet. It is the further intent of the Legislature that the planning of additional facilities on the campus take into account the concerns of the surrounding community.

SEC. 2. Section 2.7B is added to the Budget Bill for the 1973–74 fiscal year enacted as the Budget Act of 1973 (Chapter 129, Statutes

of 1973–74), to read:

HEALTH SCIENCE FACILITIES CONSTRUCTION BOND ACT PROGRAM

Sec. 2.7B. The following sum of money, or so much thereof as may be necessary, is hereby appropriated out of the Health Science Facilities Construction Program Fund to the State Treasury.

HIGHER EDUCATION

378B—For capital outlay, University of California, subject to approval of State Public Works Board as hereinafter provided, for expenditures during the 1973–74, 1974–75, and 1975–76 fiscal years for planning and working drawings for a dental education facility for the Dental School of the University of California, San Francisco, payable from the Health Science Facilities Construction Program Fund; provided, that withdrawals shall be required to meet current obligations as certified by the University of California	435,000

The Public Works Board shall not approve the construction of a dental education facility at the Parnassus Avenue-Mt. Sutro site of the University of California, San Francisco, which exceeds 68,000 assignable square feet. In addition, the Public Works Board shall not approve the construction of such facility unless provision is also made in preliminary plans for no less than two additional off-campus sites for the location of clinical teaching facilities.

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 Dental School of the University of California, San Francisco, is presently housed in inadequate facilities. In order to provide financial support for urgently needed new facilities, it is necessary that this act take immediate effect.

CHAPTER 1002

An act to amend Sections 103 and 1336 of, and to add Section 212 to, the Health and Safety Code, and to amend Section 13555 of the Welfare and Institutions Code, relating to the State Department of Health, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 103 of the Health and Safety Code is amended to read:

103. The State Department of Health succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction of the Department of Mental Hygiene, the State Department of Public Health, the Department of Health Care Services, the Department of Social Welfare, with respect to social-service and disability-review functions thereof, the Department of Rehabilitation, with respect to its alcoholism program and its disability-determination function performed pursuant to Titles II and XVI of the Federal Social Security Act, the Department of Consumer Affairs with respect to the healing arts boards, and the State Board of Public Health, with respect to its powers to issue, amend, and revoke, rules and regulations and licenses or permits.

SEC. 2. Section 103 of the Health and Safety Code is amended to read:

103. The State Department of Health succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction of the Department of Mental Hygiene, the State Department of Public Health, the Department of Health Care Services, the Department of Social Welfare, with respect to social-service and disability-review functions thereof, the Department of Rehabilitation, with respect to its alcoholism program, and its disability-determination function performed pursuant to Titles II and XVI of the Federal Social Security Act, and the State Board of Public Health, with respect to its powers to issue, amend, and revoke, rules and regulations and licenses or permits.

SEC. 3. Section 212 is added to the Health and Safety Code, to read:

212. The State Department of Health is vested with all necessary powers and authority to cooperate with the United States or any agency or agencies thereof in the administration of any act of Congress and rules and regulations lawfully adopted thereunder relating to disabled persons; provided, however, that this section shall not vest in the State Department of Health any power or authority over programs for aid or rehabilitation of disabled persons administered by the Department of Rehabilitation.

SEC. 4. Section 1336 of the Health and Safety Code is amended to read:

1336. (a) The director may by regulation reduce or waive payment of fees for:

(1) Private homes with certification under Section 7354.1 of the Welfare and Institutions Code for family care of not more than six persons; provided, however, that such homes shall be subject to standards established by the department for the care of such persons.

(2) Family homes which do not have the capacity to receive or care for more than six mentally disordered or incompetent persons.

(3) Foster family homes providing 24-hour care for not more than six children.

(4) Family day-care homes providing day care for not more than six children.

(b) The director shall, before he reduces or waives fees pursuant to subdivision (a), determine that the imposition of the fee would create an undue financial hardship with respect to a substantial number of licensees and that the reduction or waiver of the fee is required to help insure the availability of sufficient facilities for placement of the persons involved.

SEC. 5. Section 13555 of the Welfare and Institutions Code is amended to read:

13555. The State Department of Health shall make the determination as to permanent impairment and total disability and may make such determination in the county involved.

The State Department of Health shall take all necessary steps to expedite determinations in time to prevent loss of federal sharing money.

SEC. 6. The unexpended balance of any appropriation or of any other funds available for use in connection with any function vested in the State Department of Health by this act shall be transferred to the State Department of Health and shall be used for the purpose for which such appropriation or other funds were originally made available. If any question arises with respect to whether, under the provisions of this section, particular moneys are required to be transferred to the State Department of Health, the matter shall be referred to the Department of Finance, the decision of which shall be final.

This section shall remain operative only until January 1, 1975, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1975, deletes or extends such date.

SEC. 7. It is the intent of the Legislature, if this bill and Assembly Bill No. 423 are both chaptered and become effective on or before January 1, 1974, and this bill is chaptered after Assembly Bill No. 423, that Section 103 of the Health and Safety Code, be amended on January 1, 1974, in the form set forth in Section 2 of this act, to incorporate the changes in the law proposed by Assembly Bill No. 423. Therefore, Section 2 of this act shall become operative only if Assembly Bill No. 423 and this bill are both chaptered and become effective on or before January 1, 1974, and this bill is chaptered after Assembly Bill No. 423, and in such case Section 1 of this act shall not become operative.

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:

The act revising and consolidating various activities of the

Departments of Mental Hygiene, Public Health, Health Care Services, and Social Welfare became operative July 1, 1973. This act makes further revisions in consolidating provisions relating to disabled purposes and it is essential that this act take immediate effect.

CHAPTER 1003

An act to add Section 2922.5 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 2922.5 is added to the Revenue and Taxation Code, to read:

2922.5. Notwithstanding Section 2922, with respect to taxes on the unsecured roll to which an application for reduction in assessment has been filed pursuant to Section 1607 and the board reduces the assessment in dispute, Section 4985 of this code shall apply.

If a taxpayer does not pay by the delinquent date established by Section 2922 and indicated on the unsecured assessment roll, interest at the rate of ½ percent per month on the unpaid tax shall be charged from such date to the date of payment. Taxes unpaid by 5 p.m. on the date established by Section 4985 are delinquent and thereafter a delinquent penalty of 6 percent attaches to them.

If taxes are unpaid by 5 p.m. of the last day of the second succeeding month after the 6 percent penalty attaches, an additional penalty of 1 percent attaches to them on the first day of each month thereafter to the time of payment or to the time a court judgment is entered for the amount of the unpaid taxes and penalties, whichever occurs first.

This section is not applicable to assessments made pursuant to Section 501, or to assessments made pursuant to Section 531.2 where the escape is the result of an act or omission of the assessee and to assessments made pursuant to Sections 531.3, 531.4, and 531.5.

CHAPTER 1004

An act to add Sections 25209.5 and 29130.5 to the Government Code, relating to counties.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 25209.5 is added to the Government Code, to read:

25209.5. The board of supervisors may do and perform all acts necessary to participate in the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512) including the authorization of the expenditure by the county of funds received by the county pursuant to said act for the priority expenditures set forth in Section 103 of said act. The authorization as contained in this section is in addition to any other powers that a county may have to expend funds for purposes provided by law.

SEC. 2. Section 29130.5 is added to the Government Code, to read:

29130.5. In addition to the appropriations authorized pursuant to Section 29130, revenue anticipated (i) from state or federal grants or subventions, for which state or federal funds have been committed and appropriated or (ii) from services provided under contract or agreement, which are not specifically set forth in the budget, may be made available for specific appropriation by four-fifths vote of the board at any regular or special meeting of which all members have had reasonable notice.

CHAPTER 1005

An act to add Sections 16737 and 16746.5 to the Education Code, and to amend and supplement the Budget Bill for the 1973–74 fiscal year (enacted as the Budget Act of 1973) by amending Items 263 and 278 of Section 2 of, and by adding thereto Item 309.6 to Section 2, relating to child development programs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 16737 is added to the Education Code, to read:

16737. (a) The Superintendent of Public Instruction shall establish standards for the qualification of child development facilities as places of instruction and on-the-job training in preschool and day care services for persons fulfilling requirements for teaching credentials and permits, subject to approval by the Trustees of the California State University and Colleges and the Board of Governors of the California Community Colleges. The standards shall be so designed that credit given for such instruction of community college

students and on-the-job training courses may be accepted towards degrees offered by both the California State University and Colleges and the community colleges.

(b) To the extent that there are child development facilities qualified under subdivision (a), the California State University and Colleges, the community colleges, and school districts may conduct instruction in preschool and day care services at such child development facilities, pursuant to contracts with the body operating the child development facilities. Such contracts shall include provision for the payment of all costs of operation as related to the state universities and colleges, the community colleges, or the school districts, including overhead costs.

SEC. 2. Section 16746.5 is added to the Education Code, to read:

16746.5. Notwithstanding any other provision of this division, the governing board of a school district maintaining a child development facility may enter into agreements with any city, city and county, or other public agency, or with a private foundation, nonprofit corporation, or proprietary child care agency as defined in Section 16735, for the furnishing to, or use by, the governing board in carrying out the provisions of this division, of property, facilities, personnel, supplies, equipment and other necessary items and such city, county, city and county, other public agency, or private foundation or nonprofit corporation, is authorized to enter into such agreements.

SEC. 3. Item 263 of Section 2 of the Budget Act of 1973 (Chapter 129, Statutes of 1973–74) is amended to read:

263—For the cost of special social service programs for which federal grants-in-aid are made to the state; for rehabilitative and employment services; for grants or services to local agencies for the extension of child welfare services; for the cost of the adoptions programs and care of children, to be expended in accordance with the provisions of Section 16100 et seq. of the Welfare and Institutions Code; for the costs incurred by counties and cities in maintaining approved services for the licensing and inspection of agencies for child care and home finding and agencies for the care of the aged, to be expended in accordance with the provisions of Sections 1272 and 1273 of the Health and Safety Code; for the cost of local agency special training; for the cost of providing child care services for former, current, and potential recipients as provided by Section 16784 of the Education Code and Section 10813 of the Welfare and Institutions Code; and for the costs of community rehabilitation of mentally handicapped, Department of Health 16,780,398

Schedule:

(a) Sheltered employment and diagnostic centers, Health Protection System 5,717,123

(b) Educational and child care services, Health Protection System 49,111,392

(c) Child protection, Health Protection System 3,327,861

(d) Adoptions, Health Protection System 15,556,298

(e) Licensing, Health Protection System 1,164,100

(g) Community rehabilitation of mentally handicapped, Health Treatment System 30,883,283

(h) Child care—county services, Health Protection System 15,000,000

(i) Federal grants ..... —76,238,815

(j) Reimbursements and transfers ..... —27,740,844

provided that, upon order of the Department of Finance, funds may be transferred to the Department of Social Welfare to match federal funds.

SEC. 4. Item 278 of Section 2 of the Budget Act of 1973 (Chapter 129, Statutes of 1973–74) is amended to read:

278—For the cost of the state share of homemaker services for which federal grants-in-aid are made to the state, as authorized by Section 11170 of the Welfare and Institutions Code, Department of Social Welfare 16,863,125

provided, that the funds appropriated by this item may be transferred to and in augmentation of the appropriation for special social services programs, Department of Health, upon order of the Department of Finance provided further, that upon order of the Department of Finance, any unencumbered portion of this item may be transferred to Item 276 to augment subdivision (a), "Attendant Care Services."

SEC. 5. Item 309.6 and 309.7 are added to Section 2 of the Budget Act of 1973 (Chapter 129, Statutes of 1973–74), to read:

309.6—In augmentation of the children's centers program for allocation by the Department of Finance to the Department of Education, for programs under Division 12.5 (commencing with Section 16700) of the Education Code $31,462,000

Schedule:

(a) Preschool Education (FY 1973–74) $11,657,000

(b) Preschool Education (FY 1974–75) $19,805,000

309.7—To the Office of Legislative Analyst for an evaluative study of the preschool program's success in achieving the objectives of improved performance, motivation, and productivity of children in grades K through 3 ..... $200,000

Provided that the 1973–74 preschool program funding is allocated according to the following schedule:

a. Each program operated during the 1972–73 fiscal year may be given the option to receive its 1973–74 allocation, but only according to the child enrollment and program level authorized during the 1972–73 fiscal year at a cost not to exceed the per capita maximums permitted under the current regulations published by the Department of Education within CE-PEP-53.

b. Should the findings of the fiscal and management audit required by this item show any variance on the part of individual preschool providers with respect to current state policies, program standards or established law which are amenable to immediate corrective action, the Department of Finance, after conferring with the Department of Education and advising the Chairman of the Joint Legislative Budget Committee and the chairman of the committee in each house of the Legislature to which legislation dealing with appropriations is referred, shall take action to reduce the 1973–74 fiscal year expenditure allotments to reflect these findings.

c. The Department of Finance shall allocate to the Department of Education for the operation of the preschool program during the 1974–75 fiscal year a funding level not to exceed 85 percent of the amount allocated during the 1973–74 fiscal year in anticipation of cost savings resulting from the efficiency audit.

The allocation of funds for the 1974–75 fiscal year shall be an amount consistent with and contingent upon the programs conforming themselves to the findings of the Department of Finance's efficiency audit required by this item.

It is the intent of the Legislature, however, to further augment the 1974–75 fiscal year preschool funding level in the Budget Act of 1974 if the estimated savings of this section are not achieved or if necessitated by inflationary cost increases.

Provided further, that the money appropriated by this item shall not be used for capital outlay as used in Section 26 of the Budget Act of 1974 (Chapter 129, Statutes of 1973–74).

Provided further, that the money appropriated by this item shall be available for expenditure until June 30, 1975, consistent with the conditions set forth herein

SEC. 6. The Legislature established the preschool program with a strong education component with the objective to prepare children for success in school, and declared that the program constitutes an essential component of public social services The Legislature believes that the introduction of young children of low-income or disadvantaged families to an atmosphere of learning will improve their performance and increase their motivation and productivity when they enter a regular school The Legislature finds that the preschool program will no longer be eligible to receive Federal, Title IV-A Social Services funds because of proposed changes to the Federal Social Services Regulations. It is the intent of the Legislature to determine whether or not, and to what extent, the present services delivered under the preschool program are meeting the purposes for which the program was established and whether the program should be fully funded with state general funds.

SEC. 7. It is the intent of the Legislature in adding Item 309.6 and Item 309.7 to Section 2 of the Budget Act of 1973 (Chapter 129, Statutes of 1973–74) to fund the preschool program administered by the Department of Education until June 30, 1975. During this period, a critical examination shall be made of the preschool program which shall consist of two components The first component shall be a fiscal and management audit of the operation of the current preschool program. This component will determine the most appropriate levels of cost to accomplish program objectives. The second component shall be an evaluative study of the preschool program's success in achieving the objectives of improved performance, motivation and productivity of children matriculating through the regular school system

This study shall include, but not be limited to, an evaluation of the results achieved by the preschool program through a controlled evaluation of participating children. This evaluation should include, to the extent possible, a retrospective analysis of improved and sustained motivation, performance, and productivity achieved in kindergarten through grade 3. One objective of this evaluation is to assess, in conjunction with the fiscal and management audit findings, whether or not preschool services can be provided in child care programs at no loss in quality, but at less expense, in order to serve more families and children. The first component within this examination shall be undertaken by the Department of Finance, assisted by the Legislative Analyst, the Auditor General, the Department of Education, and the Health and Welfare Agency. The second compo-

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nent shall be undertaken by the Legislative Analyst, assisted by the Department of Finance, the Auditor General, the Department of Education, and the Health and Welfare Agency.

The first component of this examination, a fiscal program, and management audit, shall begin immediately. This audit shall review the current costs, management practices, and expenditures related to the preschool program and make recommendations regarding changes which may allow the program to be delivered in a less costly manner. The Department of Finance shall present the above audit findings and budget guidelines for 1974–75 fiscal year's funding in a written report to be delivered to the Joint Legislative Budget Committee no later than February 1, 1974.

The second component of this examination shall consist of an evaluation of the preschool program. The development of the study design shall begin immediately. The proposed plan for the study, along with an evaluation of the design by an outside consultant, shall be presented in written form to the Joint Legislative Budget Committee no later than December 1, 1973. This study shall begin not later than February 1974 with a written report to be delivered to the Joint Legislative Budget Committee no later than November 1, 1974.

SEC. 7.5. If any section, subdivision, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have enacted this act and each section, subdivision, sentence, clause, or phrase thereof, irrespective of the fact that any one or more of the sections, subdivisions, sentences, clauses, or phrases be declared unconstitutional.

SEC. 8. It is the intent of the Legislature that this bill shall not take effect unless Assembly Bill No. 1244 of the 1973–74 Regular Session and this bill are both chaptered and become effective on or before January 1, 1974.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the loss of federal funds does not curtail essential social service and educational programs and that local public and private agencies have sufficient time to formulate plans for continuing such essential programs, it is necessary that this act take immediate effect.

CHAPTER 1006

An act to add Section 2713.1 to the Penal Code, and to add Section 3155 to the Welfare and Institutions Code, relating to payments to prisoners and others upon release from prison or detention facilities.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 2713.1 is added to the Penal Code, to read:

2713.1. In addition to any other payment to which he is entitled by law, each prisoner upon his release shall be paid the sum of two hundred dollars ($200), from such appropriations that may be made available for the purposes of this section.

The department may prescribe rules and regulations (a) to limit or eliminate any payments provided for in this section to prisoners who have not served for at least six consecutive months prior to their release in instances where the department determines that such a payment is not necessary for rehabilitation of the prisoner, and (b) to establish procedures for the payment of the sum of two hundred dollars ($200) within the first 60 days of a prisoner's release.

The provisions of this section shall not be applicable if a prisoner is released to the custody of another state or to the custody of the federal government.

SEC. 2. Section 3155 is added to the Welfare and Institutions Code, to read:

3155. In addition to any other payment to which he is entitled by law, each person who has been committed to the custody of the Director of Corrections pursuant to this chapter shall, upon his release, be paid the sum of two hundred dollars ($200), from such appropriations that may be made available for the purposes of this section.

The director may prescribe rules and regulations (a) to limit or eliminate any payments provided for in this section to persons who have not been confined at least six consecutive months prior to their release in instances where the director determines that such a payment is not necessary for the rehabilitation of the prisoner, and (b) to establish procedures for the payment of the sum of the two hundred dollars ($200) within the first 60 days of a prisoner's release.

The provisions of this section shall not be applicable if the person is released to the custody of another state or to the custody of the federal government.

CHAPTER 1007

An act to amend Sections 1173, 1178, 1182, 1185, 1191.5, 1193.5, 1193.6, 1194, 1198, and 1199 of, and to repeal Section 1172 of, the Labor Code, relating to employees.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 1172 of the Labor Code is repealed.

SEC. 1.5. Section 1173 of the Labor Code is amended to read:

1173. It shall be the continuing duty of the Industrial Welfare Commission, hereinafter referred to in this chapter as the commission, to ascertain the wages paid to all employees in this state, and to ascertain the hours and conditions of labor and employment in the various occupations, trades, and industries in which employees are employed in this state, and to investigate the comfort, health, safety, and welfare of such employees. No rules, regulations, or policies of the Industrial Welfare Commission existing on the effective date of the amendments to this section enacted at the 1973–74 Regular Session shall be extended or changed without review and hearings, upon proper notice, on the proposed changes. The commission shall forthwith undertake a full review, with hearings upon proper notice, of all such existing rules, regulations, and policies made under its jurisdiction. Such review shall be directed toward the end of accomplishing the objectives of this chapter, and updating such rules, regulations, and policies to the extent found by the commission to be necessary to provide adequate and reasonable wages, hours, and working conditions appropriate for all employees in the modern society. The commission shall amend, repeal, or otherwise modify its rules, regulations, and policies in such manner as the commission, on the basis of such review, deems necessary to comply with the objectives of this chapter. The commission shall conduct such a full review at least once every two calendar years, or at such more frequent times as the commission, based upon then current conditions, deems appropriate.

Before adopting any new rules, regulations, or policies, the commission shall consult with the Industrial Safety Board to determine those areas and subject matters where the respective jurisdiction of the commission and the Industrial Safety Board overlap. In the case of such overlapping jurisdiction, the Industrial Safety Board shall have exclusive jurisdiction, and rules, regulations, or policies of the commission on the same subject have no force or effect.

SEC. 2. Section 1178 of the Labor Code is amended to read:

1178. If after investigation the commission finds that in any occupation, trade, or industry, the wages paid to employees are inadequate to supply the cost of proper living, or that the hours or conditions of labor are prejudicial to the health, morals, or welfare of employees, the commission shall select a wage board to consider any of such matters. Such wage board shall be composed of an equal number of representatives of employers and employees in the occupation, trade, or industry in question; and a representative of the commission to be designated by it, who shall act as chairman of the wage board on request of the commission. The wage board shall report and make recommendations to the commission, including therein:

(a) An estimate of the minimum wage adequate to supply the

necessary cost of proper living to, and maintain the health and welfare of employees engaged in the occupation, trade, or industry in question.

(b) The number of hours of work per day in the occupation, trade, or industry in question, consistent with the health and welfare of employees.

(c) The standard conditions of labor in the occupation, trade, or industry in question, demanded by the health and welfare of employees.

Before promulgating an order relating to wages, hours, or conditions of labor for the occupation, trade, or industry in question, and after receipt of the report from the wage board, the commission shall prepare proposed regulations for the occupation, trade, or industry in question and then shall hold a public hearing. The proceedings shall be recorded and transcribed and shall thereafter be a matter of public record. Whenever the occupation, trade, or industry in question is statewide in scope, a public hearing shall be held in each of two cities in this state; when it is not statewide, a public hearing shall be held in the locality where the occupation, trade, or industry prevails.

SEC. 3. Section 1182 of the Labor Code is amended to read:

1182. After the wage board conference and public hearing, as provided in this chapter, the commission may, upon its own motion or upon petition, fix:

(a) A minimum wage to be paid to employees engaged in any occupation, trade, or industry in this state, which shall not be less than a wage adequate to supply the necessary costs of proper living to, and maintain the health and welfare of such employees.

(b) The maximum hours of work consistent with the health and welfare of employees engaged in any occupation, trade, or industry in this state.

(c) The standard conditions of labor demanded by the health and welfare of the employees engaged in any occupation, trade, or industry in this state.

The commission may thereupon make a mandatory order during the first three calendar months of the year, to be effective on a date fixed by the commission, which date shall not be less than 60 nor more than 90 days from the publication thereof, specifying the minimum wage to be paid all employees, and the maximum hours and the standard conditions of labor for the employees in the occupation, trade, or industry in question. The hours specified shall not be more than the maximum for employees in California. Such order shall be published in at least one newspaper in each of the Cities of Los Angeles, Sacramento, Oakland, San Jose, Fresno, San Diego, and San Francisco.

SEC. 4. Section 1185 of the Labor Code is amended to read:

1185. The orders of the commission fixing minimum wages, and maximum hours, and standard conditions of labor for all employees, when promulgated in accordance with the provisions of this chapter,

shall be valid and operative and such orders are hereby expressly exempted from the provisions of Article 4 (commencing with Section 11420) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 5. Section 1191.5 of the Labor Code is amended to read:

1191.5. Notwithstanding the provisions of Section 1191, the commission may issue a special license to a nonprofit organization such as a sheltered workshop or rehabilitation facility to permit the employment of employees who have been determined by the commission to meet the requirements in Section 1191 without requiring individual licenses of such employees. The commission shall fix a special minimum wage for such employees. The special license for the nonprofit corporation shall be renewed on a yearly basis, or more frequently as determined by the commission.

SEC. 6. Section 1193.5 of the Labor Code is amended to read:

1193.5. The provisions of this chapter shall be administered and enforced by the division. Any authorized representative of the division shall have authority to:

(a) Investigate and ascertain the wages of all employees, and the hours and working conditions of all employees employed in any occupation in the state;

(b) Supervise the payment of unpaid minimum wages or unpaid overtime compensation owing to any employee under the provisions of this chapter or the orders of the commission. Acceptance of payment of sums found to be due on demand of the division shall constitute a waiver on the part of the employee of his or her cause of action under Section 1194.

Unpaid minimum wages or unpaid overtime wages recovered by the division under the provisions of this section which for any reason cannot be delivered within six months from date of collection to the employee for whom such wages were collected shall be deposited into the Special Deposit Fund in the State Treasury.

SEC. 7. Section 1193.6 of the Labor Code is amended to read:

1193.6. The department or division may, with the consent of the employee or employees affected, commence and prosecute a civil action to recover unpaid minimum wages or unpaid overtime compensation owing to any employee under the provisions of this chapter or the orders of the commission, and, in addition to such wages and compensation, shall be entitled to recover costs of suit. The consent of any employee to the bringing of any such action shall constitute a waiver on the part of the employee of his or her cause of action under Section 1194 unless such action is dismissed without prejudice by the department or the division.

SEC. 8. Section 1194 of the Labor Code is amended to read:

1194. Any employee receiving less than the legal minimum wage or the legal overtime compensation applicable to such employee is entitled to recover in a civil action the unpaid balance of the full amount of such minimum wage or overtime compensation, together with costs of suit, notwithstanding any agreement to work for a lesser

wage.

SEC. 9. Section 1198 of the Labor Code is amended to read:

1198. The maximum hours of work and the standard conditions of labor fixed by the commission shall be the maximum hours of work and the standard conditions of labor for employees. The employment of any employee for longer hours than those fixed by the order or under conditions of labor prohibited by the order is unlawful.

SEC. 10. Section 1199 of the Labor Code is amended to read:

1199. Every employer or other person acting either individually or as an officer, agent, or employee of another person is guilty of a misdemeanor and is punishable by a fine of not less than fifty dollars ($50) or by imprisonment for not less than 30 days, or by both, who does any of the following:

(a) Requires or causes any employee to work for longer hours than those fixed, or under conditions of labor prohibited by an order of the commission.

(b) Pays or causes to be paid to any employee a wage less than the minimum fixed by an order of the commission.

(c) Violates or refuses or neglects to comply with any provision of this chapter or any order or ruling of the commission.

(d) Pays or causes to be paid any employee a wage less than the rate paid to an employee of the opposite sex as required by Section 1197.5 of this code.

(e) Reduces the wages of any employee in order to comply with Section 1197.5.

SEC. 11. It is the intent of the Legislature in enacting this act that the Industrial Welfare Commission interpret these provisions in a manner which does not cause undue hardship and loss of employment opportunities in any segment of industry in California.

CHAPTER 1008

An act making an appropriation to the University of California for retirement benefits of university police officers.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the General Fund in the State Treasury the sum of two hundred seventy-seven thousand dollars ($277,000) to the University of California for an increased retirement benefit program for university police officers within the university retirement system in augmentation of the university appropriations for support and other purposes for the 1973–1974 fiscal year.

CHAPTER 1009

An act to amend Section 1609.2 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 1609.2 of the Revenue and Taxation Code, as amended by Chapter 1070 of the Statutes of 1972, is amended to read:

1609.2. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions.

CHAPTER 1010

An act to amend Sections 9250 and 9400 of, and to repeal Section 9253 of, the Vehicle Code, relating to vehicles.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1 Section 9250 of the Vehicle Code is amended to read:

9250. A registration fee of eleven dollars ($11) shall be paid to the department for the registration of every vehicle of a type subject to registration, except as are expressly exempted under this code from the payment of registration fees

The registration fee imposed by this section shall apply to all vehicles described in Section 5004, whether or not special identification plates are issued to such vehicle.

SEC. 2. Section 9253 of the Vehicle Code is repealed

SEC. 3. Section 9400 of the Vehicle Code is amended to read:

9400. In addition to any other registration fee, there shall be paid the fees set forth in this section for the registration of commercial vehicles. Whenever a camper is temporarily attached to a motor vehicle designed to transport property, such motor vehicle shall be subject to the fees imposed by this section. The camper shall be deemed to be a load, and fees imposed by this section upon the motor vehicle shall be based upon the unladen weight of such motor vehicle, exclusive of the camper.

(a) For any electric vehicle designed, used, or maintained as

described in this section, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
Less than 6,000 lbs.	$54
6,000 lbs. or more but less than 10,000 lbs.	108
10,000 lbs. or more	145

(b) For any motor vehicle having not more than two axles and designed, used or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
Less than 4,001 lbs.	$15
4,001 lbs to and including 5,000 lbs.	32
5,001 lbs to and including 6,000 lbs.	62
6,001 lbs. to and including 7,000 lbs.	83
7,001 lbs. to and including 8,000 lbs.	104
8,001 lbs. to and including 9,000 lbs.	124
9,001 lbs. to and including 10,000 lbs.	146
10,001 lbs. to and including 11,000 lbs.	165
11,001 lbs. to and including 12,000 lbs.	186
12,001 lbs. to and including 13,000 lbs.	207
13,001 lbs. to and including 14,000 lbs.	228
14,001 lbs. and over	247

(c) For any motor vehicle having three or more axles, or for any trailer, semitrailer, pole or pipe dolly, logging dolly, or other dolly designed, used or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
2,000 lbs. to and including 3,000 lbs.	$17
3,001 lbs. to and including 4,000 lbs.	31
4,001 lbs. to and including 5,000 lbs.	62
5,001 lbs. to and including 6,000 lbs	92
6,001 lbs. to and including 7,000 lbs.	124
7,001 lbs. to and including 8,000 lbs.	155
8,001 lbs. to and including 9,000 lbs.	186
9,001 lbs. to and including 10,000 lbs.	217
10,001 lbs. to and including 11,000 lbs.	247
11,001 lbs. to and including 12,000 lbs.	278
12,001 lbs. to and including 13,000 lbs.	309
13,001 lbs. to and including 14,000 lbs.	341
14,001 lbs. to and including 15,000 lbs.	372
15,001 lbs. and over.	413

SEC. 4. The provisions of this act shall become operative on December 1, 1973, and shall apply to registration for the 1974 calendar year and each calendar year thereafter.

CHAPTER 1011

An act to amend Section 5762 of, and to add Section 16655.5 to, the Education Code, relating to education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 5762 of the Education Code is amended to read:

5762. All bilingual-bicultural programs which involve special state funding and all bilingual-bicultural programs which are financed by a combination of state funds and federal funds provided under Title VII of the Elementary and Secondary Education Act of 1965, as amended, shall be approved by the State Board of Education and selection shall be made on a priority basis in accordance with policies established by the State Board of Education. The application shall be made on forms provided by the superintendent, in accordance with the rules and regulations adopted by the board. The dates for making application shall be established by the superintendent.

The governing boards of two or more school districts may jointly apply for a project in bilingual-bicultural education.

SEC. 2. Section 16655.5 is added to the Education Code, to read:

16655.5. The governing board of any union high school district located in a county of the third class which had an average daily attendance during the 1971–72 school year of between 17,500 and 18,500, and which, during the 1971–72 school year, had a modified assessed valuation per pupil of between twenty-one thousand dollars ($21,000) and twenty-three thousand dollars ($23,000), may cooperate with community nonprofit associations and corporations to carry out the purposes of this chapter including the acquisition, construction, improvement, maintenance, and operation of recreation centers within the territorial limits of and under the control of the governing board, and may enter into agreements with such nonprofit associations and corporations to share the costs of acquiring, constructing, improving, maintaining, and operating such recreation centers located on the property of the school district, provided that the board does not agree to contribute more than one-half the total cost of any one project.

SEC. 3. This act is an urgency statute necessary for the

immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit the orderly and efficient financial administration of bilingual-bicultural education programs as early as possible in the 1973–74 school year, it is necessary that this act take effect immediately.

In addition, a community nonprofit association and corporation in San Diego County has obtained funds from private sources and desires to use them to construct and maintain recreational facilities on property belonging to the Grossmont Union High School District for community and school use. However, there exists no current authority for the governing board of the school district to cooperate with the nonprofit association and corporation or share in the costs of constructing such a facility. In order that the community may obtain the benefits of such public-spirited endeavors of nonprofit associations and corporations at the earliest possible time and thus provide needed public recreational facilities, it is essential that this act take immediate effect.

CHAPTER 1012

An act to amend Section 1280 of the Unemployment Insurance Code, relating to unemployment insurance, and making an appropriation therefor.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 1280 of the Unemployment Insurance Code is amended to read:

1280. An individual's weekly benefit amount is the amount appearing in column B in the following table opposite that wage bracket in column A which contains the amount of wages paid to the individual for employment by employers during the quarter of his base period in which his wages were the highest.

A Amount of wages in highest quarter	B Weekly benefit amount
$187.50– $597.99	25
598.00– 625.99	26
626.00– 653.99	27
654.00– 681.99	28
682.00– 709.99	29
710.00– 737.99	30

738.00– 765.99	31
766.00– 793.99	32
794.00– 821.99	33
822.00– 849.99	34
850.00– 877.99	35
878.00– 905.99	36
906.00– 933.99	37
934.00– 961.99	38
962.00– 989.99	39
990.00–1,017.99	40
1,018.00–1,045.99	41
1,046.00–1,073.99	42
1,074.00–1,101.99	43
1,102.00–1,129.99	44
1,130.00–1,157.99	45
1,158.00–1,185.99	46
1,186.00–1,213.99	47
1,214.00–1,241.99	48
1,242.00–1,269.99	49
1,270.00–1,297.99	50
1,298.00–1,325.99	51
1,326.00–1,353.99	52
1,354.00–1,381.99	53
1,382.00–1,409.99	54
1,410.00–1,437.99	55
1,438.00–1,467.99	56
1,468.00–1,497.99	57
1,498.00–1,527.99	58
1,528.00–1,557.99	59
1,558.00–1,587.99	60
1,588.00–1,627.99	61
1,628.00–1,667.99	62
1,668.00–1,707.99	63
1,708.00–1,747.99	64
1,748.00–1,787.99	65
1,788.00–1,827.99	66
1,828.00–1,867.99	67
1,868.00–1,907.99	68
1,908.00–1,947.99	69
1,948.00–1,987.99	70
1,988.00–2,027.99	71
2,028.00–2,067.99	72
2,068.00–2,107.99	73
2,108.00–2,147.99	74
2,148.00–2,187.99	75
2,188.00–2,227.99	76
2,228.00–2,267.99	77
2,268.00–2,307.99	78
2,308.00–2,347.99	79

2,348.00–2,387.99 80
2,388.00–2,427.99 81
2,428.00–2,467.99 82
2,468.00–2,507.99 83
2,508.00–2,547.99 84
2,548.00–2,587.99 85
2,588.00–2,627.99 86
2,628.00–2,667.99 87
2,668.00–2,707 99 88
2,708.00–2,747.99 89
2,748.00 and over 90

SEC. 2. The provisions of Section 1280 of the Unemployment Insurance Code, as amended by this act, shall apply to new claims filed with an effective date beginning on and after the effective date of this act. The provisions of Section 1280 of such code as in effect prior to the amendments made by this act shall remain applicable to new claims filed with an effective date beginning prior to the effective date of this act.

SEC. 3. No right or cause of action founded upon any provision of law amended or repealed by this act as such provision existed prior to such amendment or repeal shall be abolished or impaired by this act.

SEC. 4. The sum of seventy-eight thousand dollars ($78,000) is hereby appropriated from the General Fund to the State Controller for allocation and disbursement to local agencies pursuant to Section 2164.3 of the Revenue and Taxation Code to reimburse such agencies for costs incurred by them pursuant to this act.

CHAPTER 1013

An act to amend Section 25514.5 of the Education Code, relating to community colleges.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 25514.5 of the Education Code is amended to read:

25514.5. Any 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, 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.

If the student resides in a district maintaining a community college, the provisions of Article 7 (commencing with Section 10800) 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 or not more than two dollars ($2) per calendar day, if the county board of supervisors of the county of residence determines such larger amount to be more

appropriate, 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.

CHAPTER 1014

An act to amend Sections 27104, 27106, 27223, 27226, 27232, 27233, 27405, 27423, and 27424 of the Public Resources Code, relating to the coastal zone resources, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 27104 of the Public Resources Code is amended to read:

27104. "Permit area" means that portion of the coastal zone lying between the seaward limit of the jurisdiction of the state and 1,000 yards landward from the mean high tide line of the sea subject to the following provisions:

(a) The area of jurisdiction of the San Francisco Bay Conservation and Development Commission, together with all contiguous areas 2,900 feet landward thereof, and any river, stream, tributary, creek, or flood control or drainage channel which flows into such area, is excluded.

(b) If any portion of any body of water, which is not subject to tidal action, lies within the permit area, the body of water together with a strip of land 1,000 feet wide surrounding it shall be included; provided, however, that this subdivision does not apply to any river, stream, tributary, creek, or flood control or drainage channel when a portion of it lies within the permit area.

(c) Any urban land area which is (1) a residential area zoned, stabilized and developed to a density of four or more dwelling units per acre on or before January 1, 1972; or (2) a commercial or industrial area zoned, developed, and stabilized for such use on or before January 1, 1972, may, after public hearing, be excluded by the regional commission at the request of a city or county within which such area is located. An urban land area is "stabilized" if 80 percent of the lots are built upon to the maximum density or intensity of use permitted by the applicable zoning regulations existing on January 1, 1972.

Tidal and submerged lands, beaches, and lots immediately adjacent to the inland extent of any beach or of the mean high tide line where there is no beach shall not be excluded.

Orders granting such exclusion shall be subject to conditions which shall assure that no significant change in density, height, or nature of uses occurs.

An order granting exclusion may be revoked at any time by the regional commission, after public hearing.

(d) Each regional commission shall adopt a map delineating the precise boundaries of the permit area within 60 days after its first meeting and file a copy of such map in the office of the county clerk of each county within its region. In delineating any inland boundary of the permit area, the regional commission may adjust such boundary by moving it seaward by not more than 50 yards. Such adjustments may only be made to avoid bisecting any lot or parcel owned by the same person or to conform to identifiable physical natural or manmade features such as streets, highways, or any structures, in order to more efficiently carry out the provisions of Chapter 5 (commencing with Section 27400) of this division.

SEC. 2. Section 27106 of the Public Resources Code is amended to read:

27106. "Sea" means the Pacific Ocean and all the harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through a connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks and flood control and drainage channels.

SEC 2.5. Section 27223 of the Public Resources Code is amended to read:

27223. Except as provided in this section, members shall serve without compensation but shall be reimbursed for the actual and necessary expenses incurred in the performance of their duties to the extent that reimbursement is not otherwise provided by another public agency. All members shall receive fifty dollars ($50) for each full day of attending meetings of the commission or of any regional commission.

SEC. 3. Section 27226 of the Public Resources Code is amended to read:

27226. The headquarters of the commission shall be in a city, county, or city and county which lies, in whole or in part, within the coastal zone

SEC. 4. Section 27232 of the Public Resources Code is amended to read:

27232. In any case within the coverage of Section 27230, or Section 27231 when the commission determines that in any case within the coverage of such section the financial interest involved is not substantial, the prohibitions therein contained shall not apply if the person concerned advises the commission in advance of the nature and circumstances thereof, including full public disclosure of the facts which may potentially give rise to a violation of this article, and obtains from the commission a written determination that the contemplated action will not adversely affect the integrity of the commission or any regional commission. Any determination made pursuant to this section shall require the affirmative vote of two-thirds of the members of the commission.

SEC. 5. Section 27233 of the Public Resources Code is amended to read:

27233. Nothing in this article shall preclude or prevent any member of the commission or any regional commission, or any employee thereof, who is also an employee of another public agency, a county supervisor, city councilman, member of the Association of Bay Area Governments, member of the Association of Monterey Bay Associated Governments, delegate to the Southern California Association of Governments, or member of the San Diego Comprehensive Planning Organization, and who has in such designated capacity voted or acted upon a particular matter, from voting or otherwise acting upon such matter as a member of the commission or any regional commission, or employee thereof, as the case may be. Nothing in this section shall be construed to exempt any such member of the commission or any regional commission, or any employee thereof, from any other provision of this article.

SEC. 6. Section 27405 of the Public Resources Code is amended to read·

27405. Notwithstanding any provision in this chapter to the contrary, no permit shall be required for the following types of development:

(a) Repairs and improvements not in excess of seven thousand five hundred dollars ($7,500) to existing single-family residences;

provided, that the commission shall specify by regulation those classes of development which involve a risk of adverse environmental effect and may require that a permit be obtained.

(b) Maintenance dredging of existing navigation channels or moving dredged material from such channels to a disposal area outside the permit area, pursuant to a permit from the United States Army Corps of Engineers.

(c) Repair or maintenance activities of any sort; provided, that such activities do not result in an addition to, or enlargement or expansion of, the object of such repair or maintenance activities.

SEC. 7. Section 27423 of the Public Resources Code is amended to read:

27423. (a) An applicant, or any person aggrieved by approval of a permit by the regional commission, may appeal to the commission.

(b) The commission may affirm, reverse, or modify the decision of the regional commission. If the commission fails to act within 60 days after notice of appeal has been filed, the regional commission's decision shall become final.

(c) The commission may decline to hear appeals that it determines raise no substantial issues. Appeals it hears shall be scheduled for a de novo public hearing and shall be decided in the same manner and by the same vote as provided for decisions by the regional commissions.

SEC. 8. Section 27424 of the Public Resources Code is amended to read:

27424. Any person, including an applicant for a permit, aggrieved by the decision or action of the commission or regional commission shall have a right to judicial review of such decision or action by filing a petition for a writ of mandate in accordance with the provisions of Chapter 2, (commencing with Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure, within 60 days after such decision or action has become final.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The provisions of this act are designed to better achieve the objectives of the California Coastal Zone Conservation Act of 1972, by preventing possible misinterpretation of the provisions of the act and to provide the California Coastal Zone Conservation Commission and the regional coastal zone conservation commissions with the required flexibility to better carry out the provisions of such an act. In order to apply such provisions as soon as possible, it is necessary that this act become effective immediately.

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CHAPTER 1015

An act to amend Section 986.01 of the Military and Veterans Code, relating to farm and home purchases.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 986.01 of the Military and Veterans Code is amended to read:

986.01. On and after January 1, 1974, all applications for the benefits contained in this article shall be filed with the department within 25 years from the date of the applicant's discharge from the service, except applications filed by either:

(a) Veterans who were wounded or are disabled as a result of wartime service; or

(b) Veterans who were previously declared prisoners of war.

CHAPTER 1016

An act to amend Section 13443 of, and to add Section 20904.2 to, the Education Code, relating to public school employees.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 13443 of the Education Code is amended to read:

13443. (a) No later than March 15 and before an employee is given notice by the governing board that his services will not be required for the ensuing year, the governing board and the employee shall be given written notice by the superintendent of the district or his designee, or in the case of a district which has no superintendent by the clerk or secretary of the governing board, that it has been recommended that such notice be given to the employee, and stating the reasons therefor.

If a probationary employee has been in the employ of the district for less than 45 days on March 15, the giving of such notice may be deferred until the 45th day of employment and all time periods and deadline dates herein prescribed shall be coextensively extended.

Until the employee has requested a hearing as provided in subdivision (b) or has waived his right to a hearing, the notice and the reasons therefor shall be confidential and shall not be divulged by any person, except as may be necessary in the performance of duties; however, the violation of this requirement of confidentiality,

in and of itself, shall not in any manner be construed as affecting the validity of any hearing conducted pursuant to this section.

(b) The employee may request a hearing to determine if there is cause for not reemploying him for the ensuing year. A request for a hearing must be in writing and must be delivered to the person who sent the notice pursuant to subdivision (a), on or before a date specified therein, which shall not be less than seven days after the date on which the notice is served upon the employee. If an employee fails to request a hearing on or before the date specified, his failure to do so shall constitute his waiver of his right to a hearing. The notice provided for in subdivision (a) shall advise the employee of the provisions of this subdivision.

(c) In the event a hearing is requested by the employee, the proceeding shall be conducted and a decision made in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and the governing board shall have all the power granted to an agency therein, except that: (1) the respondent shall file his notice of defense, if any, within five days after service upon him of the accusation and he shall be notified of such five-day period for filing in the accusation; (2) the discovery authorized by Section 11507.6 of the Government Code shall be available only if request is made therefor within 15 days after service of the accusation, and the notice required by Section 11505 of the Government Code shall so indicate; and (3) the hearing shall be conducted by a hearing officer who shall prepare a proposed decision, containing findings of fact and a determination as to whether the charges sustained by the evidence are related to the welfare of the schools and the pupils thereof. The proposed decision shall be prepared for the governing board and shall contain a determination as to the sufficiency of the cause and a recommendation as to disposition. However, the governing board shall make the final determination as to the sufficiency of the cause and disposition. None of the findings, recommendations, or determinations contained in the proposed decision prepared by the hearing officer shall be binding on the governing board or on any court in future litigation. Copies of the proposed decision shall be submitted to the governing board and to the employee on or before May 7 of the year in which the proceeding is commenced. All expenses of the hearing, including the cost of the hearing officer, shall be paid by the governing board from the district funds. The board may adopt from time to time such rules and procedures not inconsistent with provisions of this section, as may be necessary to effectuate this section.

(d) The governing board's determination not to reemploy a probationary employee for the ensuing school year shall be for cause only. The determination of the governing board as to the sufficiency of the cause pursuant to this section shall be conclusive, but the cause shall relate solely to the welfare of the schools and the pupils thereof and provided that cause shall include termination of services for the

reasons specified in Section 13447. The decision made after the hearing shall be effective on May 15 of the year the proceeding is commenced.

(e) Notice to the probationary employee by the governing board that his service will not be required for the ensuing year, shall be given no later than May 15.

(f) If a governing board notifies a probationary employee that his services will not be required for the ensuing year, the board shall, within 10 days after delivery to it of the employee's written request, provide him with a statement of its reasons for not reemploying him for the ensuing school year.

(g) Any notice or request shall be deemed sufficient when it is delivered in person to the employee to whom it is directed, or when it is deposited in the United States registered mail, postage prepaid and addressed to the last known address of the employee.

(h) In the event that the governing board does not give notice provided for in subdivision (e) of this section on or before May 15, the employee shall be deemed reemployed for the ensuing school year.

(i) If after request for hearing pursuant to subdivision (b) any continuance is granted pursuant to Government Code Section 11524, the dates prescribed in subdivisions (c), (d), (e) and (h) which occur on or after the date of granting the continuance shall be extended for a period of time equal to such continuance.

SEC. 2. Section 20904.2 is added to the Education Code, to read:

20904.2. The amount determined pursuant to subdivision (g) of Section 20904 shall be adjusted to allow for any increased costs to a school district which may be incurred by it in carrying out the requirements imposed by the amendments made to Section 13443 by the act enacting this section.

SEC. 3. There are no state-mandated local costs that require reimbursements under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 1017

An act to amend Section 19522 of the Revenue and Taxation Code, relating to senior citizens tax assistance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 19522 of the Revenue and Taxation Code is amended to read:

19522. (a) If the amount of assistance exceeds five dollars ($5),

the Franchise Tax Board, pursuant to the provisions of Article 3 (commencing with Section 19531) of this part, shall provide assistance to the claimant based on a percentage of the property tax accrued and paid by the claimant on his homestead as provided in Section 19523. Such assistance shall be equal to the applicable percentage of property taxes paid on the assessed value of the property up to and including seven thousand five hundred dollars ($7,500). No assistance shall be allowed for property taxes paid on that portion of assessed value of a homestead exceeding seven thousand five hundred dollars ($7,500). No assistance shall be provided if the amount of the assistance claim is five dollars ($5) or less.

(b) For purposes of allowing assistance provided for by this section:

(1) Only one claimant from one household each year shall be entitled to assistance under this part. When two or more individuals of a household are able to meet the qualifications for a claimant, they may determine who the claimant shall be. If they are unable to agree, the matter shall be referred to the Franchise Tax Board and its decision shall be final.

(2) The right to file a claim shall be personal to the claimant and shall not survive his death; however, when a claimant dies after having filed a timely claim, the amount thereof may be disbursed to the surviving spouse and if no surviving spouse, to any other member of the household who is a qualified claimant. If there is no surviving spouse or otherwise qualified claimant, the claim shall be disbursed to any other member of the household. In the event two or more individuals qualify for payment as either an otherwise qualified claimant or a member of the household, they may determine which of them will be paid. If they are unable to agree, the matter shall be referred to the Franchise Tax Board and its decision shall be final.

SEC. 2. The provisions in this act shall be applied to property tax assistance payments with respect to claims for assistance for the 1972–73 fiscal year and fiscal years thereafter.

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 certain deserving members of a claimant's family household be eligible at the earliest possible time to receive property tax assistance when the claimant files a timely claim but dies before the payment is received, it is necessary that this act take effect immediately.

CHAPTER 1018

An act to amend Sections 2365 and 2366 of, and to add Sections 2366.3 and 2366.5 to, the Education Code, relating to school district reorganization.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 2365 of the Education Code is amended to read:

2365. A petition transmitted to the county committee pursuant to this article shall be considered at the next regular meeting of the committee or at a special meeting called for the purpose.

The county committee shall prepare a report and recommendation. It shall report as to whether or not in the opinion of the committee the proposed transfer would adversely affect the school district organization of the county; whether it is compatible with any master plans approved by the State Board of Education; and how, in the judgment of the committee, the proposed transfer will affect racial or ethnic integration of the schools of the districts affected.

The report may include other pertinent matter which the county committee desires to bring to the attention of the State Board of Education, board of supervisors, or county board of education, as the case may be.

SEC. 2. Section 2366 of the Education Code is amended to read:

2366. If the county committee finds that the proposed transfer is compatible with the master plan of the county and would not adversely affect racial or ethnic integration of the schools of the districts affected, the petition and report shall be transmitted to the county board of supervisors or county board of education, as the case may be, by the county superintendent of schools.

If the county committee finds that the proposed transfer is incompatible with the master plan of the county or will adversely affect racial or ethnic integration of the schools of the districts affected, the report and petition shall be transmitted to the State Board of Education by the county superintendent of schools.

SEC. 3. Section 2366.3 is added to the Education Code, to read:

2366.3. The State Board of Education shall adopt guidelines which may be used by county committees in making their determination of whether a transfer of territory would adversely affect racial or ethnic integration of the schools of the districts affected.

SEC. 4. Section 2366.5 is added to the Education Code, to read:

2366.5. Any person questioning the finding of the county committee pursuant to Section 2366 that the proposed transfer of territory will not adversely affect the racial or ethnic integration of

the schools of the districts affected, may appeal a decision made upon such a finding. The appeal shall be made to the State Board of Education within 30 days. The appeal shall be based upon factual and statistical evidence.

If the State Board of Education denies the appeal, the decision of the county board of supervisors or the county board of education shall stand. If the State Board of Education approves the appeal it shall review the findings of the county board of supervisors or the county board of education at a regular meeting of the board.

The State Board of Education shall notify the county committee, the county board of supervisors, or the county board of education of its decision on the appeal For purposes of this section if the State Board of Education approves the appeal, the county board of supervisors or the county board of education shall transmit a copy of the proceedings to the State Board of Education within 30 days after receipt of notice. The State Board of Education shall review the transcript, considering all factors involved. The State Board of Education may affirm the decision of the county board of supervisors, or the county board of education, or if it appears that inadequate consideration was given to the effect of the transfer on integration of the schools of the districts affected, it shall direct the county board of supervisors or the county board of education to reconsider its decision and for this purpose to hold another hearing. The State Board of Education shall transmit a copy of its findings and recommendations to the county board of supervisors or the county board of education and the county committee on school district organization.

SEC. 5. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because duties, obligations, or responsibilities imposed on local governmental entities or school districts by this act are such that related costs are incurred as a part of their normal operating procedures.

CHAPTER 1019

An act to add Section 6355 to the Revenue and Taxation Code, relating to taxation.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

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SECTION 1. Section 6355 is added to the Revenue and Taxation Code, to read:

6355. (a) There are exempted from the taxes imposed by this part the gross receipts from the sales in bulk of monetized bullion which are substantially equivalent to transactions in securities or commodities through a national securities or commodities exchange and the storage, use or other consumption in this state of monetized bullion so sold.

(b) A sale in bulk, for purposes of this section, shall be deemed to have occurred if the amount of monetized bullion sold in the transaction totals, in face amount, the sum of one thousand dollars ($1,000) or more, or its equivalent.

(c) "Monetized bullion," for purposes of this section, means coins or other forms of money manufactured of gold, silver, or other metal and heretofore, now, or hereafter used as a medium of exchange under the laws of this state, the United States, or any foreign nation.

(d) A sale of monetized bullion, for purposes of this section, shall be deemed to be substantially equivalent to a transaction in securities or commodities through a national securities or commodities exchange, if the sale is by or through a person who has applied for, and secured, from the Commissioner of Corporations a certificate, then in effect, under Division 4.5 (commencing with Section 29500) of Title 4 of the Corporations Code, authorizing him to conduct his business as a commodity adviser, or who is exempted therefrom by the provisions of Sections 29511 to 29514, inclusive, of such code.

(e) This section shall be deemed declaratory of existing law and not amendatory thereof.

SEC. 2. Section 6355 is added to the Revenue and Taxation Code, to read:

6355. (a) There are exempted from the taxes imposed by this part the gross receipts from the sales in bulk of monetized bullion which are substantially equivalent to transactions in securities or commodities through a national securities or commodities exchange and the storage, use or other consumption in this state of monetized bullion so sold.

(b) A sale in bulk, for purposes of this section, shall be deemed to have occurred if the amount of monetized bullion sold in the transaction totals, in face amount, the sum of one thousand dollars ($1,000) or more, or its equivalent.

(c) "Monetized bullion," for purposes of this section, means coins or other forms of money manufactured of gold, silver, or other metal and heretofore, now, or hereafter used as a medium of exchange under the laws of this state, the United States, or any foreign nation.

(d) A sale of monetized bullion, for purposes of this section, shall be deemed to be substantially equivalent to a transaction in securities or commodities through a national securities or commodities exchange, if the sale is by or through a person who has applied for, and secured, a certificate or license then in effect, under

Division 4.5 (commencing with Section 29500) of Title 4 of the Corporations Code, authorizing him to conduct his business as a commodity exchange, commodity adviser, commodity salesman, commodity solicitor, or floor broker or who is exempted therefrom by the provisions of Sections 29511 to 29514, inclusive, of such code.

(e) This section shall be deemed declaratory of existing law and not amendatory thereof.

SEC. 3. (a) Section 1 of this act shall become operative if Assembly Bill No. 799 of the 1973–74 Regular Session of the Legislature has not been chaptered by the effective date of this act, in which case it shall become operative on the first day of the first calendar quarter beginning on or after the effective date of this act. If Assembly Bill No. 799 of the 1973–74 Regular Session of the Legislature has been chaptered by the effective date of this act, Section 1 of this act shall not become operative and Section 2 of this act shall become operative on the first day of the first calendar quarter beginning on or after the effective date of this act.

(b) If Section 1 of this act becomes operative, and Assembly Bill No. 799 of the 1973–74 Regular Session of the Legislature is chaptered after the effective date of this act, Section 6355 of the Revenue and Taxation Code, as added by Section 2 of this act, shall become operative on the effective date of Assembly Bill No. 799, at which time, Section 6355 of the Revenue and Taxation Code, as added by Section 1 of this act, is repealed.

SEC. 4. The Legislature finds and declares that the exemption granted by this act is consistent with the intent of Section 2164 of the Revenue and Taxation Code as there will be no loss of revenue to local government as a result of this act and the exemption is therefore not of the type intended for reimbursement.

CHAPTER 1020

An act to amend Section 13147 of the Education Code, relating to teacher preparation and licensing.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 13147 of the Education Code is amended to read:

13147. Subject matter examinations authorizing single subject instruction shall be required for all subjects taught in California public schools, such subjects to be subsumed, as directed by the commission, under the following categories as: English, physical and natural science, mathematics, social science, history, government, industrial arts, physical education, business, music, art, home

economics, and languages, including, but not limited to, French, Spanish, Russian, German, and Chinese.

A general subject matter examination authorizing teaching multiple subjects shall include an examination of the candidate's knowledge of the following areas: English, social science, fine arts, general science, and mathematics.

SEC. 2. Section 13147 of the Education Code is amended to read:

13147. Subject matter examinations authorizing single subject instruction shall be required for all subjects taught in California public schools, such subjects to be subsumed, as directed by the commission, under the following categories: English, physical science, life science, mathematics, social science, history, government, industrial arts, physical education, business, music, art, home economics, and languages, including, but not limited to, French, Spanish, Russian, German, and Chinese. The commission shall list subject matter degrees.

A general subject matter examination authorizing teaching multiple subjects shall include an examination of the candidate's knowledge of the following areas: English, social science, fine arts, general science, and mathematics.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 111 are both chaptered and become effective January 1, 1974, both bills amend Section 13147 of the Education Code, and this bill is chaptered after Senate Bill No. 111, that the amendments to Section 13147 proposed by both bills be given effect and incorporated in Section 13147 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. 111 are both chaptered and become effective January 1, 1974, both amend Section 13147, and this bill is chaptered after Senate Bill No. 111, in which case Section 1 of this act shall not become operative.

CHAPTER 1021

An act to amend Sections 4650 and 4652 of the Labor Code, relating to workmen's compensation, and making an appropriation therefor.

[Approved by Governor October 1, 1973. Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 4650 of the Labor Code is amended to read:

4650. If an injury causes temporary disability, a disability payment shall be made for one week in advance as wages on the fourth day after the injured employee leaves work as a result of the injury; provided, that in case the injury causes disability of more than

21 days or necessitates hospitalization the disability payment shall be made from the first day the injured employee leaves work or is hospitalized as result of the injury. If the injury causes permanent disability, a disability payment shall be made for one week in advance as wages on the fourth day after the injury becomes permanent or the date of last payment for temporary disability, whichever date first occurs.

SEC. 2. Section 4652 of the Labor Code is amended to read:

4652. No disability payment is recoverable for the disability suffered during the first three days after the employee leaves work as a result of the injury, except as otherwise provided in Section 4650 of the code.

SEC. 3. The provisions of this act shall apply only to those employees who are injured on or after the effective date of this act.

SEC. 4. The sum of one hundred six thousand dollars ($106,000) is hereby appropriated from the General Fund to the State Controller for allocation and disbursement to local agencies pursuant to Section 2231 of the Revenue and Taxation Code to reimburse such agencies for costs incurred by them pursuant to this act.

SEC. 5. This act shall become operative April 1, 1974.

CHAPTER 1022

An act to amend Section 4702 of the Labor Code, relating to workmen's compensation, and making an appropriation therefor.

[Approved by Governor October 1, 1973. Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 4702 of the Labor Code is amended to read:

4702. Except as provided in the next paragraph, the death benefit in cases of total dependency, when added to all accrued disability indemnity, shall be the sum of forty thousand dollars ($40,000) except in the case of a surviving widow and one or more dependent minor children, in which case the death benefit shall be forty-five thousand dollars ($45,000) and except as otherwise provided in Sections 4553 and 4554. In cases of partial dependency the death benefit shall be a sum equal to four times the amount annually devoted to the support of the dependents by the employee, not to exceed the sum of forty thousand dollars ($40,000). The death benefit in all cases shall be paid in installments in the same manner and amounts as temporary disability indemnity, payments to be made at least twice each calendar month, unless the appeals board otherwise orders.

Disability indemnity shall not be deducted from the death benefit and shall be paid in addition to the death benefit when the original

injury resulting in death occurs after the effective date of the amendment to this section adopted at the 1949 Regular Session of the Legislature.

Every computation made pursuant to this section shall be made only with reference to death resulting from an original injury sustained after this section as amended during the 1971 Regular Session of the Legislature becomes effective; provided, however, that all rights presently existing under this section shall be continued in force.

SEC. 2. The sum of one million ninety-six thousand dollars ($1,096,000) is hereby appropriated from the General Fund to the State Controller for payments to local agencies pursuant to Section 2231 of the Revenue and Taxation Code to reimburse them for costs incurred pursuant to this act. This appropriation shall be available until June 30, 1974.

Payments shall be made to local agencies in accordance with the following provisions:

Each local agency to which the mandate is applicable shall submit to the State Controller, within 45 days of the operative date of the mandate, a claim for reimbursement based upon its estimate of the units of work to be performed during the 1973–74 fiscal year.

Computation of amounts claimed for units of work shall be on the basis of a unit cost in the amount of forty-three cents ($0.43) for local governmental entities insured by the State Compensation Fund and twenty-eight cents ($0.28) for local governmental entities who are self-insured per one thousand dollars ($1,000) salary of employee covered by workmen's compensation shall be the unit of work. The State Controller shall pay each claimant as reimbursement for units of work an amount determined by multiplying:

(1) The unit cost of work as specified herein, by

(2) The number of units of work estimated to be performed by the claimant.

Any payment, adjustment, or audit of claims by the State Controller shall be on the basis of units of work, rounded to the nearest whole unit, and the unit costs specified herein rather than actual costs. The State Controller

(1) May reduce any claim which he determines is excessive or unreasonable,

(2) May audit the records of any local agency to verify the actual units of work performed, and

(3) Shall make any adjustments necessary to correct the underpayments or overpayments which occurred in the 1973–74 fiscal year.

Claims for reimbursement shall be prepared in the form, and payments made at the time, specified by the State Controller. No claim or amendment to a claim shall be accepted by the State Controller after the time prescribed herein for filing of claims.

In the event that the amount appropriated for reimbursement purposes pursuant to this act is not sufficient to pay all claims filed

timely, the State Controller shall pay such claims on a pro rata basis and notify the Director of Finance of the deficiency.

CHAPTER 1023

An act to amend Sections 4453, 4460, 4653, 4654, 4658, and 4659 of, and to add Section 4452.5 to, the Labor Code, relating to workmen's compensation, and making an appropriation therefor.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 4452.5 is added to the Labor Code, to read:

4452.5. As used in this division:

(a) "Permanent total disability" means a permanent disability with a rating of 100 percent permanent disability only.

(b) "Permanent partial disability" means a permanent disability with a rating of less than 100 percent permanent disability.

SEC. 2. Section 4453 of the Labor Code is amended to read:

4453. In computing average annual earnings for the purposes of temporary disability indemnity and permanent total disability indemnity only, the average weekly earnings shall be taken at not less than fifty-three dollars and eighty-four cents ($53.84) nor more than one hundred seventy-eight dollars and fifty cents ($178.50). In computing average annual earnings for purposes of permanent partial disability indemnity, the average weekly earnings shall be taken at not less than thirty dollars and seventy-seven cents ($30.77) nor more than one hundred five dollars ($105). Between these limits the average weekly earnings, except as provided in Sections 4456 to 4459, shall be arrived at as follows:

(a) Where the employment is for 30 or more hours a week and for five or more working days a week, the average weekly earnings shall be 100 percent of the number of working days a week times the daily earnings at the time of the injury.

(b) Where the employee is working for two or more employers at or about the time of the injury, the average weekly earnings shall be taken as 100 percent of the aggregate of such earnings from all employments computed in terms of one week; but the earnings from employments other than the employment in which the injury occurred shall not be taken at a higher rate than the hourly rate paid at the time of the injury.

(c) If the earnings are at an irregular rate, such as piecework, or on a commission basis, or are specified to be by week, month or other period, then the average weekly earnings mentioned in subdivision (a) above shall be taken as 100 percent of the actual weekly earnings averaged for such period of time, not exceeding one year, as may

conveniently be taken to determine an average weekly rate of pay.

(d) Where the employment is for less than 30 hours per week, or where for any reason the foregoing methods of arriving at the average weekly earnings cannot reasonably and fairly be applied, the average weekly earnings shall be taken at 100 percent of the sum which reasonably represents the average weekly earning capacity of the injured employee at the time of his injury, due consideration being given to his actual earnings from all sources and employments.

SEC. 3. Section 4460 of the Labor Code is amended to read:

4460. For the purpose of computing the temporary disability indemnity or permanent total disability indemnity payable to any employee who sustains an original injury causing temporary disability or permanent total disability, the maximum average weekly earnings shall be taken at one hundred seventy-eight dollars and fifty cents ($178.50). For the purpose of computing the permanent partial disability indemnity payable to any employee who sustains an original injury causing permanent partial disability, the maximum average weekly earnings shall be taken at one hundred five dollars ($105).

Every computation made pursuant to this section as last amended shall be made only with reference to temporary disability or such permanent disability resulting from an original injury sustained after the act last amending this section becomes effective; provided, however, that all rights presently existing under this section shall be continued in force.

SEC. 4. Section 4653 of the Labor Code is amended to read:

4653. If the injury causes temporary total disability, the disability payment is two-thirds of the average weekly earnings during the period of such disability, consideration being given to the ability of the injured employee to compete in an open labor market.

SEC. 5. Section 4654 of the Labor Code is amended to read:

4654. If the injury causes temporary partial disability, the disability payment is two-thirds of the weekly loss in wages during the period of such disability. However, such disability payment shall be reduced by the sum of unemployment compensation benefits and extended duration benefits received by the employee during the period of temporary partial disability.

SEC. 6. Section 4658 of the Labor Code is amended to read:

4658. If the injury causes permanent disability, the percentage of disability to total disability shall be determined, and the disability payment computed and allowed, according to subdivision (a). However, in no event shall the disability payment allowed be less than the disability payment computed according to subdivision (b).

(a)

Column 1—Range of percentage of permanent disability incurred	Column 2—Number of weeks for which two-thirds of average weekly earnings allowed for each 1 percent of permanent disability within percentage range
Under 10	3
10–19.75	4
20–29.75	5
30–49.75	6
50–69.75	7
70–99.75	8

The number of weeks for which payments shall be allowed set forth in column 2 above based upon the percentage of permanent disability set forth in column 1 above shall be cumulative, and the number of benefit weeks shall increase with the severity of the disability. The following schedule is illustrative of the computation of the number of benefit weeks:

Column 1—Percentage of permanent disability incurred	Column 2—Cumulative number of benefit weeks
5	15.00
10	30.25
15	50.25
20	70.50
25	95.50
30	120.75
35	150.75
40	180.75
45	210.75
50	241.00
55	276.00
60	311.00
65	346.00
70	381.25
75	421.25
80	461.25
85	501.25
90	541.25
95	581.25
100	for life

(b) Two-thirds of the average weekly earnings for four weeks for each 1 percent of disability, where, for the purposes of this subdivision, the average weekly earnings shall be taken at not more than seventy-eight dollars and seventy-five cents ($78.75).

SEC. 7. Section 4659 of the Labor Code is amended to read:

4659. (a) If the permanent disability is at least 70 percent but less

than 100 percent, 1 5 percent of the average weekly earnings for each 1 percent of disability in excess of 60 percent is to be paid during the remainder of life, after payment for the maximum number of weeks specified in Section 4658 has been made. For the purposes of this subdivision only, average weekly earnings shall be taken at not more than one hundred seven dollars and sixty-nine cents ($107.69).

(b) If the permanent disability is total, the indemnity based upon the average weekly earnings determined under Section 4453 shall be paid during the remainder of life.

SEC. 8. The sum of one million five hundred eighty-two thousand two hundred twenty-three dollars ($1,582,223) is hereby appropriated from the General Fund to the State Controller for payments to local agencies pursuant to Section 2231 of the Revenue and Taxation Code to reimburse them for costs incurred pursuant to this act. This appropriation shall be available until June 30, 1974.

Payments shall be made to local agencies in accordance with the following provisions:

Each local agency to which the mandate is applicable shall submit to the State Controller, within 45 days of the operative date of the mandate, a claim for reimbursement based upon its estimate of the units of work to be performed during the 1973–74 fiscal year

Computation of amounts claimed for units of work shall be on the basis of a unit cost in the amount of one dollar and twenty-four cents ($1.24) for local governmental entities insured by the State Compensation Fund and eighty-one cents ($0.81) for local governmental entities who are self-insured per one thousand dollars ($1,000) salary of employee covered by workmen's compensation which shall be the unit of work. The State Controller shall pay each claimant as reimbursement for units of work an amount determined by multiplying:

(1) The unit cost of work as specified herein, by

(2) The number of units of work estimated or certified as having been performed by the claimant.

Any payment, adjustment, or audit of claims by the State Controller shall be on the basis of units of work, rounded to the nearest whole unit, and at the unit costs specified herein rather than actual costs. The State Controller

(1) May reduce any claim which he determines is excessive or unreasonable,

(2) May audit the records of any local agency to verify the actual units of work performed, and

(3) Shall make any adjustments necessary to correct for underpayments or overpayments which occurred in the 1973–74 fiscal year.

Claims for reimbursement shall be prepared in the form, and payments made at the time, specified by the State Controller. No claim or amendment to a claim shall be accepted by the State Controller after the time prescribed herein for filing of claims.

In the event that the amount appropriated for reimbursement

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purposes pursuant to this act is not sufficient to pay all claims filed timely, the State Controller shall pay such claims on a pro rata basis and notify the Director of Finance of the deficiency.

SEC. 9. This act shall become operative April 1, 1974.

CHAPTER 1024

An act to amend Sections 3208.1, 5411, 5412, and 5500.5 of the Labor Code, relating to workmen's compensation.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 3208.1 of the Labor Code is amended to read:

3208.1. An injury may be either: (a) "specific," occurring as the result of one incident or exposure which causes disability or need for medical treatment; or (b) "cumulative," occurring as repetitive mentally or physically traumatic activities extending over a period of time, the combined effect of which causes any disability or need for medical treatment. The date of a cumulative injury shall be the date determined under Section 5412.

SEC. 2. Section 5411 of the Labor Code is amended to read:

5411. The date of injury, except in cases of occupational disease or cumulative injury, is that date during the employment on which occurred the alleged incident or exposure, for the consequences of which compensation is claimed.

SEC. 3. Section 5412 of the Labor Code is amended to read:

5412. The date of injury in cases of occupational diseases or cumulative injuries is that date upon which the employee first suffered disability therefrom and either knew, or in the exercise of reasonable diligence should have known, that such disability was caused by his present or prior employment.

SEC. 4. Section 5500.5 of the Labor Code is amended to read:

5500.5. (a) Liability for occupational disease or cumulative injury shall be limited to those employers who employed the employee during a period of five years immediately preceding either the date of injury, as determined pursuant to Section 5412, or the last date on which the employee was employed in an occupation exposing him to the hazards of such occupational disease or cumulative injury, whichever occurs first. If, based upon all the evidence presented, the appeals board or referee finds the existence of cumulative injury or occupational disease, liability for such cumulative injury or occupational disease shall not be apportioned to prior years except as provided in subdivision (d); however, in determining such liability, evidence of disability due to specific injury, disability due to nonindustrial causes, or disability previously

compensated for by way of a findings and award or order approving compromise and release, or a voluntary payment of disability, may be admissible for purposes of apportionment.

(b) Where a claim for compensation benefits is made on account of an occupational disease or cumulative injury which may have arisen out of more than one employment, the application shall state the names and addresses of all employers liable under subdivision (a), the places of employment, and the approximate periods of employment where the employee was exposed to the hazards of the occupational disease or cumulative injury. If the application is not so prepared or omits necessary and proper employers, any interested party, at or prior to the first hearing, may request the appeals board to join as defendant any necessary or proper party. If such request is made prior to the first hearing on the application, the appeals board shall forthwith join the employer as a party defendant and cause a copy of the application together with a notice of the time and place of hearing to be served upon such omitted employer; provided, such notice can be given within the time specified in this division. If such notice cannot be timely given or if the motion for joinder is made at the time of the first hearing, then the appeals board or referee before whom the hearing is held, if it is found that the omitted employer named is a necessary or proper party, may order a joinder of such party and continue the hearing so that proper notice may be given to the party or parties so joined. Only one continuance shall be allowed for the purpose of joining additional parties. Subsequent to the first hearing the appeals board shall join as a party defendant any additional employer when it appears that such employer is a proper party, but the liability of such employer shall not be determined until supplemental proceedings are instituted.

(c) In any case involving a claim of occupational disease or cumulative injury occurring as a result of more than one employment within the five-year period set forth in subdivision (a), the employee making the claim, or his dependents, may elect to proceed against any one or more of such employers. Where such an election is made, the employee must successfully prove his claim against any one of the employers named, and any award which the appeals board shall issue awarding compensation benefits shall be a joint and several award as against any two or more employers who may be held liable for compensation benefits. If, during the pendency of any claim wherein the employee or his dependents has made an election to proceed against one or more employers, it should appear that there is another proper party not yet joined, such additional party shall be joined as a defendant by the appeals board on the motion of any party in interest, but the liability of such employer shall not be determined until supplemental proceedings are instituted. Any employer joined as a defendant subsequent to the first hearing or subsequent to the election provided herein shall not be entitled to participate in any of the proceedings prior to the appeal board's final decision, nor to any continuance or further

proceedings, but may be permitted to ascertain from the employee or his dependents such information as will enable the employer to determine the time, place, and duration of the alleged employment. On supplemental proceedings, however, the right of the employer to full and complete examination or cross-examination shall not be restricted.

(d) If the employment exposing the employee to the hazards of the claimed occupational disease or cumulative injury was for more than five years with the same employer, or its predecessors in interest, the limitation of liability to the last five years of employment as set forth in subdivision (a) shall be inapplicable. Liability in such circumstances shall extend to all insurers who insure the workmen's compensation liability of such employer, during the entire period of the employee's exposure with such employer, or its predecessors in interest. The respective contributions of such insurers shall be in proportion to employment during their respective periods of coverage. As used in this subdivision, "insurer" includes an employer who during any period of the employee's exposure was self-insured or legally uninsured.

The provisions of this subdivision shall expire on July 1, 1986, unless otherwise extended by the Legislature prior to that date.

(e) At any time within one year after the appeals board has made an award for compensation benefits in connection with an occupational disease or cumulative injury, any employer held liable under such award may institute proceedings before the appeals board for the purpose of determining an apportionment of liability or right of contribution. Such a proceeding shall not diminish, restrict, or alter in any way the recovery previously allowed the employee or his dependents, but shall be limited to a determination of the respective contribution rights, interests or liabilities of all the employers joined in the proceeding, either initially or supplementally; provided, however, if the appeals board finds on supplemental proceedings for the purpose of determining an apportionment of liability or of a right of contribution that an employer previously held liable in fact has no liability, it may dismiss such employer and amend its original award in such manner as may be required.

(f) In any proceeding before the appeals board for the purpose of determining an apportionment of liability or of a right of contribution where any employee incurred a disability or death resulting from silicosis in underground metal mining operations, the determination of the respective rights and interests of all of the employers joined in the proceedings either initially or supplementally shall be as follows:

(1) All employers whose underground metal mining operations resulted in a silicotic exposure during the period of the employee's employment in such operations shall be jointly and severally liable for the payment of compensation and of medical, surgical, legal and hospital expense which may be awarded to the employee or his

estate or dependents as the result of disability or death resulting from or aggravated by such exposure.

(2) In making its determination in the supplemental proceeding for the purpose of determining an apportionment of liability or of a right of contribution of percentage liabilities of the various employers engaged in underground metal mining operations the appeals board shall consider as a rebuttal presumption that employment in underground work in any mine for a continuous period of more than three calendar months will result in a silicotic exposure for the employee so employed during the period of employment if the underground metal mine was driven or sunk in rock having a composition which will result in dissemination of silica or silicotic dust particles when drilled, blasted or transported.

(g) Any employer shall be entitled to rebut such presumption by showing to the satisfaction of the appeals board, or its referee, that the mining methods used by the employer in the employee's place of employment did not result during his employment in the creation of silica dust in sufficient amount or concentration to constitute a silicotic hazard. Dust counts, competently made, at such intervals and in such locations as meet the requirements of the Division of Industrial Safety for safe working conditions may be received as evidence of the amount and concentration of silica dust in the workings where such counts have been made at the time when they were made. The appeals board may from time to time, as its experience may indicate proper, promulgate orders as to the frequency with which such dust counts shall be taken in different types of workings in order to justify their acceptance as evidence of the existence or nonexistence of a silicotic hazard in the property where they have been taken.

(h) The amendments to this section adopted at the 1959 Regular Session of the Legislature shall operate retroactively, and shall apply retrospectively to any cases pending before the appeals board or courts. From and after the date this section becomes effective no payment shall be made out of the fund used for payment of the additional compensation provided for in Section 4751 of this code, or out of any other state funds, in satisfaction of any liability heretofore incurred or hereafter incurred, except awards which have become final without regard to the continuing jurisdiction of the appeals board on said effective date, and the state and its funds shall be without liability therefor. This paragraph shall not in any way effect a reduction in any benefit conferred or which may be conferred upon any injured employee or his dependents.

SEC. 5. Section 5500.5 of the Labor Code is amended to read:

5500.5. (a) Liability for occupational disease or cumulative injury shall be limited to those employers who employed the employee during a period of five years immediately preceding either the date of injury, as determined pursuant to Section 5412, or the last date on which the employee was employed in an occupation exposing him to the hazards of such occupational disease or

cumulative injury, whichever occurs first. If, based upon all the evidence presented, the appeals board or workmen's compensation judge finds the existence of cumulative injury or occupational disease, liability for such cumulative injury or occupational disease shall not be apportioned to prior years except as provided in subdivision (d); however, in determining such liability, evidence of disability due to specific injury, disability due to nonindustrial causes, or disability previously compensated for by way of a findings and award or order approving compromise and release, or a voluntary payment of disability, may be admissible for purposes of apportionment.

(b) Where a claim for compensation benefits is made on account of an occupational disease or cumulative injury which may have arisen out of more than one employment, the application shall state the names and addresses of all employers liable under subdivision (a), the places of employment, and the approximate periods of employment where the employee was exposed to the hazards of the occupational disease or cumulative injury. If the application is not so prepared or omits necessary and proper employers, any interested party, at or prior to the first hearing, may request the appeals board to join as defendant any necessary or proper party. If such request is made prior to the first hearing on the application, the appeals board shall forthwith join the employer as a party defendant and cause a copy of the application together with a notice of the time and place of hearing to be served upon such omitted employer; provided, such notice can be given within the time specified in this division. If such notice cannot be timely given or if the motion for joinder is made at the time of the first hearing, then the appeals board or workmen's compensation judge before whom the hearing is held, if it is found that the omitted employer named is a necessary or proper party, may order a joinder of such party and continue the hearing so that proper notice may be given to the party or parties so joined. Only one continuance shall be allowed for the purpose of joining additional parties. Subsequent to the first hearing the appeals board shall join as a party defendant any additional employer when it appears that such employer is a proper party, but the liability of such employer shall not be determined until supplemental proceedings are instituted.

(c) In any case involving a claim of occupational disease or cumulative injury occurring as a result of more than one employment within the five-year period set forth in subdivision (a), the employee making the claim, or his dependents, may elect to proceed against any one or more of such employers. Where such an election is made, the employee must successfully prove his claim against any one of the employers named, and any award which the appeals board shall issue awarding compensation benefits shall be a joint and several award as against any two or more employers who may be held liable for compensation benefits. If, during the pendency of any claim wherein the employee or his dependents has

made an election to proceed against one or more employers, it should appear that there is another proper party not yet joined, such additional party shall be joined as a defendant by the appeals board on the motion of any party in interest, but the liability of such employer shall not be determined until supplemental proceedings are instituted. Any employer joined as a defendant subsequent to the first hearing or subsequent to the election provided herein shall not be entitled to participate in any of the proceedings prior to the appeal board's final decision, nor to any continuance or further proceedings, but may be permitted to ascertain from the employee or his dependents such information as will enable the employer to determine the time, place, and duration of the alleged employment. On supplemental proceedings, however, the right of the employer to full and complete examination or cross-examination shall not be restricted.

(d) If the employment exposing the employee to the hazards of the claimed occupational disease or cumulative injury was for more than five years with the same employer, or its predecessors in interest, the limitation of liability to the last five years of employment as set forth in subdivision (a) shall be inapplicable. Liability in such circumstances shall extend to all insurers who insure the workmen's compensation liability of such employer, during the entire period of the employee's exposure with such employer, or its predecessors in interest. The respective contributions of such insurers shall be in proportion to employment during their respective periods of coverage. As used in this subdivision, "insurer" includes an employer who during any period of the employee's exposure was self-insured or uninsured.

The provisions of this subdivision shall expire on July 1, 1986, unless otherwise extended by the Legislature prior to that date.

(e) At any time within one year after the appeals board has made an award for compensation benefits in connection with an occupational disease or cumulative injury, any employer held liable under such award may institute proceedings before the appeals board for the purpose of determining an apportionment of liability or right of contribution. Such a proceeding shall not diminish, restrict, or alter in any way the recovery previously allowed the employee or his dependents, but shall be limited to a determination of the respective contribution rights, interests or liabilities of all the employers joined in the proceeding, either initially or supplementally; provided, however, if the appeals board finds on supplemental proceedings for the purpose of determining an apportionment of liability or of a right of contribution that an employer previously held liable in fact has no liability, it may dismiss such employer and amend its original award in such manner as may be required.

(f) In any proceeding before the appeals board for the purpose of determining an apportionment of liability or of a right of contribution where any employee incurred a disability or death

resulting from silicosis in underground metal mining operations, the determination of the respective rights and interests of all of the employers joined in the proceedings either initially or supplementally shall be as follows.

(1) All employers whose underground metal mining operations resulted in a silicotic exposure during the period of the employee's employment in such operations shall be jointly and severally liable for the payment of compensation and of medical, surgical, legal and hospital expense which may be awarded to the employee or his estate or dependents as the result of disability or death resulting from or aggravated by such exposure.

(2) In making its determination in the supplemental proceeding for the purpose of determining an apportionment of liability or of a right of contribution of percentage liabilities of the various employers engaged in underground metal mining operations the appeals board shall consider as a rebuttal presumption that employment in underground work in any mine for a continuous period of more than three calendar months will result in a silicotic exposure for the employee so employed during the period of employment if the underground metal mine was driven or sunk in rock having a composition which will result in dissemination of silica or silicotic dust particles when drilled, blasted or transported.

(g) Any employer shall be entitled to rebut such presumption by showing to the satisfaction of the appeals board, or its workmen's compensation judge, that the mining methods used by the employer in the employee's place of employment did not result during his employment in the creation of silica dust in sufficient amount or concentration to constitute a silicotic hazard. Dust counts, competently made, at such intervals and in such locations as meet the requirements of the Division of Industrial Safety for safe working conditions may be received as evidence of the amount and concentration of silica dust in the workings where such counts have been made at the time when they were made. The appeals board may from time to time, as its experience may indicate proper, promulgate orders as to the frequency with which such dust counts shall be taken in different types of workings in order to justify their acceptance as evidence of the existence or nonexistence of a silicotic hazard in the property where they have been taken.

(h) The amendments to this section adopted at the 1959 Regular Session of the Legislature shall operate retroactively, and shall apply retrospectively to any cases pending before the appeals board or courts. From and after the date this section becomes effective no payment shall be made out of the fund used for payment of the additional compensation provided for in Section 4751 of this code, or out of any other state funds, in satisfaction of any liability heretofore incurred or hereafter incurred, except awards which have become final without regard to the continuing jurisdiction of the appeals board on said effective date, and the state and its funds shall be without liability therefor. This paragraph shall not in any way effect

a reduction in any benefit conferred or which may be conferred upon any injured employee or his dependents.

SEC. 6. It is the intent of the Legislature that, if both this bill and Assembly Bill No 804 are chaptered, become effective at the same time, and amend Section 5500.5 of the Labor Code, and this bill is chaptered after Assembly Bill No. 804, the amendments proposed by both bills shall be given effect and incorporated in Section 5500.5 in the form set forth in Section 5 of this act. Therefore, Section 5 of this act shall become operative only if this bill and Assembly Bill No. 804 are both chaptered, both become effective at the same time, both amend Section 5500.5, and Assembly Bill No. 804 is chaptered before this bill, in which case Section 4 of this act shall not become operative.

CHAPTER 1025

An act to amend Section 14005.6 of the Welfare and Institutions Code, relating to Medi-Cal.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 14005 4 of the Welfare and Institutions Code is amended to read:

A person under 21 years of age, who would qualify on the basis of financial eligibility but who does not qualify as a dependent child, under the provisions of Chap 2 (commencing with Sec. 11200) of Part 3 of Division 9 of this code, is eligible for health care services under Sec. 14005.

Included under this section are children in foster care for whom public agencies are assuming financial responsibility in whole or in part and persons receiving aid under Chapter 2.1 (commencing with Section 16115) or Part 4 of Division 9 of this code.

The director may, to meet the requirements of Federal Social Security Act, decrease or increase the eligibility standards for persons under this section.

SEC. 2. Section 14005.6 of the Welfare and Institutions Code is amended to read·

14005.6. (a) When a person is not eligible for aid under any of the chapters set forth in Section 14005.1 or has an application pending for aid under any of said chapters, and meets all of the following conditions, he is eligible for health care benefits or services under Section 14005.

(1) He or his family meet the income and resource requirements for aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of this code, except that the minimum basic standard of adequate care for a single person living alone shall be 75 percent

of the standard for a two-person family under Section 11452;

(2) He resides within the state;

(3) He is a citizen of the United States, or is legally present in the United States;

(4) He is 21 years of age or older, or has entered into a ceremonial marriage; and

(5) He is not receiving adequate financial contributions toward his support and cost of health care from a husband or wife or parent or adult child able to and responsible for support under the laws of this state.

(b) Any person who has a legal obligation under pertinent sections of the Civil Code to support a person who is eligible under this section to receive health care services, shall complete a statement containing such financial information as may be deemed reasonably necessary by the department for the county to determine his ability to support the applicant. Any such person who fails or refuses to complete such statement, or who furnishes or reports false or misleading financial information, is guilty of a misdemeanor.

A responsible relative shall be required to pay towards the cost of health care services of a beneficiary under this chapter, the amount for which he would be liable under pertinent sections of the Civil Code.

The duty to support under this section shall be enforced by the county which determined the eligibility of the person to whom support is owed.

The failure of a responsible relative to comply with this section shall in no way affect the eligibility for health care services of the person for whom he is responsible.

SEC. 3. Section 14005.6 of the Welfare and Institutions Code, as amended by Chapter 648 of the Statutes of 1972, is amended to read:

14005.6. (a) When a person is not eligible for aid under any of the chapters set forth in Section 14005.1 or has an application pending for aid under any of said chapters, and meets all of the following conditions, he is eligible for health care benefits or services under Section 14005:

(1) He or his family meet the income and resource requirements for aid under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of this code, except that the minimum basic standard of adequate care for a single person living alone shall be 75 percent of the standard for a two-person family under Section 11452, and except that the income and resource eligibility of dialysis patients, otherwise qualifying under this section, shall be determined under Article 4.5 (commencing with Section 14146) of this chapter;

(2) He resides within the state;

(3) He is a citizen of the United States, or is legally present in the United States;

(4) He is 21 years of age or older, or has entered into a ceremonial marriage; and

(5) He is not receiving adequate financial contributions toward

his support and cost of health care from a husband or wife or parent or adult child able to and responsible for support under the laws of this state.

(b) Any person who has a legal obligation under pertinent sections of the Civil Code to support a person who is eligible under this section to receive health care services, shall complete a statement containing such financial information as may be deemed reasonably necessary by the department for the county to determine his ability to support the applicant. Any such person who fails or refuses to complete such statement, or who furnishes or reports false or misleading financial information, is guilty of a misdemeanor.

A responsible relative shall be required to pay towards the cost of health care services of a beneficiary under this chapter, the amount for which he would be liable under pertinent sections of the Civil Code.

The duty to support under this section shall be enforced by the county which determined the eligibility of the person to whom support is owed.

The failure of a responsible relative to comply with this section shall in no way affect the eligibility for health care services of the person for whom he is responsible.

SEC. 4. It is the intent of the Legislature, if both this bill and Senate Bill No. 174 are chaptered, become effective at the same time, and amend Section 14005.6 of the Welfare and Institutions Code, and this bill is chaptered after Senate Bill No. 174, that the amendments to Section 14005.6 proposed by both bills be given effect and incorporated in Section 14005.6 in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Senate Bill No. 174 are both chaptered, both become effective at the same time, and both amend Section 14005.6, and Senate Bill No. 174 is chaptered before this bill, in which case Section 2 of this act shall not become operative.

CHAPTER 1026

An act to amend Sections 985 and 2626 of, and to add Section 2626.2 to, the Unemployment Insurance Code, relating to unemployment compensation disability insurance.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 985 of the Unemployment Insurance Code is amended to read:

985. Section 984 shall not apply to that part of the remuneration which, after remuneration with respect to employment equal to

eight thousand dollars ($8,000) for calendar year 1972 and eight thousand five hundred dollars ($8,500) for calendar year 1973, and nine thousand dollars ($9,000) for calendar year 1974 and each subsequent calendar year has been paid to an individual by an employer, is paid to such individual by such employer.

SEC. 2. Section 2626 of the Unemployment Insurance Code is amended to read:

2626. (a) "Disability" or "disabled" includes both mental or physical illness, mental or physical injury, and, to the extent specified in Section 2626.2, pregnancy. An individual shall be deemed disabled in any day in which, because of his physical or mental condition, he is unable to perform his regular or customary work.

SEC. 3. Section 2626.2 is added to the Unemployment Insurance Code, to read:

2626.2. Benefits relating to pregnancy shall be paid under this part only in accordance with the following:

(a) Disability benefits shall be paid upon a doctor's certification that the claimant is disabled because of an abnormal and involuntary complication of pregnancy, including but not limited to: puerperal infection, eclampsia, caesarean section delivery, ectopic pregnancy, and toxemia.

(b) Disability benefits shall be paid upon a doctor's certification that a condition possibly arising out of pregnancy would disable the claimant without regard to the pregnancy, including but not limited to: anemia, diabetes, embolism, heart disease, hypertension, phlebitis, phlebothrombosis, pyelonephritis, thrombophlebitis, vaginitis, varicose veins, and venous thrombosis.

SEC. 4. This act shall become operative with respect to periods of disability commencing on or after the effective date of this act.

CHAPTER 1027

An act to add Article 7 (commencing with Section 2775) to Chapter 2 of Part 2 of Division 1 of the Unemployment Insurance Code, relating to unemployment disability insurance.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Article 7 (commencing with Section 2775) is added to Chapter 2 of Part 2 of Division 1 of the Unemployment Insurance Code, to read:

Article 7. Rights of Industrially Disabled Persons

2775. Notwithstanding any inconsistent provisions of this part, the benefit rights of industrially disabled persons shall be determined in accordance with the provisions of this article for the period and with respect to the matters specified in this article. Except as otherwise provided in this article, all of the provisions of this part shall continue to be applicable in connection with such benefits.

2776. As used in this article:

(a) "Industrially disabled person" means an individual who has received or is entitled to receive benefits under Division 4 (commencing with Section 3201) of the Labor Code, and who is unable to perform his regular or customary work for 60 consecutive days or more, but not to exceed two calendar years from the date of commencement of his industrial disability.

(b) "Industrial disability" means a disability compensable under Division 4 (commencing with Section 3201) of the Labor Code.

2777. Except as provided in Section 2611, in determining the benefit rights of any industrially disabled person the disability base period shall exclude those quarters during which such person was industrially disabled for 60 days or more. For all quarters so excluded there shall be substituted an equal number of quarters immediately preceding the commencement of his industrial disability. In the event the base period so determined includes wages in calendar quarters for which the records have been destroyed under proper approval, a claimant may establish the amount of wages by affidavit in accordance with authorized regulations. The quarter of commencement of an industrial disability shall be counted as a completed quarter if the director finds that the inclusion thereof would be more equitable to the industrially disabled person.

2778. No disqualification shall be applied to any industrially disabled person after the termination of his industrial disability, by reason of any act or course of action on his part prior to the date on which his industrial disability commenced.

CHAPTER 1028

An act to amend Section 39261 of the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 39261 of the Health and Safety Code is amended to read:

39261. Any person who intentionally or negligently violates Section 24242, 24243, 24360, 39077, 39077.1, or 39430, or any rule or regulation of an air pollution control district or the State Air Resources Board issued pursuant to this part, prohibiting or limiting the discharge of air contaminants into the air, shall be liable for a civil penalty not to exceed five hundred dollars ($500) for each day in which such violation occurs.

SEC. 1.5. Section 39261 of the Health and Safety Code, as amended by Section 1 of this act, is amended to read:

39261. Any person who intentionally or negligently violates Section 24242, 24243, 24360, 39077, 39077.1, or 39430, or 39441, or any rule or regulation of an air pollution control district or the State Air Resources Board issued pursuant to this part, prohibiting or limiting the discharge of air contaminants into the air, shall be liable for a civil penalty for each day in which such violation occurs as follows:

(a) For a first offense during a 12-month period, not to exceed five hundred dollars ($500).

(b) For a second offense during a 12-month period, not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000).

(c) For a third offense during a 12-month period, not less than one thousand dollars ($1,000) nor more than two thousand dollars ($2,000).

(d) For a fourth offense during a 12-month period, not less than two thousand dollars ($2,000) nor more than three thousand dollars ($3,000).

(e) For a fifth offense during a 12-month period, not less than three thousand dollars ($3,000) nor more than four thousand dollars ($4,000).

(f) For a sixth offense during a 12-month period, not less than four thousand dollars ($4,000) nor more than five thousand dollars ($5,000).

(g) For a seventh and each subsequent offense during a 12-month period, not less than five thousand dollars ($5,000) nor more than ten thousand dollars ($10,000).

SEC. 2. In enacting this act, the Legislature hereby determines and finds that any duties, obligations, or responsibilities imposed on local government are minor in nature and do not result in a significant new program for local government, or a significant increase in level of service of an existing mandated program, and no significant economic burden or cost is intended to be imposed hereby. Therefore, and solely as a result of this finding and determination, no appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for reimbursement of any local agency for any costs that may be incurred by it.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly

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Bill No. 2284 are both chaptered and become effective on or before January 1, 1974, both bills amend Section 39261 of the Health and Safety Code, and this bill is chaptered after Assembly Bill No. 2284, that Section 39261 of the Health and Safety Code, as amended by Section 1 of this act, shall remain operative until the effective date of Assembly Bill No. 2284, and that on the effective date of Assembly Bill No. 2284 Section 39261 of the Health and Safety Code, as amended by Section 1 of this act, be further amended in the form set forth in Section 1.5 of this act to incorporate the changes in Section 39261 proposed by Assembly Bill No. 2284. Therefore, if this bill and Assembly Bill No. 2284 are both chaptered and become effective on or before January 1, 1974, and Assembly Bill No. 2284 is chaptered before this bill and amends Section 39261, Section 1.5 of this act shall become operative on the effective date of Assembly Bill No. 2284.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the Bay Area Air Pollution Control District may have, as early as possible, an effective deterrent against those persons who intentionally or negligently violate rules and regulations of the district adopted to reduce air pollution within the district, it is necessary that this act take effect immediately.

CHAPTER 1029

An act to add Section 13814 to, and to repeal Section 13834.1 of, the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 13814 is added to the Education Code, to read:

13814. Notwithstanding any provision of this chapter to the contrary, the surviving spouse of a deceased member shall not be required to have been dependent upon or to have been receiving one-half of his support from the member at the time of the member's death in order to receive any benefits under this chapter.

SEC. 2. Section 13834.1 of the Education Code is repealed.

SEC. 3. There are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 1030

An act relating to a regional occupational center or program, and making an appropriation therefor.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

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 finance the capital expenditures involved in the construction and equipping of facilities for, and the establishment of, a regional occupational center or regional occupational program to be maintained in Tulare County pursuant to Chapter 14 (commencing with Section 7450) of Division 6 of the Education Code, by a joint powers entity created by agreement of two or more school districts in the county, to serve an area in great need of occupational preparation. It is the further intent of the Legislature, by this act, to improve the employment opportunities of persons residing in areas of need for such training by providing education programs of a nature that will serve the social and economic needs of that area. The program provided will also serve to upgrade the cultural and intellectual life, as well as the economic life, of the area to be served.

It is further the intent of the Legislature that the regional occupational center or regional occupational program to be established in Tulare County shall conform with the requirements of state law in regard to the establishment of regional occupational centers or regional occupational programs pursuant to Chapter 14 (commencing with Section 7450) of Division 6 of the Education Code.

SEC. 2. The amounts allocated and expended pursuant to Section 4 of this act shall be fully repaid with interest to the state in such annual amounts and over such period as may be determined by the State Allocation Board, not to exceed 10 years from the date of disbursement. Interest shall be paid at a rate determined by the State Allocation Board.

Such repayment shall be made from the proceeds of a district tax to be levied in each school district participating in the joint powers agreement. There shall be levied in each school district which is a party to the joint powers agreement, a district tax at a rate sufficient to produce a combined revenue from all such districts not less than the total annual payments required by the State Allocation Board. The tax to be levied in each such district shall be at a rate sufficient to produce an amount of revenue equal to the total annual payment divided by the number of school districts participating in the joint powers agreement. The tax prescribed by this section shall be levied in the manner prescribed by Section 7456 of the Education Code.

SEC. 3. The revenues derived from taxes levied pursuant to Section 2 of this act shall be transferred by the County Auditor of

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Tulare to the State Treasury for the credit of the State School Building Aid Fund in accordance with established regulations and procedures.

SEC. 4. An amount not to exceed five hundred thousand dollars ($500,000) from the proceeds of bonds issued pursuant to the State School Building Aid Bond Law of 1966 shall be allocated and expended for purposes of this act by the joint powers entity in cooperation with and under the administrative direction of the State Allocation Board, for the capital expenditures involved in the construction and equipping of facilities for, and the establishment of, a regional occupational center or regional occupational program in Tulare County. Not to exceed fifty thousand dollars ($50,000) of such sum shall be allocated and expended for architectural and engineering services in connection with such center or program.

Sections 19551 to 19555, inclusive, and Sections 19559, 19562, 19565, and 19699.10 of the Education Code shall be applicable to the administration of this act unless the context of this act, as determined by the State Allocation Board, requires otherwise. Except to the extent and for the purposes expressly provided in this act, the provisions of Chapter 10 (commencing with Section 19551) of Division 14 of the Education Code shall not be applicable hereto.

SEC. 5. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because the Legislature hereby finds and declares:

(a) It is the intention of the Legislature to encourage local governmental entities to act to solve local problems and to set their own priorities to meet local needs.

(b) This act is being considered at the request of a local entity which desires legislative authority to act to carry out the program specified in this act which meets a local need.

(c) By its action on this act, the Legislature is mandating a local program to accommodate a local request.

(d) The local entity or entities affected by this act recognize and acknowledge that they shall bear the total costs of carrying out the provisions herein.

CHAPTER 1031

An act to add Section 11713.1 to the Vehicle Code, relating to vehicle dealers

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 11713.1 is added to the Vehicle Code, to read:

11713.1. It shall be unlawful and a violation of this code for the holder of any dealer's license issued under this article to do any of the following:

(a) To advertise any specific vehicle for sale without identifying such vehicle by either its vehicle identification number or license number.

(b) To advertise the total price of a vehicle without including all costs to the purchaser at time of delivery at the dealer's premises, except sales tax, vehicle registration fees, and finance charges.

(c) To refuse to sell a vehicle to any person at the advertised total price, exclusive of sales tax, vehicle registration fees, and finance charges, while such vehicle remains unsold, unless the advertisement states the advertised total price is good only for a specified time and such time has elapsed.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may be enacted that serve to cause both increased and decreased costs to local governmental entities which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 1032

An act to amend Sections 183 and 2108 of, and to add Section 2107.7 to, the Streets and Highways Code, relating to highways, and making an appropriation therefor.

[Approved by Governor October 1, 1973. Filed with Secretary of State October 1, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 183 of the Streets and Highways Code is amended to read:

183. All money available for the acquisition of real property or interests therein for state highways, or for the construction, maintenance, or improvement of state highways, shall be deposited in the State Highway Account in the State Transportation Fund. The moneys in the account are appropriated and shall be allocated and expended for the purposes and in the manner provided in this code.

SEC. 2. Section 2107.7 is added to the Streets and Highways Code, to read:

2107.7 (a) On January 1, 1974, and each July 1 thereafter, the

State Controller shall transfer the sum of nine hundred thousand dollars ($900,000) from the Highway Users Tax Account in the Transportation Tax Fund to the State Park Highway Account, which is hereby created, in the Bagley Conservation Fund.

(b) The money in the State Park Highway Account is hereby continuously appropriated to the Department of Parks and Recreation for the maintenance and repair of highways in units of the state park system.

(c) The money in the State Park Highway Account may be used by the Department of Parks and Recreation for construction and improvement on such highways when appropriated for such purposes by the Legislature.

(d) Such highway construction and improvement shall be designed in accordance with standards established by the Department of Parks and Recreation for state park roads, and may be carried out through service agreements with the Department of Transportation.

(e) For purposes of this section, highways in units of the state park system shall include those routes of motor vehicle travel generally open to public travel and service roads, parking areas, and roads within campgrounds. Nothing in this section shall constitute any such highway a state highway or add it to the state highway system.

SEC. 3. Section 2108 of the Streets and Highways Code is amended to read:

2108. The balance of the moneys in the Highway Users Tax Account in the Transportation Tax Fund, after making the apportionments provided in Sections 2104 to 2107.7, inclusive, shall be transferred to the State Highway Account in the State Transportation Fund for expenditure on state highways.

CHAPTER 1033

An act to amend Sections 12211 and 12612 of the Business and Professions Code, relating to alcoholic beverage containers.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 12211 of the Business and Professions Code is amended to read:

12211. Each sealer shall, from time to time, weigh or measure packages, containers or amounts of commodities sold, or in the process of delivery, in order to determine whether the same contain the quantity or amount represented and whether they are being sold in accordance with law.

The director is hereby authorized and directed to adopt and

promulgate necessary rules and regulations governing the procedures to be followed by sealers in connection with the weighing or measuring of amounts of commodities in individual packages or containers or lots of such packages or containers, including the procedures for sampling any such lot, and in determining whether any package or container or a lot of such packages or containers complies with the provisions of this section. The director is also hereby authorized and directed to adopt and promulgate necessary rules and regulations governing inspection procedures and variances applicable to malt beverages in general conformity with the rules, regulations, or laws of the Bureau of Alcohol, Tobacco and Firearms of the United States Treasury Department and the Federal Alcohol Administration Act provided, that the average weight or measure of the containers in a lot sampled shall not be less, at the time of sale or offer for sale, than the net weight or measure stated upon the container.

Any such rule or regulation, or amendment thereof, shall be adopted and promulgated by the director in conformity with the provisions of Chapter 4.5 (commencing with Section 11371), of Part 1 of Division 3 of Title 2 of the Government Code; provided, that the average weight or measure of the packages or containers in a lot of any such commodity sampled shall not be less, at the time of sale or offer for sale, than the net weight or measure stated upon the package, and provided further, that said rules or regulations applicable to food, as defined in Section 26450 of the Health and Safety Code, insofar as possible, shall not require higher standards and shall not be more restrictive than regulations, if any, promulgated by the Department of Health, Education, and Welfare, Food and Drug Administration, under the provisions of the Federal Food, Drug and Cosmetic Act.

Any lot or package of any such commodity which conforms to the provisions of this section shall be deemed to be in conformity with the provisions of this division relating to stated net weights or measures.

Whenever a lot or package of any commodity is found to contain, through the procedures authorized herein, a less amount than that represented, the sealer shall in writing order same off sale and require that an accurate statement of quantity be placed on each such package or container before same may be released for sale by the sealer in writing. The sealer may seize as evidence any package or container which is found to contain a less amount than that represented.

SEC. 2. Section 12612 of the Business and Professions Code is amended to read:

12612. The sale of any commodity packaged in a container, wherein both the container and the contents thereof comply with any act of Congress or rules or regulations promulgated thereunder, appertaining to weight, measure or count, does not violate the provisions of this chapter; nor does the sale of malt beverages in

containers complying with a rule, regulation or an approval of the United States Treasury Department, Internal Revenue Service or Bureau of Alcohol, Tobacco and Firearms, or of the State Department of Public Health and pertaining to weight, measure or count constitute a violation of the provisions of this chapter.

CHAPTER 1034

An act to amend Sections 31204 and 31214 of the Education Code, relating to state competitive scholarships.

[Approved by Governor October 1, 1973. Filed with Secretary of State October 1, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 31204 of the Education Code is amended to read:

31204. (a) There shall be available for the fiscal year 1972–1973 scholarships in an amount equal to 3 percent of the number of California high school graduates of the previous year, plus such scholarships for all state scholarship winners who meet all standards for renewal of their awards prescribed by the Education Code and by regulations of the State Scholarship and Loan Commission.

There shall be available for the fiscal year 1973–1974 such scholarships in an amount equal to 3.5 percent of the number of California high school graduates of the previous year, plus such scholarships for all state scholarship winners who meet all standards for renewal of their awards prescribed by the Education Code and by regulations of the State Scholarship and Loan Commission.

There shall be available for the fiscal year 1974–1975 and for each fiscal year thereafter such scholarships in an amount equal to 4.25 percent of the number of California high school graduates of the previous year, plus such scholarships for all state scholarship winners who meet all standards for renewal of their awards prescribed by the Education Code and by regulations of the State Scholarship and Loan Commission.

It is the policy of the Legislature that any funds for scholarships for California college students received from the federal government shall be considered as supplemental and additional to the California state scholarship program.

(b) Of the scholarships, other than renewal scholarships for state scholarship winners, authorized by subdivision (a), one-third of the total number available for a fiscal year shall be available for the fiscal year for allocation pro rata to each senatorial and Assembly district.

No award shall be canceled because of change of residence of an award winner within the state.

SEC. 2. Section 31204 of the Education Code is amended to read:

31204. (a) There shall be available for the fiscal year 1972–1973 scholarships in an amount equal to 3 percent of the number of California high school graduates of the previous year, plus such scholarships for all state scholarship winners who meet all standards for renewal of their awards prescribed by the Education Code and by regulations of the State Scholarship and Loan Commission.

There shall be available for the fiscal year 1973–1974 such scholarships in an amount equal to 3.5 percent of the number of California high school graduates of the previous year, plus such scholarships for all state scholarship winners who meet all standards for renewal of their awards prescribed by the Education Code and by regulations of the State Scholarship and Loan Commission.

There shall be available for the fiscal year 1974–1975 and for each fiscal year thereafter such scholarships in an amount equal to 4.25 percent of the number of California high school graduates of the previous year, plus such scholarships for all state scholarship winners who meet all standards for renewal of their awards prescribed by the Education Code and by regulations of the State Scholarship and Loan Commission.

It is the policy of the Legislature that any funds for scholarships for California college students received from the federal government shall be considered as supplemental and additional to the California state scholarship program.

SEC. 3. Section 31214 of the Education Code is amended to read:

31214. For students initially selected for a state scholarship prior to January 1, 1974, each competitive scholarship is for the period of one academic year and the award shall be for three hundred dollars ($300) to not to exceed two thousand two hundred dollars ($2,200) in one hundred dollars ($100) amounts at the college the award winner will attend, as required by applicant's financial need, as determined by the State Scholarship and Loan Commission, but in no event in excess of an amount equal to the tuition or necessary fees, or both tuition and fees, for the academic year, including summer terms, sessions, or quarters of the institution at which the scholarship is used. For students initially selected for a state scholarship after January 1, 1974, each competitive scholarship is for the period of one academic year, and the award shall be for three hundred dollars ($300) to not to exceed two thousand five hundred dollars ($2,500) in one hundred dollars ($100) amounts at the college the award winner will attend, as required by the applicant's financial need, as determined by the State Scholarship and Loan Commission, but in no event in excess of an amount equal to the tuition or necessary fees, or both tuition and fees, for the academic year, including summer terms, sessions, or quarters of the institution at which the scholarship is used. No competitive scholarship awarded to an applicant under this section for the period of one academic year shall exceed the total amount of two thousand five hundred dollars ($2,500); except that the State Scholarship and Loan Commission may, for students who accelerate college attendance, increase the amount of award for one

academic year proportional to the period of additional attendance resulting from attendance at a summer term, session, or quarter. In the aggregate, the total amount a student would receive in a four-year period may not be increased as a result of accelerating his progress to a degree by attending summer terms, sessions, or quarters. The State Scholarship and Loan Commission may provide by appropriate rules and regulations for such reports, accounting, and statements from the award winner and college or university of attendance pertaining to the use or application of the award as it may deem proper. A competitive scholarship may be renewed annually without an additional competitive examination until the award winner has received four annual awards or until he has been graduated from such an institution in an undergraduate course, whichever is the earlier, provided that at or prior to such renewal the State Scholarship and Loan Commission shall reassess the financial needs of such award winner and establish the amount of the award within the limits prescribed by this section. The scholarship shall remain in effect only during the period that the award winner achieves satisfactory academic progress and is regularly enrolled as a full-time student in an institution of collegiate grade, as described in Section 31206.

No award shall exceed two thousand two hundred dollars ($2,200) for a year except awards given for attendance during the 1974–1975 fiscal year and thereafter.

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill No. 1167 are both chaptered and become effective January 1, 1974, both bills amend Section 31204 of the Education Code, and this bill is chaptered after Assembly Bill No. 1167, that the amendments to Section 31204 proposed by both bills be given effect and incorporated in Section 31204 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. 1167 are both chaptered and become effective January 1, 1974, both amend Section 31204, and this bill is chaptered after Assembly Bill No. 1167, in which case Section 1 of this act shall not become operative.

CHAPTER 1035

An act relating to disposition and leasing of property by the Director of General Services, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. The Director of General Services, with the approval of the State Public Works Board, is hereby authorized to sell, exchange, or lease for current market value and upon such terms and conditions and with such reservations and exceptions as in his opinion may be for the best interest of the state, all or any part of that property situated in Mendocino County commonly known as the Mendocino State Hospital, containing approximately 250 acres.

SEC. 2. Notice of every public auction or bid opening shall be posted on the property to be sold and shall be published in a newspaper of general circulation published in the county in which the real property to be sold is situated.

SEC. 3. Any moneys received from the disposition of the property shall be paid into the General Fund.

SEC. 4. Any cost or expense incurred in the disposition of any parcel may be reimbursed from the proceeds of such disposition.

SEC. 5. The Director of General Services shall except and reserve in the state all deposits of minerals, including oil and gas, in lands disposed of pursuant to this act, and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from such lands.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to minimize maintenance and operational costs, it is imperative that this facility be transferred at an early date.

CHAPTER 1036

An act to amend the heading of Article 2 (commencing with Section 925) of Chapter 3 of Title 4 of Part 2 of, to amend Sections 914.1 and 926 of, and to add Section 925a to, the Penal Code, relating to grand juries.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. The heading of Article 2 (commencing with Section 925) of Chapter 3 of Title 4 of Part 2 of the Penal Code is amended to read:

Article 2. Investigation of County, City, and District Affairs

SEC. 2. Section 914.1 of the Penal Code is amended to read:

914.1. When a grand jury is impaneled, the judge of the superior

court of the county, in addition to other matters requiring action, shall call its attention to the provisions of Chapter 1 (commencing with Section 23000), Division 1, Title 3, and Sections 24054 and 26525 of the Government Code, and instruct it to ascertain by a careful and diligent investigation whether such provisions have been complied with, and to note the result of such investigation in its report. At such time the judge shall also inform and charge the grand jury especially as to its powers and duties under Article 2 (commencing with Section 925) of this chapter.

SEC. 3. Section 925a is added to the Penal Code, to read:

925a. The grand jury may at any time examine the books and records of any incorporated city located in the county, which pertain to fiscal matters. In addition to any other investigatory powers granted by this chapter, the grand jury may investigate and report upon the fiscal matters of any such city and make such recommendations as it may deem proper and fit.

SEC. 4. Section 926 of the Penal Code is amended to read:

926. If, in the judgment of the grand jury, the services of one or more experts are necessary for the purposes of Sections 925, 925a, and 933.5 or any of them, the grand jury may employ one or more experts, at an agreed compensation, to be first approved by the court. If, in the judgment of the grand jury, the services of assistants to such experts are required, the grand jury may employ such assistants, at a compensation to be agreed upon and approved by the court. Expenditures for the services of experts and assistants for the purposes of Section 933.5 shall not exceed the sum of twenty-five thousand dollars ($25,000) annually, unless such expenditures shall also be approved by the board of supervisors.

SEC. 5. There are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 1037

An act to add Article 2.5 (commencing with Section 6464) to Chapter 6.5 of Division 6 of the Education Code, relating to programs for migrant children.

[Approved by Governor October 1, 1973. Filed with Secretary of State October 1, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Article 2.5 (commencing with Section 6464) is added to Chapter 6.5 of Division 6 of the Education Code, to read:

Article 2.5. Programs for Migrant Children

6464. The Legislature finds and declares that:

(a) A significant number of children between the ages of 3 and 17 of migrant agricultural workers attend schools in California, in approximately 200 school districts in 34 counties for at least a part of each year. These children, from the least affluent segment of American society, tend to move frequently, attend school irregularly, and suffer health defects and language handicaps which significantly inhibit their progress in school. This results in many becoming early school dropouts, poorly prepared for personal growth and fulfillment or economic success or upward social mobility.

(b) The problems of children of migrant agricultural parents are of such magnitude and severity that local school districts have been unable to solve them with the resources normally available. It is, therefore, necessary for the state to aid local school districts through regional coordinating offices.

6464.2. As used in this article, "migrant child," means a child who has moved with his family from one school district to another during the past school year, in order that a parent or other member of his immediate family might secure employment in agriculture or in related food processing activities.

6464.3. The State Board of Education shall adopt and submit to the Legislature by April 1, 1974, a state master plan for services to migrant children. Such plan shall include provisions for the following:

(a) Instructional activities on a regular and extended year basis shall be designed to identify, diagnose, and provide treatment for academic deficiencies of migrant children. Special emphasis will be given to oral and written communications, reading and mathematics. Small group or individual instruction and tutorial services will be provided to assist migrant children attain normal progress rates in all subject areas. All instructional services will be provided as supplements to regular programs of instruction provided by the public schools for all children.

(b) Health and welfare services shall be designed to identify, diagnose, and provide treatment for conditions of a physical, including dental, emotional, or environmental, nature which interfere with the learning processes of migrant children. Insofar as possible, existing community resources will be utilized to provide these services.

(c) Preservice and in-service education of professional and nonprofessional personnel shall be planned to prepare school administrators, teachers, aides and other personnel to meet the special needs of migrant children.

(d) Supportive services including transportation, family liaison, and other services necessary to the success of the programs.

(e) Child development activities for infants and prekindergarten migrant children, too young to participate in regular instructional

services.

(f) The active involvement of parents, teachers, and community representatives in the local implementation of migrant education programs.

6464.4. Services to all migrant children will be provided by the 1976–1977 school year.

(a) Services provided by the state plan will not reduce or replace services provided by local school districts or other governmental or private agencies.

(b) Services shall be coordinated with all existing federal, state, and local resources available to migrant families.

6464.5. In implementing the plan adopted by the State Board of Education, the Superintendent of Public Instruction is authorized to:

(a) Contract with county superintendents of schools or local educational agencies to supply services to migrant children residing within specified geographical regions.

(b) Enter into agreements or otherwise cooperate with other states or agencies of the state or the federal government in coordinating services to migrant children including participation in or utilization of the Interstate Records Transfer System.

6464.6. The State Board of Education shall adopt rules and regulations necessary to implement the provisions of this article.

CHAPTER 1038

An act to amend Sections 11011.1, 54220, 54221, 54222 and 54223 of, and to add Section 54225 to, the Government Code, relating to surplus unimproved land of state and local agencies.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 11011.1 of the Government Code is amended to read:

11011.1. (a) Land that has been declared surplus by the Legislature, pursuant to Section 11011, and is not needed by any state agency shall be offered to local governmental agencies at fair market value. Where such land is to be used for park and recreation purposes and operated by local agencies at no expense to the state, the Director of General Services with the approval of the State Public Works Board may transfer the land to local governmental agencies at 50 percent of fair market value under the following conditions:

(i) The local public agency has submitted a general development plan for the property which conforms to the agency's general plan pursuant to Article 5 (commencing with Section 65300) of Chapter 3 of Title 7, and which general development plan has been approved

by the Director of Parks and Recreation.

(ii) The land must be developed according to plan within a time period determined by the state but not to exceed 10 years.

(iii) The deed or other instrument of transfer shall provide that the land would revert to the state if the use changed to a use not consistent with parks and recreation purposes during the period of 25 years following the sale.

Where such land is to be used for public purposes other than park and recreation purposes, operated by the local agency at no expense to the state, and the use and enjoyment of the public purpose contemplated will be of broad public benefit, and not a benefit basically of local interest enjoyed and used primarily by the residents of the area of tax jurisdiction of the local agency, the Director of General Services, with the approval of the State Public Works Board, may transfer the land to local government agencies at a sales price no less than 50 percent of fair market value. Any such transfer shall provide that if the land is not used for the contemplated purpose during the period of 25 years following the sale, the land shall revert to the state. The Director of General Services may provide additional terms and conditions as he determines to be in the best interest of the state.

(b) Where such land is to be used for open-space purposes, as defined herein, and operated by local agencies at no expense to the state, the Director of General Services with the approval of the State Public Works Board may transfer the land to local governmental agencies at 50 percent of fair market value under the following conditions:

(i) The local public agency has submitted a general development plan for the property which conforms to the agency's general plan pursuant to Article 5 (commencing with Section 65300) of Chapter 3 of Title 7, and which general development plan has been approved by the Director of Parks and Recreation.

(ii) The land must be developed according to plan within a time period determined by the state but not to exceed 10 years.

(iii) The deed or other instrument of transfer shall provide that the land would revert to the state if the use changed to a use not consistent with open-space purposes during the period of 25 years following the sale.

(iv) For the purpose of this subdivision, "open-space purpose" means the use of land for public recreation, enjoyment of scenic beauty, or conservation or use of natural resources.

SEC. 1.5. Section 11011.1 of the Government Code is amended to read:

11011.1. (a) Land that has been declared surplus by the Legislature, pursuant to Section 11011, and is not needed by any state agency shall be offered to local governmental agencies at fair market value. Where such land is to be used for park and recreation purposes and operated by local agencies at no expense to the state, the Director of General Services with the approval of the State Public

Works Board may, notwithstanding any provision in Section 11011, transfer the land to local governmental agencies at the fair market value of the land or at any lesser value of the land, if such transfer is in the public interest, under the following conditions:

(i) The local public agency has submitted a general development plan for the property which conforms to the agency's general plan pursuant to Article 5 (commencing with Section 65300) of Chapter 3 of Title 7, and which general development plan has been approved by the Director of Parks and Recreation.

(ii) The land must be developed according to plan within a time period determined by the state but not to exceed 10 years. The deed or other instrument of transfer shall provide that the land shall revert to the state if the land is not developed within the time period so determined by the state.

(iii) The deed or other instrument of transfer shall provide that the land would revert to the state if the use changed to a use not consistent with parks and recreation purposes during the period of 25 years following the sale

Where such land is to be used for public purposes other than park and recreation purposes, operated by the local agency at no expense to the state, and the use and enjoyment of the public purpose contemplated will be of broad public benefit, and not a benefit basically of local interest enjoyed and used primarily by the residents of the area of tax jurisdiction of the local agency, the Director of General Services, with the approval of the State Public Works Board, may transfer the land to local government agencies at a sales price no less than 50 percent of fair market value. Any such transfer shall provide that if the land is not used for the contemplated purpose during the period of 25 years following the sale, the land shall revert to the state. The Director of General Services may provide additional terms and conditions as he determines to be in the best interest of the state.

(b) Where such land is to be used for open-space purposes, as defined herein, and operated by local agencies at no expense to the state, the Director of General Services with the approval of the State Public Works Board may transfer the land to local governmental agencies at 50 percent of fair market value under the following conditions:

(i) The local public agency has submitted a general development plan for the property which conforms to the agency's general plan pursuant to Article 5 (commencing with Section 65300) of Chapter 3 of Title 7, and which general development plan has been approved by the Director of Parks and Recreation.

(ii) The land must be developed according to plan within a time period determined by the state but not to exceed 10 years.

(iii) The deed or other instrument of transfer shall provide that the land would revert to the state if the use changed to a use not consistent with open-space purposes during the period of 25 years following the sale.

(iv) For the purpose of this subdivision, "open-space purpose" means the use of land for public recreation, enjoyment of scenic beauty, or conservation or use of natural resources.

SEC. 1.6. Section 11011.1 of the Government Code is amended to read:

11011.1. (a) Land that has been declared surplus by the Legislature, pursuant to Section 11011, and is not needed by any state agency shall be offered to local governmental agencies at fair market value. Where such land is to be used for park and recreation purposes and operated by local agencies at no expense to the state, the Director of General Services with the approval of the State Public Works Board may transfer the land to local governmental agencies at the administrative cost of the Department of General Services in effecting the transfer under the following conditions:

(i) The local public agency has submitted a general development plan for the property which conforms to the agency's general plan pursuant to article 5 (commencing with Section 65300) of Chapter 3 of Title 7, and which general development plan has been approved by the Director of Parks and Recreation.

(ii) The land must be developed according to plan within a time period determined by the state but not to exceed 10 years.

(iii) The deed or other instrument of transfer shall provide that the land would revert to the state if the use changed to a use not consistent with parks and recreation purposes during the period of 25 years following the sale.

Where such land is to be used for public purposes other than park and recreation purposes, operated by the local agency at no expense to the state, and the use and enjoyment of the public purpose contemplated will be of broad public benefit, and not a benefit basically of local interest enjoyed and used primarily by the residents of the area of tax jurisdiction of the local agency, the Director of General Services, with the approval of the State Public Works Board, may transfer the land to local government agencies at a sales price no less than 50 percent of fair market value. Any such transfer shall provide that if the land is not used for the contemplated purpose during the period of 25 years following the sale, the land shall revert to the state. The Director of General Services may provide additional terms and conditions as he determines to be in the best interest of the state.

Any transfer of land pursuant to this section shall reserve to the state all deposits of minerals, including oil and gas, in the land, and to the state, or persons authorized by the state, the right to prospect for, mine and remove such deposits, and to occupy and use so much of the surface of the land as may be necessary therefor.

(b) Where such land is to be used for open-space purposes, as defined herein, and operated by local agencies at no expense to the state, the Director of General Services with the approval of the State Public Works Board may transfer the land to local governmental agencies at 50 percent of fair market value under the following

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conditions:

(i) The local public agency has submitted a general development plan for the property which conforms to the agency's general plan pursuant to Article 5 (commencing with Section 65300) of Chapter 3 of Title 7, and which general development plan has been approved by the Director of Parks and Recreation.

(ii) The land must be developed according to plan within a time period determined by the state but not to exceed 10 years.

(iii) The deed or other instrument of transfer shall provide that the land would revert to the state if the use changed to a use not consistent with open-space purposes during the period of 25 years following the sale.

(iv) For the purpose of this subdivision, "open-space purpose" means the use of land for public recreation, enjoyment of scenic beauty, or conservation or use of natural resources.

SEC. 2. Section 54220 of the Government Code is amended to read:

54220. The Legislature reaffirms its belief that there is an identifiable deficiency in the amount of recreational land available to the public and that surplus land, prior to disposition, should be made available for park and recreation purposes or for open-space purposes.

SEC. 3. Section 54221 of the Government Code is amended to read:

54221. (a) As used in this article, the term "local agency" means every city, whether organized under general law or by charter, county, city and county, and district empowered to acquire and hold real property.

(b) As used in this article the term "surplus land" means land owned by any agency of the state, or any local agency, that is determined to be no longer necessary for such agency's use, and which is capable of park or recreation development, except property being held by the agency for the purpose of exchange.

(c) As used in this article the term "open-space purposes" means the use of land for public recreation, enjoyment of scenic beauty, or conservation or use of natural resources.

SEC. 4. Section 54222 of the Government Code is amended to read:

54222. Any agency of the state and any local agency disposing of surplus land shall first notify in writing the following entities of their intent to dispose of the property and offer such land for park or recreational purposes or for open-space purposes to the following entities at fair market value prior to disposal:

(a) To any park or recreation department of any city within which the land may be situated.

(b) To any park or recreation department of the county within which the land is situated.

(c) To any regional park authority having jurisdiction within the area in which the land is situated.

(d) To the State Resources Agency or any agency which may succeed to its powers.

SEC. 5. Section 54223 of the Government Code is amended to read:

54223. The entity desiring to purchase the surplus land for park or recreation purposes or for open-space purposes must notify the selling agency within 60 days of its intent to purchase the land after receipt of the agency's notification of intent to sell the land If the entity desiring to purchase the land and the selling agency are unable to arrive at a mutually satisfactory sales price for said land during the 60-day period, the land may be disposed of in the normal manner.

SEC. 6. Section 54225 is added to the Government Code, to read:

54225. Any public agency selling surplus land to an entity described in Section 54222 for park or recreation purposes or for open-space purposes may provide for a payment period of up to 20 years in any contract of sale or sale by trust deed of such land.

SEC. 6. It is the intent of the Legislature, if this bill and Assembly Bill No. 962 are both chaptered and amend Section 11011.1 of the Government Code, and this bill is chaptered after Assembly Bill No. 962, that the amendments to Section 11011.1 proposed by both bills be given effect and incorporated in Section 11011.1 in the form set forth in Section 1.5 of this act. Therefore, Section 1.5 of this act shall become operative only if this bill and Assembly Bill No. 962 are both chaptered, both amend Section 11011.1, and Assembly Bill No. 962 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

SEC. 7. It is the intent of the Legislature, if this bill and Senate Bill No. 1328 are both chaptered and become effective January 1, 1974, both bills amend Section 11011 1 of the Government Code, and this bill is chaptered after Senate Bill No. 1328, that the amendments to Section 11011.1 proposed by both bills be given effect and incorporated in Section 11011.1 in the form set forth in Section 1.6 of this act. Therefore, Section 1.6 of this act shall become operative only if this bill and Senate Bill No. 1328 are both chaptered and become effective January 1, 1974, both amend Section 11011.1, and this bill is chaptered after Senate Bill No. 1328, in which case Section 1 of this act shall not become operative.

CHAPTER 1039

An act to repeal Section 25520 of the Education Code, relating to physical education.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 25520 of the Education Code is repealed.

SEC. 2. Section 1 of this act shall become operative on July 1, 1974.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 1938 are both chaptered and repeal Section 25520 of the Education Code, and this bill is chaptered after Assembly Bill No. 1938, that the repeal of Section 25520 proposed by both bills be given effect, and that the operative date provided for in Section 2 of this bill shall not become operative. Therefore, Section 2 of this act shall not become operative if this bill and Assembly Bill No. 1938 are both chaptered.

CHAPTER 1040

An act to amend Section 3701 of, and to add and repeal Division 4.6 (commencing with Section 6160) to, the Labor Code, relating to workmen's compensation, and making an appropriation therefor.

[Approved by Governor October 1, 1973. Filed with Secretary of State October 1, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 3701 of the Labor Code is amended to read:

3701. The Director of Industrial Relations shall require a self-insuring employer to deposit either a surety bond or securities, approved by the Director of Industrial Relations, and in an amount determined by the director, to secure incurred liabilities for the payment of compensation as compensation is defined in Section 3207. The minimum deposit shall be one hundred thousand dollars ($100,000) or 100 percent of the self-insurer's liability for the payment of compensation, whichever is greater.

(a) Surety bonds shall be deposited with the Director of Industrial Relations.

(b) Securities shall be deposited with the State Treasurer. Securities shall be accepted by the State Treasurer for deposit and shall be withdrawn only upon written order of the Director of Industrial Relations.

SEC. 2. Division 4.6 (commencing with Section 6160) is added to the Labor Code, to read:

DIVISION 4.6. WORKMEN'S COMPENSATION ADVISORY COMMITTEE

CHAPTER 1. CREATION AND MEMBERSHIP

6160. There is in the state government the State Workmen's Compensation Advisory Committee, which shall be hereafter

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referred to in this division as the "committee." The committee shall consist of eight members appointed by the Governor, and shall represent generally the broad interests of the state and the particular interests most directly concerned with workmen's compensation. To that end, the committee shall be composed as follows: two representatives of workmen's compensation insurance companies; two representatives of employers; two representatives of labor; one representative of the State Bar of California; and one representative of the public who shall be designated chairman.

6161. Two Members of the Senate of the State of California appointed by the Committee on Rules of the Senate, and two Members of the Assembly of the State of California appointed by the Speaker of the Assembly shall meet and vote with the committee and participate in its activities.

6162. Members of the committee shall serve without other compensation, but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties.

6163. For the purposes of this division, the Members of the Legislature shall be considered a joint committee of the two houses of the Legislature, and shall constitute an investigative committee on the subject of this division; and, as such shall have the powers and duties imposed on such committees by the Joint Rules of the Senate and Assembly, and, in accordance with those rules, shall be allowed, out of the Contingent Funds of the Assembly and Senate, their expenses incurred for mileage and other purposes in the exercise or performance of such powers and duties.

6164. At the first meeting of the committee, upon the concurrence of the majority thereof, an executive secretary shall be employed, who shall receive such salary as may be fixed by the committee, subject to the provisions of Section 18004 of the Government Code.

6165. Five members of the committee shall constitute a quorum. The Governor shall summon the committee to its first meeting.

6166. All vacancies in the committee membership shall be filled in the same manner in which original appointments were made.

CHAPTER 2. PURPOSES AND DUTIES

6170. The committee shall do all of the following:

(a) Study the Report of the National Commission on State Workmen's Compensation Laws issued July 31, 1972, pursuant to the provisions of the Federal Occupational Safety and Health Act of 1970, and shall evaluate the California workmen's compensation system in its entirety in light of the recommendations and findings contained in such report. The committee shall determine the extent and degree to which the California workmen's compensation system varies from the recommendations of the National Commission on State Workmen's Compensation Laws and the nature of any conforming changes necessary in the California system.

(b) Undertake a thorough examination of permanent partial disability benefits, which shall include, but not be limited to, the feasibility of providing benefits to an employee when that employee sustains present or future wage loss as a result of his industrial injury; and, in addition, providing scheduled benefits for injured employees who sustain amputations or physical disfigurement.

(c) Otherwise conduct a detailed examination and review of the operation of California workmen's compensation system with a view toward determining the degree to which that system effectively and economically provides prompt, adequate, and nonlitigious workmen's compensation protection.

(d) Advise the Governor and the Legislature of its findings, conclusions, and suggestions, and make specific recommendations for legislative and administrative changes for the purpose of improving the California workmen's compensation system as the committee deems appropriate as the result of its study.

(e) The final report of the committee shall be transmitted to the Governor and the Legislature not later than July 1, 1975, and shall contain a detailed statement of the findings, recommendations, and conclusions made under this section.

6171. The committee shall submit to the Legislature on December 31, 1974, a first interim report and may, at such time or times as the committee deems necessary, submit to the Legislature additional interim study reports of its activities.

6172. All meetings of the committee and all hearings held by the committee shall be governed by the provisions of Sections 54950 to 54958, inclusive, of the Government Code.

CHAPTER 3. POWERS

6175. In carrying out its duties and responsibilities, the committee shall have all of the following powers:

(a) To meet at such times and places as it may deem proper.

(b) To hold hearings at such times and places as it may deem proper, whether as a body, or on the authorization of the chairman as a subcommittee composed of one or more members.

(c) To issue subpoenas to compel the attendance of witnesses and the production of books, records, papers, accounts, reports, and documents.

(d) To administer oaths.

(e) To employ a secretary and such clerical, legal, and technical assistants as it deems necessary.

(f) To contract with and engage the services of one or more public or private research agencies, universities, or other institution, whether located within or outside of this state, which would conduct research, prepare recommendations, or undertake the general administration and conduct of the study authorized by this division under the direction of the committee, or any of such activities, as the committee may determine, and interact with such other individuals

or 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 assist it to carry out its duties and responsibilities.

(g) To secure the cooperation of the county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of its duties and responsibilities, and to direct the sheriff of any county or any marshal to serve subpoenas, orders, and other processes.

(h) To certify to the superior court of any county in which proceedings are held, the facts concerning the disobedience or resistance by any person of any lawful order, or the refusal of any person to respond to a subpoena, to take the oath or affirmation as a witness or to be examined, or the misconduct of any person during hearings; and to receive the assistance of the court in enforcing orders and process in the manner prescribed by Section 11525 of the Government Code.

(i) To cooperate with every department, agency, or instrumentality of the state government, and to secure directly from every department, agency, or instrumentality full cooperation, access to its records, and access to any information, suggestions, estimates, data or statistics, it may have available.

(j) To authorize its agents and employees to absent themselves from the state where necessary for the performance of their duties.

(k) To do any and all other things necessary or convenient to enable it to fully and adequately perform its duties and to exercise the powers expressly granted it.

CHAPTER 4. DURATION

6180. The committee shall be empowered to act and shall act for one calendar year following the effective date of this division, or such earlier time as its final report shall have been submitted to the Governor and to the Legislature, but not thereafter. On and after one year after the effective date of this division, this division shall be repealed and have no further force or effect, and the committee shall be abolished.

SEC. 3. The initial appointments specified in Section 6160 of the Labor Code added by this act shall be made within 30 days from the effective date of this act.

SEC. 4. The sum of two hundred thousand dollars ($200,000) is hereby appropriated from the General Fund to the State Workmen's Compensation Advisory Committee for the support of such committee and for the purposes of Division 4.6 (commencing with Section 6160) of the Labor Code.

CHAPTER 1041

An act relating to county boards of education.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding any other provision of law, each county committee on school district organization shall, on or before February 1, 1974, undertake action in the manner prescribed by Section 602 of the Education Code, where and to the extent necessary, to change the boundaries of the trustee areas from which members of the several county boards of education are elected to insure that such areas are as nearly equal in population as practicable.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 1042

An act to add Section 17535.5 to the Business and Professions Code, relating to advertising.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 17535.5 is added to the Business and Professions Code, to read:

17535.5. (a) Any person who intentionally violates any injunction issued pursuant to Section 17535 shall be liable for a civil penalty not to exceed six thousand dollars ($6,000) for each violation. Where the conduct constituting a violation is of a continuing nature, each day of such conduct is a separate and distinct violation. In determining the amount of the civil penalty, the court shall consider all relevant circumstances, including, but not limited to, the extent of harm caused by the conduct constituting a violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, and any corrective action taken by the defendant.

(b) The civil penalty prescribed by this section shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney, county counsel, or city attorney in any court of competent jurisdiction. An action brought pursuant to this section to recover

such civil penalties shall take special precedence over all civil matters on the calendar of the court except those matters to which equal precedence on the calendar is granted by law.

(c) If such an action is brought by the Attorney General, one-half of the penalty collected pursuant to this section shall be paid to the treasurer of the county in which the judgement was entered, and one-half to the State Treasurer. If brought by a district attorney or county counsel, the entire amount of the penalty collected shall be paid to the treasurer of the county in which the judgment was entered. If brought by a city attorney or city prosecutor, one-half of the penalty shall be paid to the treasurer of the county in which the judgment was entered and one-half to the city.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 1043

An act to amend Section 32912 of the Food and Agricultural Code, relating to milk and milk products.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 32912 of the Food and Agricultural Code is amended to read:

32912. (a) Every milk product or product resembling a milk product at the time of sale to the retail trade shall be labeled and billed with the correct name of the product.

(b) Every milk product or product resembling a milk product containing any ingredient other than a milk product, when packaged for intended sale, shall bear a label stating the common or usual name of each ingredient in descending order of predominance by weight. Any spice, flavoring, or coloring may be designated as spice, flavoring, or coloring without naming the ingredient of each one.

(c) The director shall, after public hearing, by regulations, establish requirements for ingredient labeling of milk products and products resembling milk products specified in subdivision (b), and for the form and placement of such ingredient statement on packages.

(d) Any labeling requirements adopted by the director under this section shall be consistent with any ingredient labeling requirements established pursuant to the Federal Food, Drug and Cosmetic Act.

(e) Except as otherwise provided in this division, initial regulations adopted by the director pursuant to this section shall become effective on July 1, 1974. Distributors of milk products and

products resembling milk products shall conform labels on packages of milk products and products resembling milk products to such regulations not later than January 1, 1975.

SEC. 2. There are no state-mandated local costs that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

CHAPTER 1044

An act to add Section 996 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor October 1, 1973. Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 996 is added to the Revenue and Taxation Code, to read:

996. (a) Returnable containers shall be assessed only to the person in possession thereof on the lien date, provided such person is not under a legally enforceable duty to return the containers for reuse. For the purpose of this section, a person is not under a legally enforceable duty to return returnable containers for reuse merely because such person has the right to return such containers at his election for a sum of money equal to the deposit or similar charge paid by him upon his acquisition of the containers.

(b) If a deposit or similar charge is paid by the buyer of the contents with respect to returnable containers assessable in the manner provided by this section, the cash value of such returnable containers after initial use shall be the cost of such containers, less depreciation, but shall not be less than the deposit or similar charge.

(c) As used in this section the term "returnable containers" means containers used to package soft drink beverages and of a kind customarily returned by the buyer of the contents for reuse.

SEC. 2. This act codifies the proper assessment procedures followed in a majority of the counties, and the Legislature finds that it is necessary to correct the improper procedures followed in other counties, in order that returnable soft drink containers will be assessed and taxed fairly and uniformly throughout the state. Since any losses in property tax revenues resulting from this act will be caused by a shift from improper to proper assessment procedures, no payments shall be made to local government as compensation for such losses pursuant to Section 2163 or 2229 of the Revenue and Taxation Code, nor shall any payments be made to compensate for additional costs pursuant to Section 2164.3 or 2231 of such code.

SEC. 3. This act shall become operative on the lien date next following the effective date of this act.

CHAPTER 1045

An act to add Section 39052.10 to the Health and Safety Code, relating to air pollution, and making an appropriation therefor.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 39052.10 is added to the Health and Safety Code, to read:

39052.10. (a) The board may conduct tests respecting the composition or the chemical or physical properties of any motor vehicle fuel additive sold, or proposed to be sold, in this state. The tests shall be designed to determine whether the additive will reduce or eliminate from vehicular sources any substance found to affect human health or to impair the obtainment of the board's ambient air quality standards, or whether, in specified fuels a particular fuel additive would result in a significant and beneficial reduction in vehicular emissions commensurate with the purposes of this part and would not have a deleterious effect upon the operation of any vehicle or any emission control device which is in general use.

(b) The board may also engage independent laboratories to conduct such tests under test procedures specified by the board.

(c) Any manufacturer may apply to the board to have its additive tested pursuant to subdivision (a). The board may charge an application fee, not to exceed the cost of such tests, for such applications, and may have the additive tested by independent laboratories under test procedures specified by the board.

SEC. 2. There is hereby appropriated from the Motor Vehicle Account in the State Transportation Fund to the State Air Resources Board the sum of two hundred fifty thousand dollars ($250,000) to carry out the provisions of Section 39052.10 of the Health and Safety Code.

CHAPTER 1046

An act appropriating funds for the purpose of replacing loss of federal funds for mentally retarded work activity program.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the General Fund the sum of two million two hundred thousand dollars ($2,200,000), or as much thereof as is necessary, to the Department

of Health for the support of the work activity program for the mentally retarded for the 1973–74 fiscal year. Such funds shall be used only to replace any loss of federal funds caused by revision of federal law or regulations concerning the eligibility of participants or the limitation or termination of type of services or restriction on the use of private funds or a reduction or termination of federal funding for such programs.

CHAPTER 1047

An act to repeal Title 6 (commencing with Section 13800) of, and to add Title 6 (commencing with Section 13800) and Title 6.5 (commencing with Section 13900) to, Part 4 of the Penal Code, relating to crime prevention.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Title 6 (commencing with Section 13800) of Part 4 of the Penal Code is repealed.

SEC. 2. Title 6 (commencing with Section 13800) is added to Part 4 of the Penal Code, to read:

TITLE 6. CALIFORNIA COUNCIL ON CRIMINAL JUSTICE

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

13800. As used in this title:

(a) "Council" means the California Council on Criminal Justice.

(b) "Office" means the Office of Criminal Justice Planning.

(c) "Local boards" means local criminal justice planning boards.

(d) "Federal acts" means the Federal Omnibus Crime Control and Safe Streets Act of 1968, the Federal Juvenile Delinquency Prevention and Control Act of 1968, and any act or acts amendatory or supplemental thereto.

13801. Nothing in this title shall be construed as authorizing the council, the office, or the local boards to undertake direct operational criminal justice responsibilities.

CHAPTER 2. CALIFORNIA COUNCIL ON CRIMINAL JUSTICE

13810. There is hereby created in the state government the California Council on Criminal Justice, which shall be composed of the following members: the Attorney General; the Administrative Director of the Courts; 13 members appointed by the Governor, two of whom shall be the Commissioner of the Department of the

Highway Patrol and a representative of state corrections agencies; five members appointed by the Senate Rules Committee; and five members appointed by the Speaker of the Assembly.

The appointees of the Governor shall include: a chief of police, a district attorney, a sheriff, a public defender, a county probation officer, one member of a city council, one member of a county board of supervisors, a representative of the Commission on Peace Officer Standards and Training, a faculty member of a college or university qualified in the field of criminology, police science, or law, and a person qualified in the general field of research, development, and systems technology. The Speaker of the Assembly and Senate Committee on Rules shall include among their appointments a judge designated by the Judicial Council, one private citizen, a representative of the cities and a representative of the counties, and six persons who shall be elected officials of county or city government or appointed officials of county or city criminal justice agencies.

13811. The council shall meet no more than 12 times per year.

The council may create subcommittees of its own membership and each subcommittee shall meet as often as the subcommittee members find necessary. It is the intent of the Legislature that all council members shall actively participate in all council deliberations required by this chapter. Any member who misses three consecutive meetings or who attends less than 50 percent of the council's regularly called meetings in any calendar year for any cause except severe temporary illness or injury shall be automatically removed from the council.

13812. Members of the council shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred by them in the performance of their duties under this title. No compensation or expenses shall be received by the members of any continuing task forces, review committees or other auxiliary bodies created by the council who are not council members, except that persons requested to appear before the council with regard to specific topics on one or more occasions shall be reimbursed for the travel expenses necessarily incurred in fulfilling such requests.

13813. The council shall act as the supervisory board of the state planning agency pursuant to federal acts. It shall annually review and approve, or review, revise and approve, the comprehensive state plan for the improvement of criminal justice throughout the state, shall establish priorities for the use of such funds as are available pursuant to federal acts, and shall approve the expenditure of all funds pursuant to such plans or federal acts; provided that the approval of such expenditures may be granted to single projects or to groups of projects.

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CHAPTER 3. OFFICE OF CRIMINAL JUSTICE PLANNING

13820. There is hereby created in the state government the Office of Criminal Justice Planning. The office shall be administered by an executive director, who shall be appointed by, and be responsible to, the Governor, and hold office at the pleasure of the Governor. The executive director shall be in sole charge of the administration of the office.

13821. The executive director may appoint such deputies, assistants and other officers and employees and consultants as he may deem necessary and prescribe their powers and duties. The executive director shall establish policies and procedures for governing the internal operation of the office and coordination with local planning agencies, grant recipients and state and local officials.

13822. The executive director may request and receive from any department or agency of the state or any political subdivision thereof such assistance, information and data as will enable him to carry out his functions and duties.

13823. (a) In cooperation with local boards, the office shall:

(1) Develop with the advice and approval of the council, the comprehensive statewide plan for the improvement of criminal justice throughout the state.

(2) Define, develop and correlate programs and projects for the state criminal justice agencies.

(3) Receive and disburse federal funds, perform all necessary and appropriate staff services required by the council, and otherwise assist the council in the performance of its duties as established by federal acts.

(4) Develop comprehensive, unified and orderly procedures to insure that all local plans and all state and local projects are in accord with the comprehensive state plan, and that all applications for grants are processed efficiently.

(5) Cooperate with and render technical assistance to the Legislature, state agencies, units of general local government, combinations of such units, or other public or private agencies, organizations, or institutions in matters relating to criminal justice.

(6) Conduct evaluation studies of the programs and activities assisted by the federal acts.

(b) The office may:

(1) Collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of criminal justice in the state.

(2) Perform other functions and duties as required by federal acts, rules, regulations or guidelines in acting as the administrative office of the state planning agency for distribution of federal grants.

13824. A brief description of all projects eligible for a commitment of council funds shall be made available to the public through a publication of the council having statewide circulation at least 30 days in advance of the meeting at which funds for such

project can be committed by vote of the council.

CHAPTER 4. CRIMINAL JUSTICE PLANNING COMMITTEE FOR STATE JUDICIAL SYSTEM

13830. There is hereby created in state government a Judicial Criminal Justice Planning Committee of seven members. The Judicial Council shall appoint the members of the committee who shall hold office at its pleasure. In this respect the Legislature finds as follows:

(a) The California court system has a constitutionally established independence under the judicial and separation of power clauses of the State Constitution.

(b) The California court system has a statewide structure created under the Constitution, state statutes and state court rules, and the Judicial Council of California is the constitutionally established state agency having responsibility for the operation of that structure.

(c) The California court system will be directly affected by the criminal justice planning that will be done under this title and by the federal grants that will be made to implement that planning.

(d) For effective planning and implementation of court projects it is essential that the executive Office of Criminal Justice Planning have the advice and assistance of a state judicial system planning committee.

13831. The California Council on Criminal Justice may request the advice and assistance of the Judicial Criminal Justice Planning Committee in carrying out its functions under Chapter 2 of this title.

13832. The Office of Criminal Justice Planning shall consult with, and shall seek the advice of, the Judicial Criminal Justice Planning Committee in carrying out its functions under Chapter 3 of this title insofar as they affect the California court system.

In addition, any grant of federal funds made or approved by the office which is to be implemented in the California court system shall be submitted to the Judicial Criminal Justice Planning Committee for its review and recommendations before being presented to the California Council on Criminal Justice for its action.

13833. The expenses necessarily incurred by the members of the Judicial Criminal Justice Planning Committee in the performance of their duties under this title shall be paid by the Judicial Council, but it shall be reimbursed by the Office of Criminal Justice Planning to the extent that federal funds can be made available for that purpose. Staff support for the committee's activities shall be provided by the Judicial Council, but the cost of that staff support shall be reimbursed by the Office of Criminal Justice Planning to the extent that federal funds can be made available for that purpose.

13834. The committee shall report annually, on or before December 31 of each year, to the Governor and to the Legislature on items affecting judicial system improvements.

SEC. 2. Title 6.5 (commencing with Section 13900) is added to

Part 4 of the Penal Code, to read:

TITLE 6.5. LOCAL CRIMINAL JUSTICE PLANNING

13900. The Legislature finds and declares:

(a) That crime is a local problem that must be dealt with by state and local governments if it is to be controlled effectively.

(b) That criminal justice needs and problems vary greatly among the different local jurisdictions of this state.

(c) That effective planning and coordination can be accomplished only through the direct, immediate and continuing cooperation of local officials charged with general governmental and criminal justice agency responsibilities.

(d) That planning for the efficient use of criminal justice resources requires a permanent coordinating effort on the part of local governments and local criminal justice agencies.

13901. For the purposes of coordinating local criminal justice activities and planning for the use of state and federal action funds made available through any grant programs, each county in California shall constitute a planning district upon execution of a joint powers agreement or arrangement acceptable to the county and to at least that one-half of the cities in the county which contain at least one-half of the population of the county, except that contiguous counties may combine as a single planning district upon execution of a joint powers agreement or other arrangement acceptable to the participating counties and to at least that one-half of the cities in each county which contain at least one-half of the population of each county.

If no combination of one-half of the cities of a county contains at least one-half of the population of the county, then agreement of any half of the cities in such county is sufficient to enable execution of joint powers agreements or other acceptable arrangements by such county and such cities for constituting planning districts.

13902. Planning district boundaries shall be those established pursuant to federal acts relating to criminal justice planning, except that alterations which change the number of planning districts in the state as of July 1, 1971, shall be permitted by agreement of all units of government directly affected by the alterations and by approval of the California Council on Criminal Justice.

13903. Planning districts may be the recipients of criminal justice planning or coordinating funds made available to units of general local government or combinations of units of general local government by federal or state law. Such planning districts shall establish local criminal justice planning boards, but shall not be obligated to finance their activities in the event that federal or state support of such activities is lacking.

13904. The membership of each local board shall be consistent with federal acts and guidelines, provided that compliance with such requirements shall, insofar as possible, be reconciled with the

composition of the presently established local boards, and provided that elected local legislative officials, elected officials of local executive agencies responsible for the administration of justice, and officials of the judicial branch of government shall be represented on each local board.

13905. Except as otherwise provided in Section 13904, representatives of the public may be appointed to local criminal justice planning boards, of a number not to exceed the number of representatives of government on that board. Such public members may be nominated by community organizations concerned with criminal justice and appointed by the local criminal justice planning boards.

13906. Planning boards may contract with other public or private entities for the performance of services, may appoint an executive officer and other employees, and may receive and expend funds in order to carry out planning and coordinating responsibility.

CHAPTER 1048

An act to amend Section 19530 of the Business and Professions Code, relating to horseracing.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 19530 of the Business and Professions Code is amended to read:

19530. The board shall have the authority to allocate racing weeks to an applicant or applicants pursuant to the provisions of this article and Article 6.5 (commencing with Section 19540) and to specify such racing days and dates for horseracing meetings as will be in the public interest in maximizing revenue to the state and providing uniformity of regulation for each type of horseracing, and will subserve the purposes of this chapter. The decision of the board as to such racing days and dates shall be subject to change, limitation or restriction only by the board and no municipality or county shall adopt or enforce any ordinance or regulation which has or may have the effect of directly or indirectly regulating, limiting or restricting the racing days and dates of horseracing meetings.

SEC. 2. The amendment of Section 19530 of the Business and Professions Code made by this act does not constitute a change in, but is declarative of, existing law.

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CHAPTER 1049

An act to amend, add, and repeal Section 15520 of, and to add and repeal Section 15520.5 of, the Corporations Code, relating to partnerships, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 15520 of the Corporations Code is amended to read:

15520. As to a partnership not governed by Section 15520.5 the following provisions shall apply: The retirement, death, insanity, removal or failure of reelection of a general partner dissolves the partnership, unless the business is continued by the remaining general partners and/or the general partner or general partners elected in place thereof

(a) Under a right so to do stated in the certificate, or

(b) With the consent of all members.

This section shall remain in effect only until December 31, 1975, and after that date this section is repealed.

SEC. 1.5. Section 15520 is added to the Corporations Code, to read:

15520. The retirement, death, insanity, removal or failure of reelection of a general partner dissolves the partnership, unless the business is continued by the remaining general partners and/or the general partner or general partners elected in place thereof

(a) Under a right so to do stated in the certificate, or

(b) With the consent of all members.

SEC. 2. Section 15520.5 is added to the Corporations Code, to read:

15520.5. If the partnership is formed on or after November 1, 1973, or if the partnership is formed prior to that date and amends its certificate to specifically elect to be governed by this Section 15520.5 rather than Section 15520, the following provision shall apply: The retirement, death or insanity of a general partner dissolves the partnership, unless the business is continued by the remaining general partners

(a) Under a right so to do stated in the certificate, or

(b) With the consent of all members.

This section shall remain in effect only until December 31, 1975, and after that date this section is repealed.

SEC. 2.5. Section 1.5 of this act shall become operative on January 1, 1976.

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 Internal Revenue Service will no longer give satisfactory private rulings on the partnership tax status of limited partnerships formed under the Uniform Limited Partnership Act of the State of California because Section 15520 of the Corporations Code does not precisely conform to Section 20 of the Uniform Limited Partnership Act. The Internal Revenue Service takes the position that Section 15520 of the Corporations Code, as amended in 1963, may permit the corporate characteristic of "continuity of life" because it specifically allows the election of new general partners in place of former general partners under a right so to do stated in the certificate. The Legislature is of the opinion that the Internal Revenue Service is incorrect in its interpretation of Section 15220. However, in order to resolve this question at the earliest possible time and therefore promote the orderly and uniform application of the Uniform Limited Partnership Act, it is necessary that this legislation take effect immediately.

CHAPTER 1050

An act to amend Section 13200.53 of, and to add Section 13220.26 to, the Education Code, relating to community colleges.

[Approved by Governor October 1, 1973. Filed with Secretary of State October 1, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 13200.53 of the Education Code is amended to read:

13200.53. The authority over credentials and certificates which authorize service both in grades 13 and 14 and in other grades shall be divided between the board of governors and the Board of Education or the Commission for Teacher Preparation and Licensing. The board of governors shall have the authority to issue, suspend, revoke, or take any other lawful action on such credentials in relation to their authorization for service in grades 13 and 14. Whenever in this division reference is made to the "State Board of Education" or the "Commission for Teacher Preparation and Licensing" with respect to the administration of community college credentials, such reference shall be deemed to mean the Board of Governors of the California Community Colleges. The Board of Education or the Commission for Teacher Preparation and Licensing shall have the authority to issue, suspend, revoke, or take any other lawful action on such credentials in relation to their authorization for services in grades other than grades 13 and 14.

SEC. 2. Section 13220.26 is added to the Education Code, to read:

13220.26. The Board of Governors of the California Community

Colleges may issue an eminence credential to any person who has achieved eminence in a field of endeavor, authorizing service by such person in a community college district. The Board of Governors of the California Community Colleges shall adopt criteria for determining eminence.

Minimum requirements for the issuance of an eminence credential shall be:

(a) Certification by the governing board of a community college district to the Board of Governors of the California Community Colleges that the board, the faculty of the related department or division, and the administration of the college have concurred that a need exists and have concurred in the determination of eminence in accordance with established criteria

If concurrence cannot be reached as in this subdivision, the governing board of employing district may request the credential using the alternate requirement contained in subdivision (b).

(b) A certification from the employing district governing board to the Board of Governors of the California Community Colleges that a need exists. The determination of eminence shall be made, based on established criteria, by a statewide committee representative of the administration, boards, and faculty appointed by the Board of Governors of the California Community Colleges.

Such credential shall authorize the holder to perform the following functions:

(1) Teach only in the community college district that has requested the credential and certified to the need thereof.

(2) Teach either graded courses or classes for adults in the subject matter field for which the credential was issued.

The credential may be issued authorizing service for a two-year period. The credential may be renewed for successive two-year periods, pursuant to the procedure set forth in this section.

Any issuance of an eminence credential shall comply with the provisions of Sections 13169, 13169.1, and 13169.2.

CHAPTER 1051

An act to amend Section 1231 of the Education Code, relating to school districts.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 1231 of the Education Code is amended to read:

1231. (a) In any school district in which the average daily attendance for the school year 1963–1964 exceeded 400,000, each

member of the city board of education or the governing board of the district shall receive as compensation for his services the sum of seventy-five dollars ($75) for each meeting of the board actually attended, not to exceed seven hundred fifty dollars ($750) per month. In any school district in which the average daily attendance for the school year 1963–64 exceeded 60,000, and which is not located in a city and county, each member of the city board of education or the governing board of the district may receive as compensation for his services the sum of fifty dollars ($50) for each meeting of the board actually attended, not to exceed four hundred dollars ($400) in any month. In any school district in which the average daily attendance for the school year 1972–1973 was less than 60,000 but more than 25,000, each member of the city board of education or the governing board of the district may receive as compensation for his services not to exceed forty dollars ($40) for each meeting of the board actually attended, not to exceed three hundred dollars ($300) in any month. In any school district in which the average daily attendance for the school year 1972–1973 was 25,000 or less but more than 10,000, each member of the city board of education or the governing board of the district may receive as compensation for his services not to exceed thirty dollars ($30) for each meeting of the board actually attended, but not to exceed two hundred dollars ($200) in any month. In any school district in which the average daily attendance for the school year 1972–1973 was 10,000 or less but more than 1,000, each member of the city board of education or the governing board of the district may receive as compensation for his services not to exceed twenty dollars ($20) for each meeting of the board actually attended, not to exceed one hundred twenty dollars ($120) in any month. In any school district in which the average daily attendance for the 1972–1973 school year was 1,000 or less but more than 150, each member of the city board of education or the governing board of the district may receive as compensation for his services not to exceed ten dollars ($10) for each meeting of the board actually attended, but not to exceed sixty dollars ($60) in any month.

(b) A member may be paid for any meeting when absent if the board by resolution duly adopted and spread upon its minutes finds that at the time of the meeting he is performing services outside the meeting for the school district or districts. The compensation shall be a charge against the funds of the school district. If the city board of education or the governing board of the district is the governing board of more than one school district the compensation shall be charged against and paid by the respective school districts in the same proportion as the salary of the city superintendent of schools is charged against them. Compensation shall be reduced by an amount equal to any salary or compensation paid to the members of the city board of education from any funds of the city.

(c) As used in this section, "school district" includes community college districts.

SEC. 2. Section 1231 of the Education Code is amended to read:

1231. (a) In any school district in which the average daily attendance for the school year 1970–71 exceeded 60,000, each member of the city board of education or the governing board of the district shall receive as compensation for his services the amount prescribed by the city board of education or the governing board of the district pursuant to a resolution adopted by the board at a public meeting for which notice has been given at least two weeks prior to the meeting at which such compensation shall be determined.

(b) In any school district in which the average daily attendance for the school year 1970–71 was less than 60,000 but more than 25,000, each member of the city board of education or the governing board of the district may receive as compensation for his services not to exceed forty dollars ($40) for each meeting of the board actually attended, not to exceed three hundred dollars ($300) in any month. In any school district in which the average daily attendance for the school year 1970–71 was 25,000 or less but more than 10,000, each member of the city board of education or the governing board of the district may receive as compensation for his services not to exceed thirty dollars ($30) for each meeting of the board actually attended, but not to exceed two hundred dollars ($200) in any month. In any school district in which the average daily attendance for the school year 1970–71 was 10,000 or less but more than 1,000, each member of the city board of education or the governing board of the district may receive as compensation for his services not to exceed twenty dollars ($20) for each meeting of the board actually attended, not to exceed one hundred twenty dollars ($120) in any month. In any school district in which the average daily attendance for the 1970–71 school year was 1,000 or less but more than 150, each member of the city board of education or the governing board of the district may receive as compensation for his services not to exceed ten dollars ($10) for each meeting of the board actually attended, but not to exceed sixty dollars ($60) in any month.

(c) A member may be paid for any meeting when absent if the board by resolution duly adopted and spread upon its minutes finds that at the time of the meeting he is performing services outside the meeting for the school district or districts. The compensation shall be a charge against the funds of the school district. If the city board of education or the governing board of the district is the governing board of more than one school district the compensation shall be charged against and paid by the respective school districts in the same proportion as the salary of the city superintendent of schools is charged against them. Compensation shall be reduced by an amount equal to any salary or compensation paid to the members of the city board of education from any funds of the city.

(d) As used in this section, "school district" includes community college districts.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 1031 are both chaptered, become effective January 1, 1974, and amend Section 1231 of the Education Code, and this bill is

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chaptered after Senate Bill No. 1031, that the amendments to Section 1231 proposed by both bills be given effect and incorporated in Section 1231 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. 1031 are both chaptered, both become effective January 1, 1974, both amend Section 1231, and Senate Bill No. 1031 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 1052

An act to amend Section 6060 of the Business and Professions Code, relating to the practice of law.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 6060 of the Business and Professions Code is amended to read:

6060. To be certified to the Supreme Court for admission and a license to practice law, a person who does not comply with Section 6062 shall:

(a) Be of the age of at least 18 years.

(b) Be of good moral character.

(c) Before beginning the study of law, have either:

(1) Completed at least two years of college work, which college work shall be not less than one-half of the collegiate work acceptable for a bachelor's degree granted upon the basis of a four-year period of study by a college or university approved by the examining committee; or

(2) Reached the age of 23 years and have attained in apparent intellectual ability the equivalent of at least two years of the college work hereinabove defined. Such equivalent with respect to a person applying for admission to a law school accredited by the examining committee shall be determined by the dean or faculty thereof and with respect to all other persons shall be determined by the examining committee. The determination by the examining committee may be made after a personal interview with the person or the examining committee may require him to pass a written examination. Such examination may be given by the examining committee, or, if the examining committee so elects, the examination may be given under its supervision by such members of the faculty of a college as the examining committee may select or by the Department of Education of this state; provided, however, that any person who receives an adverse determination by the committee without an examination or fails an examination given directly by the

committee shall, upon demand made within 30 days after receiving notice thereof, have the right to be reexamined either by such faculty members or department as the committee may decide. In the event that the examination is given by the Department of Education, a fee for such examination shall be charged by the department, which fee shall not exceed fifteen dollars ($15).

The requirements of paragraph (2) of this subdivision shall not apply to a person who had reached the age of 25 years prior to commencing the study of law and who commenced such study and registered with the examining committee as provided in subdivision (d) of this section prior to January 1, 1955.

(d) Have registered with the examining committee as a law student within three months after beginning the study of law. The examining committee, upon good cause being shown, may permit a later registration.

(e) Have either:

(1) Graduated from a law school accredited by the examining committee requiring substantially the full time of its students for three years.

(2) Graduated from a law school accredited by the examining committee requiring a part only of its students' time for four years.

(3) Studied law diligently and in good faith for at least four years, which study shall be:

(i) In a law school that is authorized to confer professional degrees and requires classroom attendance of its students for a minimum of 270 hours a year; or

(ii) In a law office in this state and under the personal supervision of a member of the State Bar of California who is, and for at least five years last past continuously has been, engaged in the active practice of law; or

(iii) In the chambers and under the personal supervision of a judge of a court of record of this state; or

(iv) By instruction in law from a correspondence law school requiring 864 hours of preparation and study per year for four years.

(v) By any combination of the methods referred to in paragraph (3) of this subdivision.

It shall be the duty of the attorney or judge referred to under (ii) and (iii) of paragraph (3) of this subdivision to render such periodic reports to the examining committee as the committee may require.

(4) Commence the study of law and registered as a law student as provided in subdivision (d) of this section prior to January 1, 1954, and completed four years of law study, diligently and in good faith.

(f) Have passed a final bar examination given by the examining committee.

(g) After completion of his first year of law study, have passed a first-year law student's examination given by the examining committee. This requirement shall not apply to a student who satisfactorily completes the first-year course of instruction in a law school accredited by the examining committee and who either (1)

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commenced the study of law and registered with the examining committee as provided in subdivision (d) of this section prior to January 1, 1954, or (2) had completed at least two years of college work as defined in this section prior to matriculating in such accredited law school, nor shall this requirement apply to an applicant who has passed the bar examination of a sister state or of a country wherein the common law of England constitutes the basis of jurisprudence. An applicant who is required to take such first-year examination shall not receive credit for his first year of law study until he has passed such examination; nor shall he receive credit for any law study subsequent to the first year, and before he shall have passed such examination, unless for good cause in a particular case the committee decides that credit should be given for such subsequent study or for some part thereof.

The examination which the students in their first year of law studies are required to take shall be given twice a year at reasonable intervals.

CHAPTER 1053

An act to add Section 6819 to the Public Resources Code, relating to the removal of beach and underwater obstructions, and making an appropriation therefor.

[Approved by Governor October 1, 1973. Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 6819 is added to the Public Resources Code, to read:

6819. The commission shall promulgate rules and regulations to require any person extracting oil or gas or other minerals from lands under the jurisdiction of the commission to remove beach and underwater obstructions.

SEC. 2. There is hereby appropriated out of the General Fund in the State Treasury the sum of seventy-five thousand dollars ($75,000) to the Division of State Lands, Department of Conservation, for removal of beach and underwater obstructions from state-owned tidelands and submerged lands near Elwood, Santa Barbara County.

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CHAPTER 1054

An act to amend Section 7451 of, and to add Section 7456.5 to, the Education Code, relating to regional occupational centers and programs.

[Approved by Governor October 1, 1973. Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 7451 of the Education Code is amended to read:

7451. The county superintendent of schools of each county, with the consent of the State Board of Education, may establish and maintain, or with one or more counties may establish and maintain, at least one regional occupational center, or regional occupational program, in the county to provide education and training in vocational courses. The governing boards of any school districts maintaining high schools in the county may, with the consent of the State Board of Education and of the county superintendent of schools, cooperate in the establishment and maintenance of a regional occupational center, or regional occupational program, except that if such a school district also maintains five hundred (500) or more schools its governing board may establish and maintain one or more regional occupational centers, or regional occupational programs, without such restrictions. A regional occupation center or regional occupation program may be established by two or more school districts maintaining high schools through the use of the staff and facilities of a community college or community colleges serving the same geographic area as the school districts maintaining the high schools, with the consent of the State Board of Education and the county superintendent of schools. The establishment and maintenance of a regional occupational center, or regional occupational program, by two or more school districts may be undertaken pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code. If a school district or school districts establish and maintain such a regional occupational center, or regional occupational program, pursuant to this chapter, the county superintendent of schools may, with the consent of the State Board of Education, establish and maintain a separate regional occupational center or centers, or regional occupational program or programs.

Notwithstanding other provisions of this section, a single school district located in a class 1 county, as defined in Section 756, and having an average daily attendance of 50,000 or more, or a single school district located in a class 2 county, as defined in Section 756, and having an average daily attendance of 100,000 or more, may apply to the State Board of Education through the county superintendent of schools for permission to establish a regional

occupational center or program. The State Board of Education shall, within 90 days of receipt of an application, prescribe a procedure whereby the district may establish a center or program in accordance with its application and in compliance with the provisions of the State Plan for Vocational Education. The county superintendent of schools may supervise establishment of the center or program.

SEC. 2. Section 7456.5 is added to the Education Code, to read:

7456.5. If a single school district located in a class 2 county, as defined in Section 756, and having an average daily attendance of 100,000 or more, establishes and maintains a regional occupational center or regional occupational program pursuant to Section 7451, the amount computed pursuant to subdivision (a) of Section 20904 shall be deemed to have been increased by the amount raised within the district by a countywide tax for the support of such a center or program during the 1972–73 fiscal year by the county superintendent of schools. The other computations required by Article 6 (commencing with Section 20902) of Chapter 3 of Division 16 shall be adjusted to appropriately reflect such increase. The revenue limit applicable to a county superintendent of schools shall be reduced by an amount equal to the increase in the revenue limit of the school district made pursuant to this section.

CHAPTER 1055

An act to amend Section 13263 of the Education Code, relating to school employees.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 13263 of the Education Code is amended to read:

13263. Every probationary or permanent employee employed after June 30, 1947, shall be deemed to have been employed on the date upon which he first rendered paid service in a probationary position.

Every certificated employee who first rendered paid service on the same date shall participate in a single drawing to determine the order of employment except that in school districts having an average daily attendance in excess of 15,000, an independent auditing firm may be employed to assign to such employees numbers at random which shall determine the order of employment.

SEC. 2. Section 13263 of the Education Code is amended to read:

13263. Every probationary or permanent employee employed after June 30, 1947, shall be deemed to have been employed on the

date upon which he first rendered paid service in a probationary position.

Every certificated employee who first rendered paid service on the same date shall participate in a single drawing to determine the order of employment except that in school districts having an average daily attendance in excess of 15,000, an independent auditing firm may be employed to assign to such employees numbers at random which shall determine the order of employment. Any determination of an employee's order of employment pursuant to this section shall be made within 30 days of the date service was first rendered by the employee.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 1124 are both chaptered and become effective January 1, 1974, both bills amend Section 13263 of the Education Code, and this bill is chaptered after Assembly Bill No. 1124, that the amendments to Section 13263 proposed by both bills be given effect and incorporated in Section 13263 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. 1124 are both chaptered and become effective January 1, 1974, both amend Section 13263, and this bill is chaptered after Assembly Bill No. 1124, in which case Section 1 of this act shall not become operative.

CHAPTER 1056

An act to amend Section 9884.9 of the Business and Professions Code, relating to automotive repairs.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 9884.9 of the Business and Professions Code is amended to read:

9884.9. (a) The automotive repair dealer shall give to the customer a written estimated price for labor and parts necessary for a specific job. No work shall be done and no charges shall accrue before authorization to proceed is obtained from the customer. No charge shall be made for work done or parts supplied in excess of the estimated price without the oral or written consent of the customer which shall be obtained at some time after it is determined that the estimated price is insufficient and before the work not estimated is done or the parts not estimated are supplied. Nothing in this section shall be construed as requiring an automotive repair dealer to give a written estimated price if the dealer does not agree to perform the requested repair.

(b) The automotive repair dealer shall include with the written

estimated price a statement of any automotive repair service which, if required to be done, will be done by someone other than the dealer or his employees. No service shall be done by other than the dealer or his employees without the consent of the customer, unless the customer cannot reasonably be notified. The dealer shall be responsible, in any case, for any such service in the same manner as if he or his employees had done the service.

SEC. 2. There are no state-mandated local costs in this act which require reimbursement under Section 2231 of the Revenue and Taxation Code.

CHAPTER 1057

An act to add Chapter 2.4 (commencing with Section 1417) to Division 2 of the Health and Safety Code, relating to health care.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Chapter 2.4 (commencing with Section 1417) is added to Division 2 of the Health and Safety Code, to read:

CHAPTER 2.4. QUALITY OF LONG-TERM HEALTH FACILITIES

1417. This chapter shall be known and may be cited as the Long-Term Care, Health, Safety, and Security Act of 1973.

1417.1. It is the intent of the Legislature in enacting this chapter to establish (1) a citation system for the imposition of prompt and effective civil sanctions against long-term health care facilities in violation of the laws and regulations of this state relating to patient care; (2) an inspection and reporting system to insure that long-term health care facilities are in compliance with state statutes and regulations pertaining to patient care; and (3) a provisional licensing mechanism to insure that full-term licenses are issued only to those long-term health care facilities that meet state standards relating to patient care.

1418. As used in this chapter:

(a) "Long-term health care facility" means any facility licensed pursuant to Chapter 2 (commencing with Section 1250) which (1) maintains and operates 24-hour skilled nursing services for the care and treatment of chronically ill or convalescent patients, including mental, emotional, or behavioral problems, mental retardation, or alcoholism; or (2) provides supportive, restorative, and preventive health services in conjunction with a socially oriented program to its residents, and which maintains and operates 24-hour services including board, room, personal care, and intermittent nursing care.

"Long-term health care facility" includes nursing homes, skilled nursing facilities, extended care facilities, intermediate care facilities, and shall not include acute care hospital or other licensed facilities except for that distinct part of such hospital or facility which provides nursing home, skilled nursing facility, extended care facility, or intermediate care facility services.

(b) "Licensee" means the holder of a license issued under Chapter 2 (commencing with Section 1250) for a long-term health care facility.

1419. Any person may request an inspection of any long-term health care facility in accordance with the provisions of this chapter by giving notice to the state department of an alleged violation of applicable requirements of state law. Any such notice shall be in writing signed by the complainant and shall set forth with reasonable particularity the matters complained of. The substance of the complaint shall be provided to the licensee no earlier than at the commencement of the inspection. Neither the substance of the complaint provided the licensee nor any copy of the complaint or record published, released, or otherwise made available to the licensee shall disclose the name of any individual complainant or other person mentioned in the complaint, except the name or names of any duly authorized officer, employee, or agent of the state department conducting the investigation or inspection pursuant to this chapter, unless such complainant specifically requests the release of such name or names or the matter results in a judicial proceeding.

1420. Upon receipt of a complaint, the state department shall assign an inspector to make a preliminary review of the complaint and shall notify the complainant of the name of such inspector. Unless the department determines that the complaint is willfully intended to harass a licensee or is without any reasonable basis, it shall make an onsite inspection within 10 working days of the receipt of the complaint. In either event, the complainant shall be promptly informed of the department's proposed course of action. Upon the request of either the complainant or the department, the complainant or his representative, or both, may be allowed to accompany the inspector to the site of the alleged violations during his tour of the facility, unless the inspector determines that the privacy of any patient would be violated thereby.

1421. (a) Any duly authorized officer, employee, or agent of the state department may enter and inspect any long-term health care facility, including, but not limited to, interviewing residents and reviewing records, at any time to enforce any provision of this chapter. Inspections conducted pursuant to complaints filed with the state department shall be conducted in such a manner as to ensure maximum effectiveness. No advance notice shall be given of any inspection conducted pursuant to this chapter unless previously and specifically authorized by the director or required by federal law.

(b) Any public employee giving such advance notice in violation

of this section shall be deemed to be in violation of subdivision (t) of Section 19572 of the Government Code and shall be suspended from all duties without pay for a period determined by the director.

1422. The state department shall, in addition to any inspections conducted pursuant to complaints filed pursuant to Section 1419, conduct at least two general inspections, and as many additional inspections as may be necessary, in every calendar year of all long-term health care facilities in the state without providing notice of such inspections.

1423. If upon inspection or investigation the director determines that a long-term health care facility is in violation of any statutory provision or rule or regulation relating to the operation or maintenance of such facility, except with respect to violations determined to have only a minimal relationship to safety or health pursuant to Section 1427, he shall promptly, but not later than one day after the date of inspection, issue a citation to the licensee. The citation shall be served upon the licensee personally or by registered mail in accordance with subdivision (c) of Section 11505 of the Government Code. A copy of the citation shall also be sent to each complainant. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, rule or regulation alleged to have been violated. The citation shall fix the earliest feasible time for the elimination of the condition constituting the violation, where appropriate.

1424. Citations issued pursuant to this chapter shall be classified according to the nature of the violation and shall indicate the classification on the face thereof, as follows:

(a) Class "A" violations are violations which the state department determines present an imminent danger to the patients or guests of the long-term health care facility or a substantial probability that death or serious physical harm would result therefrom. A physical condition or one or more practices, means, methods, or operations in use in a long-term health care facility may constitute such a violation. The condition or practice constituting a class "A" violation shall be abated or eliminated immediately, unless a fixed period of time, as determined by the state department, is required for correction. A class "A" violation is subject to a civil penalty in an amount not less than one thousand dollars ($1,000) and not exceeding five thousand dollars ($5,000) for each and every violation.

(b) Class "B" violations are violations which the state department determines have a direct or immediate relationship to the health, safety, or security of long-term health care facility patients, other than class "A" violations. A class "B" violation is subject to a civil penalty in an amount not less than fifty dollars ($50) and not exceeding two hundred fifty dollars ($250) for each and every violation. A citation for a class "B" violation shall specify the time within which the violation is required to be corrected. If a class "B" violation is corrected within the time specified, no civil penalty shall

be imposed.

1425. Where a licensee has failed to correct a violation within the time specified in the citation, the state department shall assess the licensee a civil penalty in the amount of fifty dollars ($50) for each day that such deficiency continues beyond the date specified for correction.

1426. After consultation with industry, professional, and consumer groups affected thereby, but not later than three months after the effective date of this chapter, the director shall publish proposed regulations setting forth the criteria and, where feasible, the specific acts that constitute class "A" and "B" violations under this chapter. Not later than six months after the effective date of this chapter, the director shall adopt regulations setting forth criteria and, where feasible, specific acts constituting class "A" and "B" violations. The regulations shall be adopted as prescribed in Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, except that such regulations shall not be adopted as emergency regulations pursuant to subdivision (b) of Section 11421 of the Government Code and shall not mandate a quality of care or new procedures which were not required on January 1, 1974, without providing additional reimbursement if the change in quality of care or the new procedures entail substantial new costs.

For purposes of this section, "new costs" shall not include costs which are the direct or indirect consequence of meeting the requirements of the citation system established under this chapter.

1427. The director shall prescribe procedures for the issuance of a notice of violation with respect to violations having only a minimal relationship to safety or health.

1428. (a) If a licensee desires to contest a citation or the proposed assessment of a civil penalty therefor, he shall within four business days after service of the citation notify the director in writing of his request for an informal conference with the designee of the director for the county in which the cited long-term health care facility is located. The director's designee shall hold, within four business days from the receipt of the request, an informal conference, at the conclusion of which he may affirm, modify, or dismiss the citation or proposed assessment of a civil penalty. If the director's designee modifies or dismisses the citation or proposed assessment of a civil penalty, he shall state with particularity in writing his reasons for such action, and shall immediately transmit a copy thereof to each party to the original complaint. If the licensee desires to contest a decision made after the informal conference, he shall inform the director in writing within four business days after he receives the decision by the director's designee. If the licensee fails to notify the director in writing that he intends to contest the citation or the proposed assessment of a civil penalty therefor or the decision made by a director's designee after an informal conference within the time specified in this subdivision, the citation or the proposed

assessment of a civil penalty or the decision by a director's designee after an informal conference shall be deemed a final order of the state department and shall not be subject to further administrative review.

(b) A licensee may, in lieu of contesting a citation pursuant to this section, transmit to the department the minimum amount specified by law for each violation within four business days after the issuance of the citation.

(c) If a licensee notifies the director that he intends to contest a citation, the director shall immediately notify the Attorney General. Upon such notification, the Attorney General shall promptly take all appropriate action to enforce the citation and recover the civil penalty prescribed thereon, and shall take such other action as he shall deem appropriate, in the superior court of the county in which the long-term health care facility is located.

(d) In assessing the civil penalty for each count of violation, a court shall consider the nature of the violation and the seriousness of the effect of such violation upon the effectuation of the purposes and provisions of this chapter.

(e) The civil penalties authorized by this chapter shall be trebled for a second or subsequent violation occurring within any 12-month period, if a citation was issued for the previous violation occurring within such period and a civil penalty was assessed therefor.

(f) Actions brought under the provisions of this chapter shall be set for trial at the earliest possible date and shall take precedence on the court calendar over all other cases except matters to which equal or superior precedence is specifically granted by law. The times for responsive pleadings and for hearings in any such proceedings shall be set by the judge of the court with the object of securing a decision as to such matters at the earliest possible time.

1429. (a) Each citation for a class "A" violation specified in subdivision (a) of Section 1424 which is issued pursuant to this section and which has become final, or a copy or copies thereof, shall be prominently posted, as prescribed in regulations issued by the director, until the violation is corrected to the satisfaction of the state department up to a maximum of 120 days. The citation or copy shall be posted in a place or places in plain view of the patients in the long-term health care facility, persons visiting those patients, and persons who inquire about placement in the facility.

(b) Each citation for class "A" and class "B" violations specified in subdivisions (a) and (b) of Section 1424 which is issued pursuant to this section and which has become final, or a copy or copies thereof, shall be retained by the licensee at the facility cited until the violation is corrected to the satisfaction of the department. Each such citation shall be made promptly available by the licensee for inspection or examination by any member of the public who so requests. In addition, every licensee shall post in a place or places in plain view of the patient in the long-term health care facility, persons visiting those patients, and persons who inquire about placement in

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the facility, a prominent notice informing such persons that copies of all final uncorrected violations issued by the department to the facility will be made promptly available by the licensee for inspection by any person who so requests.

1430. Except where the state department has taken action and the violations have been corrected to its satisfaction, any licensee who commits a class "A" or "B" violation may be enjoined from permitting the violation to continue or may be sued for civil damages within a court of competent jurisdiction. Such actions for injunction or civil damages, or both, may be prosecuted by the Attorney General in the name of the people of the State of California upon his own complaint or upon the complaint of any board, officer, person, corporation or association, or by any person acting for the interests of itself, its members or the general public. The amount of civil damages which may be recovered in an action brought pursuant to this section shall not exceed the maximum amount of civil penalties which could be assessed on account of the violation or violations.

The remedies specified in this section shall be in addition to any other remedy provided by law.

1431. It is a misdemeanor for any person to do any of the following:

(a) Willfully prevent, interfere with, or attempt to impede in any way the work of any duly authorized representative of the state department in the lawful enforcement of any provision of this chapter.

(b) Willfully prevent or attempt to prevent any such representative from examining any relevant books or records in the conduct of his official duties under this chapter.

(c) Willfully prevent or interfere with any such representative in the preserving of evidence of any violation of any of the provisions of this chapter or of the rules and regulations promulgated under this chapter.

1432. (a) No licensee shall discriminate or retaliate in any manner against a patient or employee in its long-term health care facility on the basis or for the reason that such patient or employee or any other person has initiated or participated in any proceeding specified in this chapter. A licensee who violates this section is subject to a civil penalty of no more than five hundred dollars ($500), to be assessed by the director and collected in the manner provided in Section 1430.

(b) Any attempt to expel a patient from a long-term health care facility, or any type of discriminatory treatment of a patient by whom, or upon whose behalf, a complaint has been submitted to the state department or any proceeding instituted under or related to this chapter within 120 days of the filing of the complaint or the institution of such action, shall raise a rebuttable presumption that such action was taken by the licensee in retaliation for the filing of the complaint.

(c) No licensee shall be cited for any violation caused by any

person licensed pursuant to the State Medical Practice Act (Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code) if such person is independent of and not connected with the licensee and the licensee shows that he has exercised reasonable care and diligence in notifying such persons of their duty to the patients in the licensee's long-term health care facility.

1433. The remedies provided by this chapter are cumulative, and shall not be construed as restricting any remedy, provisional or otherwise, provided by law for the benefit of any party, and no judgment under this chapter shall preclude any party from obtaining additional relief based upon the same facts.

1434. Commencing in 1974, the state department shall, on or before February 1 of each year, notify all public agencies which refer patients to long-term health care facilities of all of the long-term health care facilities in the area found upon inspection within the previous 12-month period to be without class "A" or "B" violations. Public agencies shall give priority to such long-term health care facilities in referring publicly assisted patients. No public agency shall refer patients to long-term health care facilities with any uncorrected class "A" violations or five or more uncorrected class "B" violations, except those long-term health care facilities which the director may exempt because of a lack of facilities of the same type in the area sufficient to satisfy the demand for services provided by such type of facilities.

1435. The state department shall annually prepare and make available in all offices of the facilities licensing section a report listing all licensees by name and address, indicating (1) the number of citations and the nature of each citation issued to each licensee during the previous 12-month period and the status of any action taken pursuant to each citation, including penalties assessed, and (2) the nature and status of action taken with respect to each uncorrected violation for which a citation is outstanding.

1436. On or before July 1, 1974, the state department shall provide for additional and ongoing training for inspectors charged with implementation of this chapter in investigative techniques and standards relating to the quality of care provided by long-term health care facilities. The investigative-technique element of such training shall be adopted after consultation with the Department of Justice and such investigative training may, but need not, be provided through a contract with the Department of Justice.

1437. If a long-term health care facility has not been previously licensed pursuant to Chapter 2 (commencing with Section 1250), the state department may only provisionally license such facility as provided in this section. A provisional license to operate a long-term health care facility shall terminate six months from the date of issuance. Within 30 days of the termination of a provisional license, the state department shall give such facility a full and complete inspection, and, if the facility meets all applicable requirements for

licensure, a regular license shall be issued. If the long-term health care facility does not meet the requirements for licensure but has made substantial progress towards meeting such requirements, as determined by the state department, the initial provisional license shall be renewed for six months. If the state department determines that there has not been substantial progress towards meeting licensure requirements at the time of the first full inspection provided by this section, or, if the state department determines upon its inspection made within 30 days of the termination of a renewed provisional license that there is lack of full compliance with such requirements, no further license shall be issued.

If an applicant for a provisional license to operate a long-term health care facility has been denied provisional licensing by the state department, he may contest such denial by filing a statement of issues, as provided in Section 11504 of the Government Code, and the proceedings to review such denial shall be conducted pursuant to the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code.

1438. On or before January 1, 1977, the state department shall review the effectiveness of the enforcement of the provisions of this chapter in maintaining the quality of care provided by long-term health care facilities and shall submit a report thereon to the Legislature together with any recommendations of the state department for additional legislation which it deems necessary to improve the enforcement of the provisions of this chapter or to enhance the quality of care provided by such facilities.

1439. Any writing received, owned, used, or retained by the state department in connection with the provisions of this chapter is a public record within the meaning of subdivision (d) of Section 6252 of the Government Code, and, as such, is open to public inspection pursuant to the provision of Sections 6253, 6256, 6257, and 6258 of the Government Code. However, the names of any persons contained in such records, except the names of duly authorized officers, employees, or agents of the state department conducting an investigation or inspection in response to a complaint filed pursuant to this chapter, shall not be open to public inspection and copies of such records provided for public inspection shall have such names deleted.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

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CHAPTER 1058

An act to add Chapter 6.5 (commencing with Section 18375) to Part 6 of Division 9 of the Welfare and Institutions Code, relating to aged persons.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Chapter 6.5 (commencing with Section 18375) is added to Part 6 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 6.5. PREVENTIVE HEALTH CARE FOR THE AGING

18375. The intent of this chapter is to conduct a pilot project to assist county health agencies to provide preventive health care through public health nursing services to the aged.

18376. The Department of Health may authorize the payment of state funds to defray in whole or in part the cost of pilot projects in selected counties under which the county health agency provides a program of scheduled visits by public health nurses to existing senior citizen housing and center facilities for health consultant services.

18377. The Department of Health shall designate a county or counties, not to exceed three in number, which are willing to participate in pilot projects under this chapter. The department shall develop and establish guidelines for submission and approval of the county project plans. The department shall give priority to those counties which have demonstrated the ability to provide public health nursing services to the aged.

18378. The California Commission on Aging shall render such technical assistance and advice as is required by the department in carrying out the provisions of this chapter.

18379. The California Commission on Aging shall submit to the Legislature by May 1 of each year a report on the implementation of this chapter.

CHAPTER 1059

An act to amend Sections 17305 and 18251 of the Education Code, Section 564 of the Welfare and Institutions Code, and Sections 42050 and 42052 of the Vehicle Code, relating to driver instruction, and making an appropriation therefor.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 17305 of the Education Code is amended to read:

17305. (a) There is appropriated annually from the Driver Training Penalty Assessment Fund to the General Fund in the State Treasury and from the General Fund to the department a sum as necessary to establish and maintain a unit for driver instruction within the Department of Education as set forth in Section 18251.4.

(b) In addition, subject to the provisions of Section 17305.5, there shall be provided from the General Fund to the State School Fund in each fiscal year such sum as the Superintendent of Public Instruction shall certify as necessary to reimburse school districts, county superintendents of schools, the California Youth Authority and the State Department of Education for the actual cost of instructing pupils in the operation of motor vehicles.

The amount shall not exceed sixty dollars ($60) per pupil instructed in the laboratory phase of driver education in accordance with the rules and regulations of the State Board of Education.

(c) Subject to the provisions of Section 17305.5, there shall also be provided the sum the Superintendent of Public Instruction shall certify as necessary to reimburse school districts, county superintendents of schools, the California Youth Authority and the State Department of Education for the actual cost of replacing vehicles and simulators used exclusively in the laboratory phase of driver education programs, but the amount shall not exceed three-fourths of that part of the actual cost of instructing pupils in the laboratory phase of driver education during the preceding fiscal year which was: (1) in excess of sixty dollars ($60) per pupil instructed, and (2) expended by the district, the county superintendent of schools, the California Youth Authority and the State Department of Education in replacing such vehicles and simulators. Reimbursement for vehicles shall be computed for only that portion of the total mileage used exclusively in the laboratory phase of driver education programs.

(d) For purposes of computing reimbursement, whenever a school district, a county superintendent of schools, the California Youth Authority, or the State Department of Education replaces a driver training vehicle or simulator purchased by the district with a vehicle or simulator that is a gift or loan, the purchase price of such new or acquired equipment shall be deemed to be the market value of the vehicle or simulator acquired through a gift or loan.

A simulator is any device approved by the Department of Education to be used in classrooms for purposes of laboratory instruction under simulated driving conditions.

SEC. 2. Section 18251 of the Education Code is amended to read:

18251. The Superintendent of Public Instruction shall allow to each school district maintaining a high school or high schools, county superintendent of schools, the California Youth Authority and the

State Department of Education an amount equal to the actual cost, but not in excess of sixty dollars ($60) per pupil instructed in the laboratory phase of driver education during the preceding fiscal year in accordance with Sections 18251.2 and 18252 and with regulations set forth by the State Board of Education to such districts, county superintendents of schools, the California Youth Authority and the State Department of Education for instructing pupils in the laboratory phase of driver education.

SEC. 3. Section 564 of the Welfare and Institutions Code is amended to read:

564. Upon a hearing conducted in accordance with Section 563, upon an admission by the minor of the commission of a traffic violation charged, or upon a finding that the minor did in fact commit such traffic violation, the judge, referee, or traffic hearing officer may

(1) Reprimand the minor and take no further action, or

(2) Direct the probation officer to file a petition as provided for in Article 7 (commencing with Section 650) of this chapter, or

(3) Make any or all of the following orders:

(a) That the driving privileges of the minor be suspended or restricted as provided in the Vehicle Code.

(b) That the minor attend traffic school over a period not to exceed 60 days.

(c) That the minor pay to the general fund of the county a sum, not to exceed fifty dollars ($50), and to the Driver Training Penalty Assessment Fund a penalty assessment in the amount provided in Section 42050 of the Vehicle Code for offenses not relating to parking or registration or offenses by pedestrians.

(d) That the probation officer undertake a program of supervision of the minor for a period not to exceed six months.

(e) That the minor work in a city park or recreational facility or county or regional park for not to exceed 25 hours over a period not to exceed 30 days, during times other than his hours of school attendance or employment. When the order to work is made by a referee or a traffic hearing officer, it shall be approved by a judge of the juvenile court.

The judge, referee, or traffic hearing officer shall retain jurisdiction of the case until all orders made under this section have been fully complied with.

SEC. 4. Section 42050 of the Vehicle Code is amended to read:

42050. To reimburse the General Fund for amounts appropriated therefrom for the laboratory phases of driver education pursuant to Section 17305 of the Education Code, and to augment the Peace Officers' Training Fund to the extent designated in Section 42052, there shall be levied a penalty assessment on all offenses involving a violation of a section of this code or of a city or county ordinance relating to vehicles or their operators or owners, except offenses relating to parking or registration or offenses by pedestrians, or where an order is made to pay a sum to the general fund of a county pursuant to subdivision (3) (c) of Section 564 of the Welfare and

Institutions Code, in the following amounts:

(a) Where a fine is imposed	$5 for each $20 of fine, or fraction thereof.
(b) If sentence is suspended	$5 if jail only, otherwise based on the amount of the fine levied, as in subdivision (a).
(c) If bail is forfeited	$5 for each $20 of bail, or fraction thereof.
(d) Where multiple offenses are involved	The penalty assessment shall be based on the total fine or bail for all offenses, or $5 for each jail sentence.

When a fine is suspended, in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

SEC. 5. Section 42052 of the Vehicle Code is amended to read:

42052. After a determination by the court of the amount due under Section 42050, the clerk of the court shall collect the same and transmit it to the county treasury. It shall then be transmitted to the State Treasury in the same manner as fines collected for the state by a county. Upon order of the State Controller, the money shall be deposited in the State Treasury as follows:

(a) Seventy-five percent of each such penalty assessment shall be deposited in the Driver Training Penalty Assessment Fund, which fund is continued in existence, to be used exclusively to reimburse the General Fund as provided in Section 42050.

(b) Twenty-five percent of each such penalty assessment shall be deposited in the Peace Officers' Training Fund.

CHAPTER 1060

An act to amend Sections 30806, 30820, 30821, and 30822 of, and to add Section 30805 to, and to add Article 3 (commencing with Section 30830) and Article 4 (commencing with Section 30850) to Chapter 6 of Part 3 of Division 10 of, the Public Utilities Code, relating to rapid transit.

[Approved by Governor October 1, 1973. Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 30805 is added to the Public Utilities Code, to read:

30805. Any limitation on taxes under this article shall not apply to the special taxes authorized under Section 30834.

SEC. 2. Section 30806 of the Public Utilities Code, is amended to read:

30806. The taxes authorized by this article and required to be levied for bonds of the district and bonds for improvement districts therein under Sections 30802, 30803, and 30804 shall be levied to the extent revenues or taxes are not available from other sources to meet these obligations or any of them; and no taxes of any kind or nature whatever shall be levied to pay operating expenses of the district or to provide for repairs, maintenance, and depreciation of works owned or operated by the district; and no taxes shall be levied for other district purposes unless the board shall have authorized the same by ordinance adopted by a vote of two-thirds of all members of the board and such ordinance shall be approved by a majority of the votes cast by the qualified electors of the district voting on the ordinance at an election called for that purpose. The board, in such ordinance, shall provide the maximum tax rate or rates for such other district purposes, specified in such ordinance, and may provide for limitations upon the time or times which such additionally authorized taxes shall be in effect. Any maximum tax rate adopted pursuant to this section may be increased when authorized by the board by ordinance adopted in the manner and by the vote stated in this section and approved by a majority of the votes cast by the qualified electors of the district voting on the ordinance at an election called for that purpose.

SEC. 3. Section 30820 of the Public Utilities Code is amended to read:

30820. In addition to the power of taxation granted by Article 1 (commencing with Section 30800), Article 3 (commencing with Section 30830), and Article 4 (commencing with Section 30850) of this chapter and subject to the requirements set forth in Section 30638, the board may impose one or more of the special taxes authorized by Part 17 (commencing with Section 37001) of Division 2 of the Revenue and Taxation Code in the manner and for the purposes prescribed subject to all limitations of this part. The limitations of Section 30825 shall apply only in the absence of the approval of the qualified electors required by this part or any other applicable law.

SEC. 4. Section 30821 of the Public Utilities Code is amended to read:

30821. Except as authorized under Article 3 (commencing with Section 30830), no taxes of any kind or nature whatever shall be levied to pay operating expenses of the district or to provide for repairs, maintenance, and depreciation of works owned or operated by the district. No taxes of any kind or nature authorized by this article shall be levied to pay principal and interest on bonds or other obligations of any improvement district formed pursuant to Article 5 (commencing with Section 30960) of Chapter 7.

SEC. 5. Section 30822 of the Public Utilities Code is amended to read:

30822. (a) No taxes authorized by this article shall be levied to pay principal and interest on any bonds of the district, nor for other district purposes, unless the board shall have authorized the same by ordinance adopted by a vote of two-thirds of all members of the board and such ordinance shall be approved by a majority of the votes cast by the qualified electors of the district voting on the proposition at an election called for that purpose. The board, in such ordinance, shall state the nature of the tax to be imposed, shall provide the tax rate or rates or the maximum tax rate or rates and shall specify the purpose or purposes for which the revenue derived from the tax will be used. The board, in such ordinance, may provide for limitations upon the time when such tax shall be in effect. Any tax rate or maximum tax rate adopted pursuant to this article, unless otherwise prohibited, may be increased when authorized by the board by ordinance adopted in the manner and by the vote stated in this section and approved by a majority of the votes cast by the qualified electors of the district voting at an election called for that purpose.

(b) Notwithstanding the provisions of subsection (a), whenever a bond election is held to authorize a bonded indebtedness pursuant to Article 1 (commencing with Section 30900) of Chapter 7, the ordinance calling the election may include a statement of which, if any, of the special taxes permitted by Part 17 (commencing with Section 37001) of Division 2 of the Revenue and Taxation Code shall be levied and used to pay principal of and interest on the bonds, including sinking fund payments and to create or maintain any reserve fund provided therefor. A vote in favor of the issuance of the bonds shall authorize the use of the tax or taxes for such purposes and no other or further election need be held to authorize the board to levy and collect or provide for the collection of and to make such use of the tax or taxes. The board, in the ordinance calling the bond election, shall state the nature of such additional tax or taxes and shall state the maximum rate or rates thereof. Such tax or taxes shall continue until the bonds and the interest thereon are paid or until a fund sufficient for the payment thereof or for the redemption thereof prior to maturity, with any premiums required therefor, has been created and set aside for that purpose.

SEC. 6. Article 3 (commencing with Section 30830) is added to Chapter 6 of Part 3 of Division 10 of the Public Utilities Code, to read:

Article 3. Special Taxes for Capital Financing

30830. The power of taxation granted by this article is in addition to and is an alternative to any other provisions of this part and is intended to furnish a separate method of financing the fiscal needs of the district at a period when the district is unable to operate its facilities without a subsidy.

30831. Notwithstanding any other provisions of this part, in addition to the powers of taxation granted by Article 1 (commencing

with Section 30800), Article 2 (commencing with Section 30820), and Article 4 (commencing with Section 30850) and subject to the requirements set forth in Section 30638, the board may impose one or more of the special taxes authorized by Part 17 (commencing with Section 37001) of Division 2 of the Revenue and Taxation Code in the amount and manner provided in and pursuant to this article.

30832. Taxes may be levied pursuant to this article for capital financing, as defined in Section 30839, in order to provide the district and included municipal operators with sufficient flexibility to respond to their current problems of limited sources of available funds.

30833. Taxes may be levied pursuant to this article for capital financing, which may consist of either pay-as-you-go financing or limited tax bonds in such proportion as determined by the board as the result of a single authorization and approval of a specified tax.

30834. No taxes authorized by this article shall be levied to pay limited tax bonds or for pay-as-you-go financing unless the board shall have authorized the same by ordinance adopted by a vote of two-thirds of all members of the board and such ordinance shall be approved by a majority of the votes cast by the qualified electors of the district voting on the proposition at an election called for that purpose. The board, in such ordinance, shall state the nature of the tax to be imposed, shall provide the tax rate or rates or the maximum tax rate or rates, and shall specify that the revenue derived from the tax will be used for capital financing consisting of pay-as-you-go financing or for limited tax bonds, or both.

The board is authorized to levy a maximum tax rate of ½ percent under this article and the board may state the maximum tax rate in terms of not to exceed ½ percent, or any lesser percentage thereof, notwithstanding Section 37021 of the Revenue and Taxation Code. The district shall not levy the tax at a rate other than ½ or ¼ percent, unless specifically authorized by the Legislature. The board, in such ordinance, may provide for limitations upon the time when the tax shall be in effect, or the board may provide that the tax shall be in effect until repealed. Any tax rate or maximum tax rate adopted pursuant to this article, unless otherwise prohibited, may be increased when authorized by the board by ordinance adopted in the manner and by the vote stated in this section and approved by a majority of the votes cast by the qualified electors of the district voting at an election called for that purpose.

30835. The limited tax bonds permitted to be issued by this article are the bonds specified in Article 1.5 (commencing with Section 30920) of Chapter 7. The board may issue limited tax bonds in its complete discretion without a further election, but payable only from the special taxes authorized at an election pursuant to Section 30834. The provisions of Article 1.5 shall apply to limited tax bonds issued pursuant to the authority of this article, except to the extent they are inconsistent with this article and the pledge of special taxes to the limited tax bonds authorized under this article shall be

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deemed to have priority over the use of any of the funds for pay-as-you-go financing except to the extent that such priority is expressly restricted.

30836. The board, in its complete discretion, may at any time order pay-as-you-go financing in lieu of the issuance of limited tax bonds. The proceeds of limited tax bonds or any taxes authorized at an election pursuant to Section 30834, may be utilized for any lawful purpose of the district, and it shall be a sufficient identification of such purposes to state in the proposition in the ordinance adopted pursuant to Section 30834 that the special taxes so authorized are for capital financing pursuant to the Southern California Rapid Transit District Law. The actual wording of the proposition on any short form of ballot card, label, or other device, regardless of the system of voting used, shall read as follows:

Rapid Transit	Yes	
	No	

The ballot may include a reference substantially as follows to identify any proposition adopted pursuant to Section 30854 and submitted at the same election:

"This proposition is a companion measure to Proposition No. ____."

The sample ballot to be mailed to the voters, under Section 10012 of the Elections Code, shall be the full proposition as set forth in the ordinance adopted pursuant to Section 30834.

30837. Subject to the limitations of Section 30840, special taxes and capital financing pursuant to this article may be used to pay depreciation of the works owned or operated by the district.

30838. The provisions of Section 30823 regarding surplus funds received from a special tax or taxes in any year shall not be applicable to capital financing under this article.

30839. "Capital financing" shall mean any financing or expenditure of special taxes pursuant to this article.

30840. All of the taxes authorized by this article raised annually shall be expended for capital facilities or other district purposes other than maintenance and operation of any facilities of the district.

30841. The Legislature may, at any time, substitute funds from a tax on motor vehicle fuel in lieu of the funds to be realized from a special tax authorized at an election under Section 30834, and the levy for the succeeding fiscal year shall be reduced by an amount not exceeding the substituted funds.

30843. The provisions of Section 30636 shall not be a condition precedent to calling an election to authorize capital financing under this article, and the failure to comply with any of the provisions of

Section 30636 shall have no effect on the validity of any special taxes for capital financing authorized thereunder. Completion of any report required under the Environmental Quality Act of 1970 (Division 13 (commencing with Section 21000) of the Public Resources Code) shall not be a condition precedent to calling an election to authorize capital financing under this article.

30844. In connection with the construction of any phase of a rapid transit system financed by capital financing, the district shall file the final report, or revision of the existing final report, pertaining to such phase prior to the commencement of construction thereof and shall provide the notice required for a final report to each affected city or county in the manner prescribed in Section 30636. Such final report, or revision of the existing final report, shall be accompanied by an environmental impact report completed in accordance with the provisions of the Environmental Quality Act of 1970 (Division 13 (commencing with Section 21000) of the Public Resources Code). No other report need be filed pursuant to that act. Any other provisions pertaining to the duties and functions of the district, including preparation and notice of preliminary reports prior to the preparation of a final report as contemplated by this section, shall be inapplicable; however, the district shall have the obligation to provide appropriate information to adequately inform the voters of the district's purposes for the authorization of a tax under Section 30834.

30844.5. Notwithstanding any provision of Article 5 (commencing with Section 30630) of Chapter 5, the district shall enter into a joint powers agreement with the Department of Transportation, in which agreement participation by the department, within its expertise, shall be provided, to the extent necessary to protect the interests of the state and mutually agreed upon by the district and the department.

30845. Failure to comply, in whole or in part, with Section 30636, prior to the issuance of limited tax bonds as part of a capital financing, shall not affect the validity of the authorization of the special taxes or of the limited tax bonds; but, as to any portion of the rapid transit system to be acquired or constructed from the proceeds of the limited tax bonds, Section 30636.4 shall be substantially complied with prior to the expenditure of the proceeds of the bonds or special taxes on such phase. No substantial change in any route determined in a revised final report for such phase following the procedure required by Section 30636.4 may be made without holding further hearings pursuant to notice given in such manner as the district may determine, if the proposed change in the system is objected to by any city or county affected thereby.

30846. The district shall prepare an environmental impact report prior to commencing the construction of any phase of the rapid transit system.

30847. At the expiration of 10 years after the imposition of any tax provided for in this article, the district shall submit to the Legislature

a report which shall set forth a procedure by which the taxes imposed pursuant to this article could be reduced. The report shall contain a statement showing the amount by which any bonds which may have been issued pursuant to this article have been retired, and shall set forth the increments by which the sales tax could be reduced as the bonds are further retired. Subject to all contractual or other rights of the bondholders, the Legislature may direct the district to reduce the tax according to the procedure set forth in the report, or to continue the tax in effect in order to (1) reduce the bonded indebtedness at a greater rate or (2) accelerate or expand construction of a rapid transit system.

30848. Annually, the Division of Mass Transportation of the Department of Transportation may review the activities, plans, programs, expenditure, and priorities of the district and included municipal operators. In addition, the Joint Legislative Audit Committee of the Legislature may conduct an annual audit of the receipts and expenditures of the district and included municipal operators. The review and audit shall be conducted at no expense to the district or the included municipal operators.

SEC. 7. Article 4 (commencing with Section 30850) is added to Chapter 6 of Part 3 of Division 10 of the Public Utilities Code, to read:

Article 4. Special Taxes for Fare Reduction and Maintenance and Operation

30850. The power of taxation granted by this article is in addition to, and is an alternative to, any other provisions of this part, and is intended to provide a method of augmenting the revenues of the district and included municipal operators to ensure the lowest possible fares.

30850.5. "Included municipal operator" shall mean 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 the district.

30851. Notwithstanding any other provisions of this part, in addition to the powers of taxation granted by Article 1 (commencing with Section 30800), Article 2 (commencing with Section 30820), and Article 3 (commencing with Section 30830) and subject to the requirements set forth in Section 30638, the board may impose one or more of the special taxes authorized by Part 17 (commencing with Section 37001) of Division 2 of the Revenue and Taxation Code in the manner provided and pursuant to this article.

30852. One-half of the special taxes levied pursuant to this article shall be used to reduce fares, and to eliminate transfer and zone charges by and between all included municipal operators and the district and the other half shall be used for maintenance and operation purposes.

30853. Upon the imposition of the taxes under this article:

(a) The district and each included municipal operator shall establish a flat fare of 25 cents through the 1980–81 fiscal year, except where a lesser fare is in effect at the time of the levy of the taxes, in which case, the one-half of the taxes available for fare reduction shall be used to maintain the fare in effect. Commencing with the 1981–82 fiscal year, such one-half of the taxes shall be used to establish fares at the lowest level beneath that which would be possible if such special taxes were not in effect.

(b) The district and each included municipal operator shall eliminate all transfer zone charges, and shall provide for the free interchange of passengers with each other, through the 1980–81 fiscal year.

30854. No taxes authorized by this article shall be levied unless the board shall have authorized the same by ordinance adopted by a vote of two-thirds of all members of the board and such ordinance shall be approved by a majority of the votes cast by the qualified electors of the district voting on the proposition at an election called for that purpose. The board, in such ordinance, shall state the nature of the tax to be imposed, shall provide the tax rate or rates or the maximum tax rate or rates, and shall specify that the revenue derived from the tax will be used for the purposes set forth in Section 30852. The board is authorized to levy a maximum tax rate of ½ percent under this article and the board may state the maximum tax rate in terms of not to exceed ½ percent, or any lesser percentage thereof, notwithstanding Section 32021 of the Revenue and Taxation Code. The district shall not levy the tax at a rate other than ½ or ¼ percent, unless specifically authorized by the Legislature.

30855. Revenues derived from taxes authorized by this article shall be divided by the State Board of Equalization and allocated quarterly among the district and the included municipal operators in the proportion that the total miles traveled within the district by the conveyances of each during the fiscal year immediately preceding such allocation bears to the total miles traveled within the district by the district and all included municipal operators during such period. Funds so allocated to such included municipal operators shall be used for any lawful purpose, including capital, maintenance, and operating requirements, pursuant to Section 30852. However, if the district shall establish a service within the meaning of Section 30637, which will substantially divert or reduce the patronage or revenues of any included municipal operator, or if an included municipal operator shall establish such a service which will substantially divert or reduce the patronage or revenues of the district or any other included municipal operator, the miles of such established service shall not be used in the computation of miles traveled for the purposes of this section.

30856. It shall be sufficient identification of the purposes of this article to state in the proposition in the ordinance adopted pursuant to Section 30854 that the special taxes so authorized are for "fare reduction and maintenance and operation" pursuant to the Southern

California Rapid Transit District Law. The actual wording of the proposition on any short form of ballot card, label, or other device, regardless of the system of voting, shall read as follows:

Fare Reduction and Maintenance or Operation	Yes	
	No	

The ballot may include a reference substantially as follows to identify any proposition adopted pursuant to Section 30834 and submitted at the same election:

"This proposition is a companion measure to Proposition No. ____."

The sample ballot to be mailed to the voters, under Section 10012 of the Elections Code, shall be the full proposition as set forth in the ordinance adopted pursuant to Section 30854.

SEC. 8. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 1061

An act to repeal Section 5751 of, to amend Sections 5650, 5651, 5703.1, 5715, and 5755 of, and to add Sections 5661.5, 5715.5, 5751, 5751.1, 5751.2, and 5751.3 to, the Welfare and Institutions Code, relating to mental health, and making an appropriation therefor.

[Approved by Governor October 1, 1973. Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 5650 of the Welfare and Institutions Code is amended to read:

5650. On or before March 15 of each year, the board of supervisors of each county, or boards of supervisors of counties acting jointly, shall adopt, and submit to the Director of Health in the form and according to the procedures specified by the director, an annual county Short-Doyle plan for the next fiscal year for mental health services in the county or counties. The county plan submitted shall be compatible with the budget for the next fiscal year submitted by the Governor to the Legislature. The purpose of a county plan shall

be to provide the basis for reimbursement pursuant to the provisions of this division and to coordinate services as specified in this chapter in such a manner as to avoid duplication, fragmentation of services, and unnecessary expenditures.

To achieve this purpose, a county Short-Doyle plan shall provide for the most appropriate and economical use of all existing public and private agencies, licensed private institutions, and personnel. A county Short-Doyle plan shall include the fullest possible and most appropriate participation by existing city Short-Doyle programs, local public and private general and psychiatric hospitals, state hospitals, city, county, and state health and welfare agencies, public guardians, mental health counselors, alcoholism programs, probation departments, physicians, psychologists, social workers, public health nurses, psychiatric technicians, and all such other public and private agencies and personnel as are required to, or may agree to, participate in the county Short-Doyle plan.

SEC. 2. Section 5651 of the Welfare and Institutions Code, as added by Chapter 1255 of the Statutes of 1972, is amended to read:

5651. The county Short-Doyle plan shall include the following:

(a) A description of the persons to be served. This shall include the number of persons to be served in each of the following target groups: general mental disorder, children and adolescents, alcoholism, drug abuse, and mentally retarded. Each target group shall be further categorized by age groups.

(b) A description of all the comprehensive direct service programs to be provided to each target group. This shall include the state, county, and private resources providing the services, the cost of each comprehensive program, and the cost of each major program element within each comprehensive program.

(c) A description of the indirect and supportive services necessary for the operation of the county's mental health program. This shall include consultation and education services available to community agencies and professional personnel and information services to the general public, training research and evaluation. The plan shall also include the cost of each of these services. The drug abuse component of the plan shall also include but not be limited to, elements relating to prevention, detoxification, treatment and referral services, rehabilitation, and coordination of programs and other community services.

(d) A five-year projection of county needs for each target group commencing with the fiscal year for which the plan is adopted. This projection shall include a priority listing of the resources required to meet the needs of each target group, and the estimated cost of developing and acquiring these resources.

(e) A statement indicating which elements of the five-year projection the county expects to accomplish under its plan.

(f) An estimate of the county's utilization of the state hospital by numbers of admissions and patient-days for the succeeding fiscal year. This requirement shall not apply to patients for whom county

expenditures for services are not reimbursable by the state under this part.

The State Department of Health shall provide the counties, to the extent possible, the information upon which to base this estimate.

No mentally disordered person or person afflicted with alcoholism shall be admitted to a state hospital prior to screening and referral by an agency designated by the county Short-Doyle plan to provide this service.

(g) A detailed presentation of all expected expenditures of county, state, and federal government funds and all anticipated public and private revenues.

(h) A detailed description of the methodology to be used by the county for evaluating the results of the programs and services being provided for each target group. This methodology shall permit program evaluation including the relative cost and effectiveness of alternative forms and patterns of services.

(i) A description of the procedures used to insure citizen and professional involvement in the county's mental health planning process at all stages of its development. Such procedures shall be reviewed and approved by the local mental health advisory board.

This section shall become operative on the same date as Reorganization Plan No. 1 of 1970 becomes operative.

SEC. 4. Section 5661.5 is added to the Welfare and Institutions Code, to read:

5661.5. The county Short-Doyle plan shall include at least the following services to maintain and improve precare and aftercare services:

(a) A system to assure the appropriateness and quality of care provided patients placed in out-of-home care facilities.

(b) A directory or registry which shall be established and maintained to facilitate the placement process and to assure the appropriate use of facilities in which patients receive care.

(c) Consultation, educational training and other special services which may be needed to assure and maintain the quality of care in precare and aftercare facilities in which patients receive care.

(d) A referral and followup system which assures that persons needing services are provided with appropriate services and actually receive the services required to maximize their community adjustment.

SEC. 5. Section 5703.1 of the Welfare and Institutions Code is amended to read:

5703.1. By May 15, 1974, and by May 15 of each year thereafter, the State Department of Health shall review and approve each county plan. Such approval shall be subject to the amount appropriated for the purposes of such plans in the Budget Act for such fiscal year as enacted into law.

If the amount appropriated in the Budget Act for such fiscal year as enacted into law differs from the amount in the budget submitted by the Governor for such fiscal year, each county shall submit an

additional revised plan in the form and at the time required by the State Department of Health.

SEC. 6. Section 5715 of the Welfare and Institutions Code is amended to read:

5715. Expenditures subject to payment shall include expenditures for the items specified in Sections 5401 and 5704; salaries of personnel; approved facilities and services provided through contract; operation, maintenance and service costs; depreciation of county facilities as established in the state's uniform accounting manual, disregarding depreciation on such a facility to the extent it was financed by state funds under this part; expenses incurred under this act by members of the Conference of Local Mental Health Directors for attendance at regular meetings of such conferences; and such other expenditures as may be approved by the Director of Health. It shall not include expenditures for initial capital improvements; the purchase or construction of buildings except for such equipment items and remodeling expense as may be provided for in regulation of the State Department of Health; compensation to members of a local mental health advisory board (except actual and necessary expenses incurred in the performance of official duties); or expenditures for a purpose for which state reimbursement is claimed under any other provision of law; or expenditures for which reimbursement is made pursuant to a federal grant from the National Institute of Mental Health or any other federal agency.

SEC. 7. Section 5715.5 is added to the Welfare and Institutions Code, to read:

5715.5. Whenever a county or city receives funds under a grant program for mental health services from either the federal or state government, or from any other grantor, public or private, and fails to include such grant program in the county plan and mental health budget, the State Director of Health shall not thereafter approve any claims submitted by the county or city for state reimbursement under this part unless and until the county plan and mental health budget has been revised to include such grant program and the revised county plan and budget is approved by the State Director of Health.

SEC. 8. Section 5751 of the Welfare and Institutions Code, as amended by Section 1 of Chapter 1292 of the Statutes of 1972, is repealed.

SEC. 9. Section 5751 of the Welfare and Institutions Code, as added by Section 2 of Chapter 1292 of the Statutes of 1972, is repealed.

SEC. 10. Section 5751 is added to the Welfare and Institutions Code, to read:

5751. The Director of Health, after approval by the California Conference of Local Mental Health Directors, shall by regulation establish standards of education and experience for professional, administrative, and technical personnel employed in mental health

services and for the organization and operation of mental health services. Such standards may include the maintenance of records of services, finances and expenditures, which shall be reported to the State Department of Health in a manner and at such times as it may specify. All regulations shall be adopted in accordance with the Administrative Procedure Act, Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of the Government Code.

SEC. 11. Section 5751.1 is added to the Welfare and Institutions Code, to read:

5751.1. Regulations pertaining to the position of director of local mental health services, where the local director is other than the local health officer or medical administrator of the county hospitals, shall require that the director meet the standards of education and experience established by the Director of Health. Regulations pertaining to the qualifications of directors of local mental health services shall be administered in accordance with Section 5607.

Where the director of local mental health services is not a psychiatrist, the program shall have a psychiatrist licensed to practice medicine in this state and who shall provide to patients medical care and services as authorized by Section 2137 of the Business and Professions Code

SEC. 12. Section 5751.2 is added to the Welfare and Institutions Code, to read:

5751.2. In order to make maximum use of the professional skills of any physician, psychiatrist, psychologist, or clinical social worker with clinical program responsibility in any local mental health service which serves a population in excess of 100,000, the local mental health service shall have one or more staff skilled in the management of administrative support functions who shall be responsible for the planning, development, direction, management, and supervision of all administrative and supportive services in such a local mental health service. Such services include, but are not limited to:

(1) All administrative functions such as personnel, accounting, budgeting, and patients' accounts.

(2) All life-support functions such as food services, facility maintenance, and patient supplies.

(3) All other business and security functions.

SEC. 13. Section 5751.3 is added to the Welfare and Institutions Code, to read:

5751.3. No regulations shall be adopted by the Director of Health which prohibit a psychiatrist, psychologist or clinical social worker from employment in a local mental health program in any professional or technical positions in mental health services.

SEC. 14. Section 5755 of the Welfare and Institutions Code is amended to read:

5755. By October 1 of each year, the State Department of Health shall adopt and submit to the Legislature a five-year state plan for community mental health services. The director shall consult with

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the California Conference of Local Mental Health Directors and the Citizens Advisory Council in developing the state plan.

The state five-year plan shall contain statewide information for the same items required in a county Short-Doyle plan as described in Section 5651 and, taking into consideration the community mental health needs set forth in the county plans, guidelines relating to program funding priorities for each fiscal year of the five-year plan.

SEC. 15. The sum of three hundred eighty-three thousand dollars ($383,000) is hereby appropriated from the General Fund to the State Controller for allocation and disbursement to local agencies pursuant to Section 2164.3 of the Revenue and Taxation Code to reimburse such agencies for costs incurred by them pursuant to this act.

CHAPTER 1062

An act to amend Section 33401 of the Health and Safety Code, relating to redevelopment agencies.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 33401 of the Health and Safety Code is amended to read:

33401. The agency may in any year during which it owns property in a redevelopment project pay directly to any city, county, city and county, district, including, but not limited to, a school district, or other public corporation for whose benefit a tax would have been levied upon such property had it not been exempt, an amount of money in lieu of taxes.

A proportionate share of any amount of money paid by an agency to any city and county pursuant to this section shall be disbursed by the city and county to any school district with territory located within a redevelopment project area in the city and county. "Proportionate share," as used in this section, means the ratio of the school district tax rate, which is included in the total tax rate of the city and county, to the total tax rate of the city and county.

The agency may also pay to any school district with territory located within a project area any amounts of money which in the agency's determination is appropriate to alleviate any financial burden or detriment caused to any such school district by a redevelopment project.

SEC. 2. In enacting this act, the Legislature hereby determines and finds that any duties, obligations or responsibilities imposed on local government are minor in nature and do not result in a significant new program for local government, or a significant

increase in level of service of an existing mandated program, and no additional economic burden or cost is intended to be imposed hereby. Therefore, and solely as a result of this finding and determination, no appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code for reimbursement of any local agency for any costs that may be incurred by it.

CHAPTER 1063

An act relating to law enforcement, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the General Fund for support of the California Council on Criminal Justice, as created by Section 13810 of the Penal Code as added by Assembly Bill No. 1306 of the 1973–74 Regular Session of the Legislature, one hundred six thousand seven hundred ninety dollars ($106,790) for expenditure from January 1, 1974 to June 30, 1974, inclusive.

SEC. 2. This act shall be operative only until January 1, 1974, unless A.B. 1306 is enacted into law and operative by January 1, 1974, in which event it shall continue to be operative. If A.B. 1306 is not enacted into law and operative by January 1, 1974, this act shall become inoperative on January 1, 1974.

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:

Money is needed to fund the California Council on Criminal Justice for the 1973–74 fiscal year in order to prevent a disruption of the activities of the council and local agencies funded by the council.

CHAPTER 1064

An act to amend Sections 67041, 67109, and 67120 of, to add Title 7.41 (commencing with Section 66900), Title 7.42 (commencing with Section 66905), and Sections 67061 and 67100.1 to, and to repeal Section 67041.1 of, the Government Code, and to add Section 5096.100 to the Public Resources Code, relating to Tahoe Regional Planning, and making an appropriation therefor.

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[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Title 7.41 (commencing with Section 66900) is added to the Government Code, to read:

TITLE 7.41. TAHOE CONSERVANCY AGENCY COMPACT

66900. The Legislature of California hereby ratifies and approves the "Tahoe Conservancy Agency Compact" as set forth below.

66901. The provisions of this interstate compact executed between the States of Nevada and California are as follows:

TAHOE CONSERVANCY AGENCY COMPACT

Article I. Findings and Declarations of Policy

(a) It is found and declared that the waters of Lake Tahoe and other resources of the Lake Tahoe region are threatened with deterioration or degeneration, which may endanger the natural beauty and economic productivity of the region.

(b) It is further declared that by virtue of the special conditions and circumstances of the natural ecology, developmental pattern, population distribution and human needs in the Lake Tahoe region, the region is experiencing problems of resource use and deficiencies of environmental control.

(c) It is further found and declared that there is a need to maintain an equilibrium between the region's natural endowment and its manmade environment, to preserve the scenic beauty and recreational opportunities of the region, and it is recognized that for the purpose of enhancing the efficiency and governmental effectiveness of the region, it is imperative that there be established a governmental agency with power to acquire and hold property in the Tahoe region in accordance with a regional plan of resource conservation adopted by the Tahoe Regional Planning Agency.

Article II. Definitions

As used in this compact:

(a) "Region," includes Lake Tahoe, the adjacent parts of the Counties of Douglas, Ormsby, and Washoe lying within the Tahoe Basin in the State of Nevada, and the adjacent parts of the Counties of Placer and El Dorado lying within the Tahoe Basin in the State of California, and that additional and adjacent part of the County of Placer outside of the Tahoe Basin in the State of California which lies southward and eastward of a line starting at the intersection of the basin crestline and the north boundary of Section 1, thence west to the northwest corner of Section 3, thence south to the intersection

of the basin crestline and the west boundary of Section 10; all sections referring to Township 15, North, Range 16 East, M.D.B. & M. The region defined and described herein shall be as precisely delineated on official maps of the agency.

(b) "Agency" means the Tahoe Conservancy Agency.

(c) "Governing body" means the governing board of the Tahoe Conservancy Agency.

Article III. Organization

(a) There is created the Tahoe Conservancy Agency as a separate legal entity.

The governing body of the agency shall be constituted as follows:

Five members appointed from the public at large by the Governor of California and five members appointed from the public at large by the Governor of Nevada. Not more than four of the members shall be residents of the region.

(b) The members of the agency shall serve without compensation, but the expenses of each member shall be met by the state which he represents in accordance with the law of that state. All other expenses incurred by the governing body in the course of exercising the powers conferred upon it by this compact unless met in some manner specifically provided, shall be paid by the agency out of its own funds.

(c) The term of office of the members of the governing body shall be for four years. However, of the first members selected four shall be appointed to serve for four years, four shall be appointed to serve for three years, and two shall be appointed to serve for two years.

(d) The governing body of the agency shall meet at least monthly.

(e) The governing body shall elect from its own members a chairman and vice chairman, whose terms of office shall be two years, and who shall be subject to reelections; provided that a new chairman or vice chairman may be elected by the agency before the expiration of the two-year term for the fulfillment of that two-year term.

(f) A majority of the members of the governing body shall constitute a quorum for the transaction of the business of the agency. A majority vote of the members of the governing body present shall be binding; provided that the vote of each member of the governing body shall be individually recorded. The governing body shall adopt its own rules and regulations and procedures.

(g) The agency shall establish and maintain an office within the region. The agency may rent or own real and personal property and equipment.

(h) Upon receipt of certified copies of the resolutions or notifications appointing the members of the governing body, the Secretary of State of each respective state shall notify the Governor of the state who shall, after consultation with the Governor of the other state, issue a concurrent call for the organization meeting of

the governing body at a location determined jointly by the two governors.

Article IV. Personnel

(a) The governing body shall determine the qualification of, and it shall appoint and fix the salary of, the executive officer of the agency, and shall employ such other staff as may be necessary to execute the powers and functions provided for under this act or in accordance with any intergovernmental contracts or agreements the agency may be responsible for administering.

(b) Agency personnel standards and regulations shall conform insofar as possible to the regulations and procedures of the civil service of the State of California or the State of Nevada, as may be determined by the governing body of the agency and shall be regional and bistate in application and effect; provided that the governing body may, for administrative convenience and at its discretion, assign the administration of designated personnel arrangements to an agency of either state, and provided that administratively convenient adjustments be made in the standards and regulations governing personnel assigned under intergovernmental agreements.

(c) The agency may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the agency terms and conditions of employment similar to those enjoyed by employees of California and Nevada generally.

(d) The agency's expenses may be paid out of agency funds acquired by gift or donation and from any money received from rents or leases of agency property; provided that the expenditure of the agency for staff services shall not exceed 10 percent of the income from such sources.

Article V. Agency's Powers

(a) The agency is hereby empowered to accept and hold private land acquired through purchase, gifts, and exchanges. The agency shall not develop nor shall it enter into any contract or agreement which would result in the development of any land under its ownership or control except in conformance with the adopted Tahoe Regional Plan.

(b) The agency is hereby empowered to initiate, negotiate, and participate in contracts and agreements for the management of land under its ownership or control with the state, the local governmental authorities of the region, or the federal government and to enter into any other intergovernmental contracts or agreements authorized by state or federal law.

(c) The agency may acquire interests in land by means of land exchanges and is authorized to enter into all alternatives to the

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acquisition of fee interests in land including, but not limited to, the acquisition of easements, development rights, life estates, leases, and leaseback agreements. Land acquisition policy shall be set by the agency.

(d) At the request of the agency, land or interests in land authorized to be acquired by the agency under this compact, shall be acquired by the California Department of General Services or the Nevada state agency so designated by the agency.

Article VI. Finances

(a) The agency is authorized to receive gifts, donations, subventions, grants, rents, royalties, and other financial aids and funds from private and public sources. These sources shall constitute the income of the agency, and the agency shall not be dependent upon continuing governmental appropriations for its operating expenses.

(b) On or before December 30 of each calendar year the agency shall establish the amount of money necessary to support its activities for the next succeeding fiscal year commencing July 1 of the following year. The agency shall set aside by June 30 from the gifts, donations, rents, subventions, grants, or any other financial resources available to it sums sufficient to support the agency's activities for the succeeding fiscal year commencing on July 1.

(c) The agency may fix and collect fees for any services rendered by it.

Article VII. Miscellaneous

(a) It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any other government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining state and in full force and effect as to the state affected as to all severable matters.

(b) The agency shall have such additional powers and duties as may hereafter be delegated or imposed upon it from time to time by the action of the Legislature of either state concurred in by the Legislature of the other.

(c) A state party to this compact may withdraw therefrom by enacting a statute repealing the compact. Notice of withdrawal shall be communicated officially and in writing to the Governor of the

other state and to the agency administrators.

SEC. 2. The Secretary of State of the State of California shall transmit a duly certified copy of Section 1 of this act to the Governor of the State of Nevada. The Governor of this state, whenever officially advised that the State of Nevada has ratified and approved the compact set forth in Section 1 of this act and whenever the Congress of the United States has approved the compact, shall make proclamation of that fact. A copy of such proclamation shall be published one time in one newspaper of general circulation in the county seats of Placer, El Dorado, and Nevada Counties

SEC. 3. Title 7.42 (commencing with Section 66905) is added to the Government Code, to read:

TITLE 7.42. CALIFORNIA TAHOE CONSERVANCY AGENCY

CHAPTER 1. FINDINGS AND DECLARATIONS OF POLICY

66905. It is found and declared that the waters of Lake Tahoe and other resources of the Lake Tahoe region are threatened with deterioration or degeneration, which may endanger the natural beauty and economic productivity of the region.

66905.1 It is further declared that by virtue of the special conditions and circumstances of the natural ecology, developmental pattern, population distribution and human needs in the Lake Tahoe region, the region is experiencing problems of resource use and deficiencies of environmental control.

66905.2. It is further found and declared that there is a need to maintain an equilibrium between the region's natural endowment and its manmade environment, to preserve the scenic beauty and recreational opportunities of the region, and it is recognized that for the purpose of enhancing the efficiency and governmental effectiveness of the region, it is imperative that there be established a governmental agency with power to acquire and hold property in the Tahoe region in accordance with a regional plan of resource conservation adopted by the Tahoe Regional Planning Agency.

CHAPTER 2. DEFINITIONS

66905.5. As used in this title:

"Region" includes that part of Lake Tahoe within the jurisdiction of the State of California, the adjacent parts of the Counties of El Dorado and Placer lying within the Tahoe Basin in the State of California, and that additional and adjacent part of the County of Placer outside of the Tahoe Basin in the State of California which lies southward and eastward of a line starting at the intersection of the basin crestline and the north boundary of Section 1, thence west to the northwest corner of Section 3, thence south to the intersection of the basin crestline and the west boundary of Section 10; all sections referring to Township 15 North, Range 16 East, MDB&M. The region

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defined and described herein shall be as precisely delineated on official maps of the agency.

66905.6. "Agency" means the California Tahoe Conservancy Agency.

66905.7. "Governing body" means the governing board of the California Tahoe Conservancy Agency.

CHAPTER 3. ORGANIZATION

66905.8. There is created the California Tahoe Conservancy Agency as a separate legal entity and as a state agency of the State of California.

66905.9. The governing body of the agency shall be constituted as follows:

Five members appointed from the public at large by the Governor of California not more than two of whom shall be residents of the region. Of the first members selected two shall be appointed to serve for four years, two shall be appointed to serve for three years, and one shall be appointed to serve for two years. The term for all subsequent appointees shall be four years.

66906. The members of the agency shall serve without compensation, but the members shall be reimbursed the actual amounts of the reasonable and necessary expenditures incurred in attending meetings of the agency and carrying out the duties of their office.

66906.1. The governing body of the agency shall meet at least monthly.

66906.2. The governing body shall elect from its own members a chairman and vice chairman, whose terms of office shall be two years, and who shall be subject to reelections; provided that a new chairman or vice chairman may be elected by the agency before the expiration of the two-year term for the fulfillment of that two-year term.

66906.3. A majority of the members of the governing body shall constitute a quorum for the transaction of the business of the agency. A majority vote of the members of the governing body present shall be binding; provided that the vote of each member of the governing body shall be individually recorded. The governing body shall adopt its own rules and regulations and procedures.

66906.4. The agency shall establish and maintain an office within the region. The agency may rent or own real and personal property and equipment.

CHAPTER 4. PERSONNEL

66906.6. The governing body shall determine the qualification of, and it shall appoint and fix the salary of, the executive officer of the agency, and shall employ such other staff pursuant to the State Civil Service Act as may be necessary to execute the powers and functions

provided for under this act or in accordance with any intergovernmental contracts or agreements the agency may be responsible for administering.

66906.7. The agency's expenses may be paid out of any agency funds including those acquired by gift or donation and from any money received from rents or leases of agency property; provided that the expenditure of the agency for staff services shall not exceed 10 percent of the income from such sources.

CHAPTER 5. AGENCY'S POWERS

66907. The agency is hereby empowered to accept and hold private land acquired through purchase, gifts, and exchanges. The agency shall not develop nor shall it enter into any contract or agreement which would result in the development of any land under its ownership or control except in conformance with the adopted Tahoe Regional Plan.

66907.1. The agency is hereby empowered to initiate, negotiate, and participate in contracts and agreements for the management of land under its ownership or control with the state, the local governmental authorities of the region, or the federal government and to enter into any other intergovernmental contracts or agreements authorized by state or federal law.

66907.2. The agency may acquire interests in land by means of land exchanges and is authorized to enter into all alternatives to the acquisition of fee interests in land including, but not limited to, the acquisition of easements, development rights, life estates, leases, and leaseback agreements. Land acquisition policy shall be set by the agency.

66907.3. Real property or interests in real property authorized to be acquired under this title shall be acquired pursuant to provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2).

CHAPTER 6. FINANCES

66907.5. The agency is authorized to receive gifts, donations, subventions, grants, rents, royalties, and other financial aids and funds from private and public sources. These sources shall constitute the income of the agency, and the agency shall not be dependent upon continuing governmental appropriations for its operating expenses.

66907.6. On or before December 30 of each calendar year the agency shall establish the amount of money necessary to support its activities for the next succeeding fiscal year commencing July 1 of the following year. The agency shall set aside by June 30 from the gifts, donations, rents, subventions, grants, or any other financial resources available to it sums sufficient to support the agency's activities for the succeeding fiscal year commencing on July 1.

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66907.7. The agency may fix and collect fees for any services rendered by it.

SEC. 4. Section 67041 of the Government Code is amended to read:

67041. The governing body of the agency shall be constituted as follows:

(a) One member appointed by the Board of Supervisors of the Counties of El Dorado and Placer, and one member appointed by the City Council of the City of South Lake Tahoe. Each of the members of the governing board shall be a member of the city council, or county board of supervisors he represents, and, in the case of a supervisor shall be a resident of a county supervisorial district lying wholly or partly within the region.

(b) Two members appointed by the Governor of California subject to Senate confirmation, who shall not be residents of the basin and shall represent the public at large. One of such members shall be chosen from among residents of the 10 southernmost counties in the state and one from among the residents of the remaining counties.

(c) One member appointed by the six other members appointed pursuant to this section. The member so appointed shall serve as the permanent chairman of the agency and shall serve at the pleasure of the other members.

(d) The Administrator of the California Resources Agency or his designee.

SEC. 5. Section 67041.1 of the Government Code is repealed.

SEC. 6. Section 67061 is added to the Government Code, to read:

67061. The governing body may contract with the Tahoe Regional Planning Agency for the services of such staff of the Tahoe Regional Planning Agency as may be needed to execute the powers, functions, and duties of the agency provided for under this act or in accordance with any intergovernmental contract or agreement.

SEC. 6.1. Section 67100.1 is added to the Government Code, to read:

67100.1. Whenever, under the provisions of this title, or any ordinance, rule or regulation or policy adopted pursuant thereto, the agency is required to review or approve any proposal, public or private, the agency shall take final action, either to approve, to require modification, or to reject such proposal within 60 days after such proposal is delivered to the agency.

SEC. 6.2. Section 67109 of the Government Code is amended to read:

67109. Whenever a new city is formed within the region, the membership of the governing body shall be increased by one additional member appointed by, and who shall be a member of, the legislative body of the new city.

Whenever the membership of the governing body is increased by the addition of a member representing a new city in the region, there shall be appointed by the Governor an additional member

representing the public at large who shall not be a resident of the region.

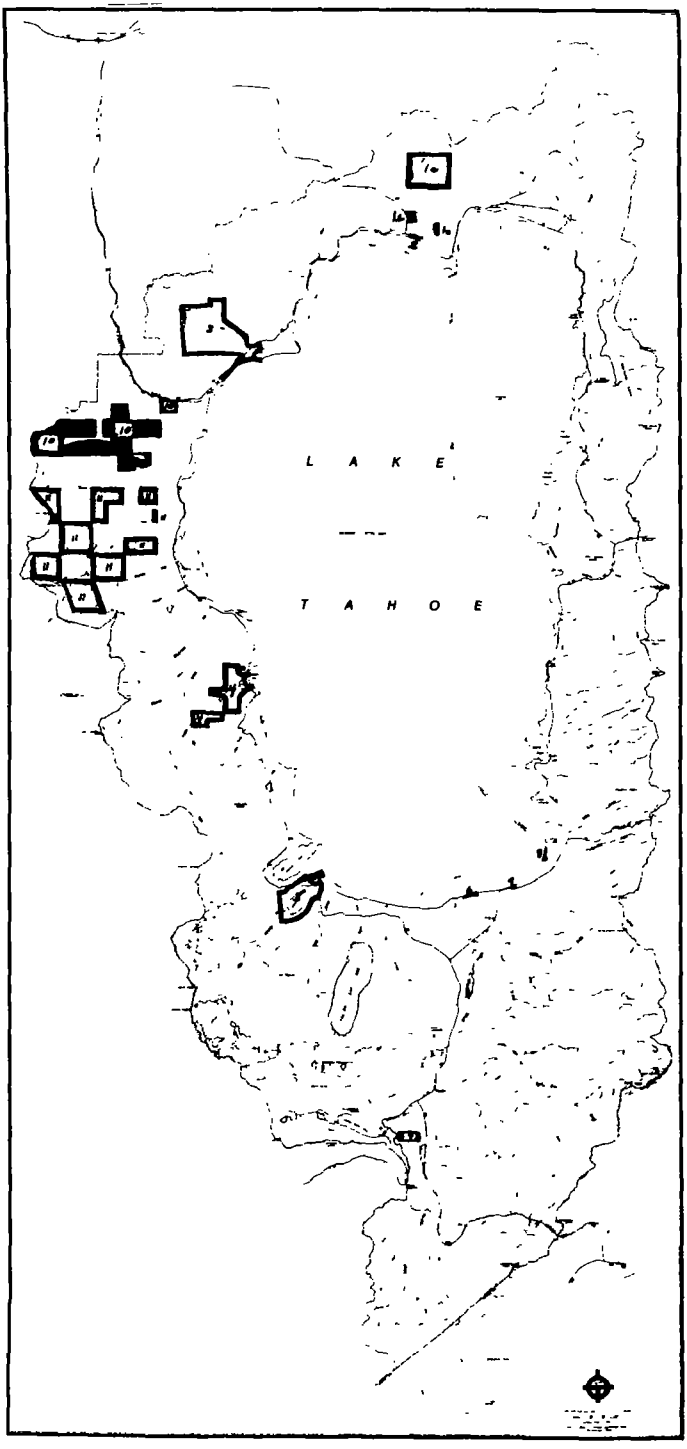
SEC. 7. Section 67120 of the Government Code is amended to read:

67120. On or before December 30 of each calendar year the agency shall establish the amount of money necessary to support its activities for the next succeeding fiscal year commencing July 1 of the following year and transmit a request for that amount to the Legislature.

SEC. 8. The land to be acquired pursuant to the provisions of this act is described and is shown on the map set forth in SEC. 10.5 as follows:

(1) Brockway Point Area (described as parcels 1(a), 1(b), and 1(c) on the map)
(3) Burton Creek Area
(4) Meeks Bay Area
(5) Cascade Lake Area
(6) Upper Truckee River Beach
(7) Bijou Beach
(8) Stateline Beach
(9) Celio Ranch
(10) Ward Valley (including Page Meadows)
(11) Blackwood Canyon

SEC. 9. The location of the land described by place name in Section 8 is shown below. The map numbers correspond to the numbered list set forth in Section 8.


L A K E
T A H O E

SEC. 9.3. The sum of ten million dollars ($10,000,000) is hereby appropriated from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 to the Department of Parks and Recreation for expenditure for the purposes set forth in subdivision (e) of Section 5096.85 of the Public Resources Code with respect to the projects listed in the schedule set forth below during the 1973–74, 1974–75, and 1975–76 fiscal years, contingent upon adoption of the State Beach, Park, Recreational, and Historical Facilities Fund of 1974.

Schedule:

(a) Burton Creek Area, land acquisition.
(b) Cascade Lake Area, land acquisition.
(c) Celio Ranch, land acquisition.

None of the funds which are appropriated by this section for the projects set forth herein shall be available for expenditure unless and until such projects are recommended by the State Park and Recreation Commission and reviewed by the Secretary of the Resources Agency.

SEC. 9.5. Section 5096.100 is added to the Public Resources Code, to read:

5096.100. The appropriation from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 made by Section 9.3 of Assembly Bill No. 1944 of the 1973–74 Regular Session shall not be subject to the provisions of Section 5096.79 relating to inclusion of proposed appropriations in a section in the Budget Bill and Budget Act.

SEC. 10. Section 2 of this act shall become operative only if the compact creating the Tahoe Conservancy Agency as provided in Section 1 is adopted by the State of Nevada and is approved by the Congress of the United States.

CHAPTER 1065

An act relating to beaches and parks, making an appropriation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 1, 1973. Filed with Secretary of State October 1, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding any provision in any agreement entered into between the state and the City of Torrance pursuant to an approved state grant acquisition or development project under subdivision (d) of Section 5096.15 of the Public Resources Code which provides that the authorized project period shall expire on June 30, 1973, the project period for the City of Torrance Columbia Park grant under such agreement shall not expire until June 30, 1975,

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and any funds appropriated for any such project shall remain available for expenditure under the agreement until June 30, 1975.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The fact constituting such necessity are:

In order to allow the greatly needed City of Torrance Columbia Park project financed by a state grant under the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964 to continue to completion, it is necessary that this act take immediate effect.

CHAPTER 1066

An act to amend and renumber Sections 29001, 29002, 29002.1, 29003, 29004, 29005, 29006, 29007, 29007.1, 29007.3, 29007.5, 29007.6, 29008, 29009, 29009.5, 29010, 29011, 29012, 29013, 29014, 29015, 29016, 29017, 29018.5, 29019, 29021, 29022 of, and to repeal Section 29018 of, the Education Code, relating to private schools.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 29001 of the Education Code is amended and renumbered to read:

29002. As used in this article "degree" means any "academic degree" or "honorary degree" or title of 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, educational, technological, or professional program of study beyond the secondary school level or is a recognized honorary title conferred for some meritorious recognition.

As used in this article "diploma" means any "diploma," "certificate," "transcript," "document," or other writing in any language other than a degree representing that any person has completed any course of study beyond high school.

Any person, firm, association, partnership, or corporation qualifying under this division to issue "degrees" or "diplomas" is considered as being authorized to issue appropriate related documents, setting forth the training and attendance completed by students enrolled in the course of study.

Graduation from high school or its equivalent need not be nor purport to be a prerequisite for undertaking or completing such course of study.

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SEC. 2. Section 29002 of the Education Code is amended and renumbered to read:

29003. Notwithstanding the provision of Section 29002, "diploma" does not include a certificate of graduation issued in connection with the educational requirements of Section 2941.5 of the Business and Professions Code; provided, that such certificate is delivered solely to the Psychology Examining Committee, to be retained in its file until such time as the recipient may pass the examination of said examining committee, at which time said certificate, or a duplicate thereof, shall be delivered to him

SEC. 3. Section 29002.1 of the Education Code is amended and renumbered to read:

29004. Notwithstanding the provisions of Section 29002, "diploma" does not include a document evidencing completion of a course of in-service training given by any person, firm, association, partnership, or corporation, if all of the following conditions apply.

(a) The course of in-service training is given in connection with the primary business or purpose of the person, firm, association, partnership, or corporation, and such primary business or purpose is not education.

(b) The course of in-service training and the document is given only to employees of such person, firm, association, partnership, or corporation, or to employees or representatives of customers of such person, firm, association, partnership or corporation.

(c) No charge is asked or collected from the persons taking the course or receiving the document.

(d) The document issued for in-service training is a certificate which sets forth the extent of attendance or performance or both in an area of training.

(e) All statements made on the certificate are truthful.

SEC. 4. Section 29003 of the Education Code is amended and renumbered to read:

29016. A corporation may be formed pursuant to this article for the purpose of establishing, conducting, and maintaining an educational institution offering courses of instruction beyond high school, and issuing or conferring a diploma or degree. Such institutions shall include, but not be limited to, seminaries of learning, specialized educational institutions, junior colleges, colleges, and universities, offering courses beyond high school.

SEC. 5. Section 29004 of the Education Code is amended and renumbered to read.

29017. A corporation formed pursuant to this article shall comply with Chapter 1 (commencing with Section 300) of Part 2, Division 1, Title 1 of the Corporations Code, except that in lieu of the requirements of Sections 301 to 305, inclusive, the articles of incorporation shall state:

(a) The name of the corporation

(b) The purpose for which it is organized.

(c) The county in this state where the principal office for the

transaction of the business of the corporation is to be located

(d) The names, residence address and number of its directors at the time of its incorporation. Provision may be made that the number of directors may be established by the bylaws; provided, that the number of directors may not be less than five.

SEC. 6. Section 29005 of the Education Code is amended and renumbered to read·

29018 (a) If a corporation formed pursuant to this article is to be authorized to issue shares of stock, the articles of incorporation shall state the total number of shares which the corporation shall have authority to issue and (1) the aggregate par value, if any, of all shares, and the par value of each of the shares, or (2) a statement that all the shares are to be without par value and except as herein provided shall be treated for all purposes as being incorporated pursuant to Division 1 (commencing with Section 300) of Title 1 of the Corporations Code.

(b) If a corporation formed pursuant to this article is to be authorized as a nonprofit corporation without authority to issue shares of stock, the articles of incorporation shall so state and except as herein provided, such corporation shall be treated for all purposes as being incorporated pursuant to Part 1 (embracing Sections 9000 to 9802, inclusive) of Division 2 of Title 1 of the Corporations Code and shall have the general powers granted by Section 10206 of the Corporations Code

SEC. 7. Section 29006 of the Education Code is amended and renumbered to read·

29022. No person, firm, association, partnership or corporation may issue or confer any honorary degree, diploma or certificate whatsoever unless such degree, diploma or certificate clearly and plainly states on its face that it is honorary.

No person shall use, in connection with any business or profession, any title or designation signifying that he has been awarded any degree, diploma, or certificate which clearly and plainly states on its face that it is honorary Nothing in this section, however, prohibits the use of an honorary degree when such use does not imply that the user possesses an economically valuable professional or technical skill.

SEC. 8. Section 29007 of the Education Code is amended and renumbered to read:

29023 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.

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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 29025.

(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 29002, has accreditation of the institution, program or specific course of

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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. 9. Section 29007.1 of the Education Code is amended and renumbered to read:

29024. The provisions of subdivision (a) of Section 29023 shall not apply to any "degree" or "title" awarded by any school accredited pursuant to the provisions of subdivision (g) (1) and (2) of Section 6060 of the Business and Professions Code.

SEC. 10. Section 29007.3 of the Education Code is amended and renumbered to read:

29026. No person, either on his own behalf or as the representative of any privately conducted correspondence school or of any private person, firm, association, partnership, or corporation whatever, shall, by personal contact, in California, solicit the sale of or solicit and sell any correspondence course of study beyond high school, of high school level, or below high school level, for a remuneration or other consideration to be provided for such course, unless he holds a valid permit to engage in such activity issued by the State Board of Education. The State Board of Education may delegate its authority to issue this permit to the State Superintendent of Public Instruction.

The State Board of Education, or the State Superintendent of Public Instruction, if such authority has been delegated by the State Board of Education, shall promptly cause to be prepared, and shall, pursuant to this section, issue appropriate permits authorizing the holder to engage in the solicitation of sales and the selling of such courses of study.

No person shall be issued a permit except upon the submission of satisfactory evidence of good moral character.

A permit shall be valid for the calendar year in which it is issued unless sooner revoked or suspended by the State Board of Education for fraud or misrepresentation in connection with the solicitation for the sale or the sale of any course of study, or for the existence of any condition in respect to the permittee or the school he represents which, if in existence at the time the permit was issued would have been ground for denial of the permit.

The application for a permit shall be made by the person who proposes to engage in the activities of soliciting or selling in those cases where such activities are to be conducted in the person's own behalf. Where the person for whom the issuance of a permit is sought is to engage in the activities as a representative, the application shall be made by the correspondence school or other person, firm, association, partnership, or corporation for and on behalf of the person to serve as its representative. Applications shall be submitted

on forms to be furnished by the Department of Education. The original application shall be accompanied by an application fee of twenty dollars ($20), renewal applications when renewed on a continuous basis and applications for additional sales permits shall be accompanied by an application fee of fifteen dollars ($15). Fees required by this section are hereby appropriated in augmentation of the appropriation for support of the Department of Education current at the date of issuance of the State Controller's receipt thereof as may be designated by the Department of Education prior to their deposit in the State Treasury and shall be nonrefundable irrespective of whether or not a permit is subsequently issued.

The application shall be accompanied by a bond executed by good and sufficient sureties making provision for full indemnification of any person for any material loss suffered as a result of any fraud or misrepresentation used in connection with the solicitation for the sale or the sale of any course of study. The term of the bond shall extend over the period of the permit. The bond may be supplied by the correspondence school or other person, firm, association, partnership, or corporation, or by the person for whom issuance of the permit is sought, and may extend to cover either an individual such person or to provide blanket coverage for all persons to be engaged as representatives of a correspondence school or other person, firm, association, partnership or corporation in the solicitation for sale or the sale of correspondence courses of study in California. Any bond shall provide for liability in the penal sum of one thousand dollars ($1,000) for each representative to whom coverage is extended by its terms. Neither the principal nor surety on a bond may terminate the coverage of the bond except upon giving 30 days' prior written notice to the State Board of Education.

The permittee shall carry the permit with him for identification purposes when engaged in the solicitation of sales and the selling of correspondence courses of study.

Any contract for or in connection with a course of study with a correspondence school, or representative thereof, shall be voidable at the option of the purchaser if the representative of any person selling or administering such course of study, or the representative of such firm, association, partnership or corporation was not the holder of a permit as required by this section at the time that such representative negotiated the contract for or sold such course.

The judgment rendered in any action maintained for any material loss suffered as a result of any fraud or misrepresentation used in connection with the solicitation for the sale or the sale of any course of study shall, if the plaintiff is the prevailing party, include court costs including a reasonable attorney's fee fixed by the court.

The provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the State Board of Education made pursuant to this section.

The issuance of a permit pursuant to this section shall not be

interpreted as, and it shall be unlawful for any individual holding any such permit to expressly or impliedly represent by any means whatever that the Superintendent of Public Instruction, the State Board of Education, or the State Department of Education has made, any evaluation, recognition, accreditation or endorsement of any correspondence course of study being offered for sale by the individual.

It shall be unlawful for any individual holding a permit under this section to expressly or impliedly represent by any means whatever that the issuance of the permit constitutes an assurance by the Superintendent of Public Instruction, the State Board of Education, or the State Department of Education that any correspondence course of study being offered for sale by the individual will provide and require of the student a course of education or training necessary to reach a professional, educational, or vocational objective, or will result in employment or personal earnings for the student.

The issuance of a permit under this section, and the possession thereof, by an individual, shall be evidence only that the surety bond prescribed by this section has been issued with respect to the possessor and that he has submitted satisfactory evidence of good moral character.

SEC. 11. Section 29007.5 of the Education Code is amended and renumbered to read:

29025. 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.

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(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 29002, 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.

SEC. 12. Section 29007.6 of the Education Code is amended and renumbered to read:

29027. An original application by a person, firm, association, partnership or corporation for approval to grant degrees under paragraph (2) of subdivision (a) of Section 29023 shall be

accompanied by an application fee of two hundred fifty dollars ($250), or for approval of courses under the requirements of Section 29025, shall be accompanied by an application fee of one hundred fifty dollars ($150). Applications for renewal for a period of three years shall be accompanied by a fee of two hundred twenty-five dollars ($225). The Department of Education, with respect to the first renewals, is authorized to initiate renewals on a schedule of one-third for one year, one-third for two years, and one-third for three years at a renewal fee of seventy-five dollars ($75) per year. Applications for approval of a change of ownership of a school shall be accompanied by a fee of one hundred fifty dollars ($150). Requests for approval of a change of location, approval of additional facilities in a new location, approval of a course or curriculum revision, approval of additional courses, approval to grant additional degrees and applications for major changes in curriculum and courses, shall be accompanied by a fee of seventy-five dollars ($75).

Applications for evaluation and approval of directors, administrators and instructors in schools with courses approved under paragraph (2) of subdivision (a) of Section 29023 and 29025 shall be accompanied by a fee of eight dollars ($8). This fee shall apply to evaluations and approvals made subsequent to the original application of a school

Corporations filing an original affidavit and appraisal under paragraph (3) of subdivision (a) of Section 29023 shall accompany the filing with one hundred fifty dollars ($150). Corporations meeting the requirements of paragraph (3) of subdivision (a) of Section 29023 shall accompany the annual report required by Section 29031 with a seventy-five-dollar ($75) annual filing fee.

Fees required by this section are hereby appropriated in augmentation of the appropriation for support of the Department of Education current at the date of issuance of the State Controller's receipt thereof as may be designated and shall be nonrefundable irrespective of whether or not approval is granted

SEC. 13. Section 29008 of the Education Code is amended and renumbered to read.

29035. No person, firm, association, partnership, or corporation owning or representing any private school offering training to adults shall:

(a) Make or cause to be made, any statement, or representation, oral, written, or visual, in connection with the offering or publicizing of a course, if such person, firm, association, partnership, or corporation knows, or reasonably should have known, the statement or representation to be false, deceptive, inaccurate or misleading.

(b) Promise or guarantee employment utilizing information, training or skill purported to be provided or otherwise enhanced by a course.

(c) Advertise concerning job availability, degree of skill and length of time required to learn a trade or skill unless the information is accurate and in no way misleading.

(d) Advertise, or indicate in any promotional material, that correspondence instruction, or correspondence courses of study are offered without including in all advertising or promotional material the fact that the instruction or courses of study are offered by correspondence or home study.

(e) Advertise, or indicate in any promotional material, that resident instruction, or courses of study are offered without including in all advertising or promotional material the location where the training is given or the location of the resident instruction.

(f) Solicit students for enrollment by causing any advertisement to be published in "help wanted" columns in a magazine, newspaper, or publication or use "blind" advertising which fails to identify the school.

(g) Advertise in such a way as to lead the reader to the mistaken belief that an offer for employment is being made.

(h) Advertise, or use the word "accredited" or "approved" with respect to itself or the course or courses which it offers unless the word is immediately followed by the complete name of the organization by which it is accredited or approved.

Any person, firm, association, partnership, or corporation willfully violating any provisions of this section shall be unable to enforce any contract or agreement arising from the transaction in which the violation occurred. In addition, in the event of such violation, said person, firm, association, partnership, or corporation shall refund to the student any tuition or fees that have been collected from the student. The student shall be awarded, in addition to the foregoing, any damages that he has sustained.

The judgment rendered in any action maintained for the recovery of fees or damages sustained in accordance with the terms of this section or the judgment rendered in any action defended by a student, shall, if the student is the prevailing party, include court costs, including a reasonable attorney's fee fixed by the court.

The provisions of this section shall supplement and not displace the authority granted the Division of Labor Law Enforcement under Section 1650 of the Labor Code to the extent that placement activities of trade schools are subject to regulation by the division under Section 1649 of the Labor Code

SEC. 14. Section 29009 of the Education Code is amended and renumbered to read:

29031. Every corporation meeting the requirements of paragraph (3) of subdivision (a) of Section 29023, issuing or conferring degrees or honorary degrees, shall between the 1st and 31st days of January of each year, commencing on January 1, 1971, file with the Superintendent of Public Instruction the following affidavits.

(a) An affidavit by the president or other head setting forth the corporation's financial statement covering the full preceding year.

(b) An affidavit by the president or other head setting forth the following information covering the preceding calendar year:

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(1) All names, whether real or fictitious, of the person, firm, association, partnership or corporation under which it has done and is doing business.

(2) The address, including city and street, of every place of doing business of the person, firm, association, partnership or corporation, within the State of California.

(3) The address, including city and street, of the location of the records of the person, firm, association, partnership or corporation, and the name and address, including city and street, of the custodian of such records.

(4) The names and addresses, including city and street, of the directors, if any, and principal officers of the person, firm, association, partnership or corporation.

(5) That the records required by Section 29032 of this article are maintained at the address stated, and are true and accurate.

Any change in the items of information required to be included in the affidavit filed pursuant to subdivision (b) shall be reported to the Superintendent of Public Instruction within 20 days of such change.

SEC. 15. Section 29009.5 of the Education Code is amended and renumbered to read:

29081. Every person, firm, association, partnership, or corporation offering or conducting private school instruction on the elementary or high school level shall between the 1st and 15th day of October of each year, commencing on October 1, 1967, file with the Superintendent of Public Instruction an affidavit or statement, under penalty of perjury, by the owner or other head setting forth the following information for the current year:

(a) All names, whether real or fictitious, of the person, firm, association, partnership, or corporation under which it has done and is doing business.

(b) The address, including city and street, of every place of doing business of the person, firm, association, partnership, or corporation within the State of California.

(c) The address, including city and street, of the location of the records of the person, firm, association, partnership, or corporation, and the name and address, including city and street, of the custodian of such records.

(d) The names and addresses, including city and street, of the directors, if any, and principal officers of the person, firm, association, partnership, or corporation.

(e) The school enrollment by grades, number of teachers, coeducational or enrollment limited to boys or girls and boarding facilities.

(f) That the following records are maintained at the address stated, and are true and accurate:

(1) The records required to be kept by Section 12154.

(2) The courses of study offered by the institution.

(3) The names and addresses, including city and street, of its faculty, together with a record of the educational qualifications of each.

Whenever two or more private schools are under the effective control or supervision of a single administrative unit, such administrative unit may comply with the provisions of this section on behalf of each of the schools under its control or supervision by submitting one report.

Filing pursuant to this section shall not be interpreted to mean, and it shall be unlawful for any school 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, or any accrediting agency has made any evaluation, recognition, approval, or endorsement of the school or course unless this is an actual fact.

The Superintendent of Public Instruction shall prepare and publish a list of private elementary and high schools to include the name and address of the school and the name of the school owner or administrator.

SEC. 16 Section 29010 of the Education Code is amended and renumbered to read:

29032. Any person, firm, association, partnership or corporation, which issues or confers degrees or diplomas or honorary degrees or honorary diplomas shall maintain current records for a period of not less than three years at its principal place of business within the State of California, immediately available during normal business hours, for inspection by the Superintendent of Public Instruction or the Attorney General showing the following:

(a) The names and addresses, both local and home, including city and street, of each of its students.

(b) The courses of study offered by the institution.

(c) The names and addresses, including city and street, of its faculty, together with a record of the educational qualifications of each.

(d) The degrees or diplomas and honorary degrees or honorary diplomas granted; to whom granted; the date of granting; together with the curricula upon which the diplomas and degrees were based.

(e) The Superintendent of Public Instruction shall publish annually for public distribution, and may charge a fee to cover the cost of compilation and printing, a list of all schools of record conferring diplomas and degrees, or otherwise of record. The list shall contain the names and addresses of such institutions together with a notation of the statute section or sections under which the institution has become of record.

SEC. 17. Section 29011 of the Education Code is amended and renumbered to read:

29045. (a) The Superintendent of Public Instruction and the Attorney General shall take cognizance of the fact that both have definite duties and responsibilities under the provisions of this article.

(b) The Superintendent of Public Instruction shall report any information concerning possible violations of this article to the Attorney General.

(c) The Attorney General shall make such investigations as are necessary to determine whether or not there has been compliance with the provisions of this article.

SEC. 18. Section 29012 of the Education Code is amended and renumbered to read:

29036. No person, firm, association, partnership or corporation may sell, barter, offer to sell or barter, or conspire to sell or barter, any diploma or degree as defined in this article.

SEC. 19. Section 29013 of the Education Code is amended and renumbered to read:

29037. No person, firm, association, partnership or corporation may buy, obtain by barter, attempt to buy or obtain by barter, or conspire to obtain by barter or buy, any diploma or degree as defined in this article.

SEC. 20. Section 29014 of the Education Code is amended and renumbered to read:

29038. No person, firm, association, partnership or corporation may use in connection with any business, trade, profession or occupation, or attempt to use in connection with any business, trade, profession or occupation, or conspire to use in connection with any business, trade, profession or occupation, any degree, diploma, certificate, transcript or document, as defined in this article (commencing at Section 29001), which has been purchased, obtained by barter, fraudulently or illegally issued, illegally obtained, counterfeited, materially altered or found.

SEC. 21. Section 29015 of the Education Code is amended and renumbered to read:

29039. No person, firm, association, partnership or corporation may:

(a) Use in connection with a business, trade, profession or occupation, or give or receive;

(b) Attempt to use in connection with a business, trade, profession or occupation, or attempt to give or receive;

(c) Conspire to use in connection with a business, trade, profession or occupation, or conspire to give or receive;

any diploma or degree evidencing the undertaking or completion of any course of study or scholastic achievement attained if, in fact, said course of study has not been undertaken nor completed or if such scholastic achievement has not been attained.

SEC. 22. Section 29016 of the Education Code is amended and renumbered to read:

29040. No person, firm, association, partnership, or corporation shall use or allow the use of any reproduction or facsimile of the Great Seal of the state on any diploma.

This section does not apply to the University of California or to any school, community college or state college which is a part of the

public school system.

SEC. 23. Section 29017 of the Education Code is amended and renumbered to read:

29046. The Attorney General is hereby authorized to take such actions as are necessary, including the obtaining of injunctive relief, to enforce the provisions of this article.

SEC. 24. Section 29018 of the Education Code is repealed.

SEC. 25. Section 29018.5 of the Education Code is amended and renumbered to read:

29005. (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 29023 or Section 29025. One such member shall be selected from a school or college operating under paragraph (1) of subdivision (a) of Section 29023 and one shall be the administrative head of a school or college operating under subdivision (b), (c), or (d) of Section 29023. 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 29023.

(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 29023 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 29023 and Section 29025. 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.

SEC. 26. Section 29019 of the Education Code is amended and renumbered to read:

29042. Any person, firm, association, partnership or corporation willfully violating any provision of Section 29036, 29037, 29038, 29039, or 29040 is guilty of a felony and is punishable by imprisonment in the state prison not exceeding five years or by a fine of not less than one thousand dollars ($1,000) or by both such fine and imprisonment. Any person, firm, association, partnership or corporation willfully violating any other provision of this article (commencing at Section 29001) is punishable, for a first offense, by imprisonment in the county jail not exceeding one year, or by fine not exceeding five hundred dollars ($500) or both; and any second or subsequent offense shall be a felony punishable by imprisonment in the state prison not exceeding five years or by fine not less than one thousand dollars ($1,000) or by both such fine and imprisonment.

SEC. 27. Section 29021 of the Education Code is amended and renumbered to read:

29044. If any section, subsection, sentence, clause or phrase of this article is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this article. The Legislature hereby declares that it would have passed this article, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SEC. 28. Section 29022 of the Education Code is amended and renumbered to read:

29001. It is the intent of this Legislature to encourage privately supported education and protect the integrity of degrees and diplomas conferred by privately supported as well as publicly supported educational institutions.

It is also the intent of the Legislature to encourage the recognition by tax-supported institutions of work completed and degrees and diplomas issued by privately supported institutions, to the end that

students may have equal opportunities for equal accomplishment and ability

In the present period the need for educational services for the youth is so great that it cannot be met by tax-supported institutions alone. The contribution of privately supported educational institutions to the preservation of our liberties is essential. These objectives can best be achieved by protecting the integrity of degrees and diplomas issued by such institutions.

CHAPTER 1067

An act to amend Section 6410 of, and to add Sections 6413, 6413.2, and 6413.5 to, the Labor Code, relating to safety.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 6410 of the Labor Code as added by Assembly Bill 150 of the 1973–1974 Session is amended to read.

6410. The reports required by Sections 6409 and 6413 shall be made to the Division of Labor Statistics and Research in the form and detail and within the time limits prescribed by the Division of Labor Statistics and Research, and shall answer specifically all questions required by the Division of Labor Statistics and Research under its rules and regulations

Nothing in this chapter requiring recordkeeping and reporting by employers shall relieve such employer of maintaining records and making reports to the assistant secretary, United States Department of Labor, as required under the Federal Occupational Safety and Health Act of 1970 (P L. 91-596).

All state and local government employers shall maintain records and make reports in the same manner and to the same extent as required of other employers by this section.

SEC. 2. Section 6413 is added to the Labor Code, to read:

6413. (a) The Department of Corrections, and every physician or surgeon who attends any injured state prisoner, shall file with the Division of Labor Statistics and Research a complete report of every injury to each state prisoner resulting from any labor performed by the prisoner unless disability resulting from such injury does not last through the day or does not require medical service other than ordinary first aid treatment. The Division of Labor Statistics and Research may, in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, adopt reasonable rules and regulations prescribing the detail and time limits of such report.

(b) Where the injury results in death a report, in addition to the

report required by subdivision (a), shall forthwith be made by the Department of Corrections to the Division of Labor Statistics and Research by telephone or telegraph.

(c) Nothing in this section or in this code shall be deemed to make a prisoner an employee, for any purpose, of the Department of Corrections.

(d) Notwithstanding the provisions of subdivision (a), no physician or surgeon who attends any injured state prisoner outside of a Department of Corrections institution shall be required to file the report required by subdivision (a), but the Department of Corrections shall file such report.

SEC. 3 Section 6413.2 is added to the Labor Code, to read:

6413.2. (a) The Division of Labor Statistics and Research shall, within five working days of their receipt, transmit to the Division of Industrial Safety copies of all reports received by the Division of Labor Statistics and Research pursuant to Section 6413.

(b) With regard to any report required by Section 6413, the Division of Industrial Safety may make recommendations to the Department of Corrections of ways in which the department might improve the safety of the working conditions and work areas of state prisoners, and other safety matters. The Department of Corrections shall not be required to comply with such recommendations.

(c) With regard to any report required by Section 6413, the Division of Industrial Safety may, in any case in which the Department of Corrections has not complied with recommendations made by the division pursuant to subdivision (b), or in any other case in which the division deems the safety of any state prisoner shall require it, conduct such hearings and, after such hearings, adopt such special orders, rules, or regulations or otherwise proceed as authorized in Chapter 1 (commencing with Section 6300) of this part as it deems necessary. The Department of Corrections shall comply with any such order, rule, or regulation so adopted by the Division of Industrial Safety.

SEC. 4. Section 6413.5 is added to the Labor Code, to read:

6413.5. Any person who fails to comply with any provision of Section 6409 or 6410 is guilty of a misdemeanor punishable by a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100). This section may be enforced by the Division of Labor Statistics and Research through the Director of Industrial Relations in the same manner as provided in Section 3710.

CHAPTER 1068

An act to add Article 3 (commencing with Section 51350) to Chapter 1 of Part 2 of Division 1 of Title 5 of the Government Code, relating to counties and cities

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Article 3 (commencing with Section 51350) is added to Chapter 1 of Part 2 of Division 1 of Title 5 of the Government Code, to read:

Article 3. County Contract Services

51350. A county having a population of 6,000,000 or more which provides services through its appropriate departments, boards, commissions, officers or employees, to any city pursuant to contract or as authorized by law, shall charge the city only those additional costs which are incurred in providing the services so contracted or authorized. A county shall not charge a city contracting for a particular service, either as a direct or an indirect overhead charge, any portion of those costs which are attributable to services made available to all portions of the county, as determined by resolution of the board of supervisors, or which are general overhead costs of operation of the county government. General overhead costs, for the purposes of this section, are those costs which a county would incur regardless of whether or not it provided a service under contract to a city.

Any determination of general overhead costs shall be subject to court review as to the reasonableness of such determination.

SEC. 2. It is the intent of the Legislature to encourage intergovernmental contracts which eliminate the need for duplicate facilities, equipment, and personnel, and which thereby reduce the overall cost of government. In furtherance of this intent, a county with a population of more than 6,000,000 persons, which supplies contract services to the cities therein, shall charge such cities only the additional costs for such services incurred by the county, without regard to any allocation of the general overhead costs attributable to the operations of the county government or to the costs of services made available without charge throughout the county.

SEC. 3. The Legislature hereby finds and declares that this act does not provide for new state-mandated programs or for an increased level of existing mandated programs. Therefore, no appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 1069

An act to add Article 3.1 (commencing with Section 306) to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, relating to child health disability prevention program, and making an appropriation therefor.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Article 3.1 (commencing with Section 306) is added to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, to read:

Article 3.1. Child Health Disability Prevention Program

306 The Legislature finds and declares that many physical and mental disabilities can be prevented, or their impact on an individual lessened, when they are identified and treated before they become chronic and irreversible damage occurs. The Legislature finds and declares that a community-based program of early identification and referral for treatment of potential handicapping conditions will be effective in reducing the incidence of such conditions and will benefit the health and welfare of the citizens of this state.

It is the intent of the Legislature in enacting this article to establish child health and disability prevention programs, which shall be financed and have standards established at the state level and which shall be operated at the local level, for the purpose of providing early and periodic assessments of the health status of children. It is further intended that child health and disability prevention programs make maximum use of existing health care resources so that health screening programs are fully integrated with existing health services, that health care professionals be appropriately represented and utilized in these programs, that outreach programs be developed to stimulate the use of preventive health services, and that services offered pursuant to this part be efficiently provided and be of the highest quality.

306.3. As used in this article:

(a) "Board" means the State Child Health Board.

(b) "Department" means the State Department of Health.

(c) "Director" means the Director of Health.

(d) "Governing body" means the county board of supervisors or boards of supervisors in the case of counties acting jointly.

306.5. A State Child Health Board is hereby established within the department which shall consist of five voting members.

The Governor shall appoint the following three members of the board: A specialist in maternal and child health employed by the department, one physician and surgeon, and one child psychiatrist.

The Chairman of the Senate Rules Committee shall appoint one member of the board: a pediatrician. The Speaker of the Assembly shall appoint one member of the board: a pediatrician. The term of each member of the board, except the members first appointed, shall be for three years. Of the members first appointed by the Governor, one shall hold office for three years, one shall hold office for two years, and one shall hold office for one year. The member first appointed by the Chairman of the Senate Rules Committee shall hold office for three years. The member first appointed by the Speaker of the Assembly shall hold office for two years.

The members of the board shall serve without compensation but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this article.

The board shall select its own chairman from among the five appointed members by majority vote of the members and shall establish such committees as it deems necessary or desirable. The board may utilize available department staff and staff of all other public and private agencies which have an interest in child health services.

The board shall meet on call of the board chairman, at least once annually, or as often as necessary to fulfill its duties. All meetings and records of the board shall be open to the public.

The board shall have the following powers, duties, and responsibilities:

(a) Review of standards for health screening, evaluation, and diagnostic procedures for community child health and disability prevention programs.

(b) Review of standards for directors of community child health and disability prevention programs.

(c) Review of standards for public and private health providers, facilities, and agencies which participate in community child health and disability prevention programs.

(d) Advising the director on the development of a five-year state plan for child health and disability prevention services.

(e) Periodic review of all child health and disability prevention services within California and conducting independent investigations and studies as necessary.

(f) Mediation of disputes between counties and the state arising under this article.

306.7. The department shall administer this article and shall adopt standards for the approval of community child health and disability prevention programs and rules and regulations as necessary. However, such standards, rules, and regulations may be adopted only with the advice and written recommendation of the board. Standards shall be adopted for:

(a) Education and experience requirements for directors of community child health and disability prevention programs.

(b) Health screening, evaluation, and diagnostic procedures for child health and disability prevention programs.

(c) Public and private facilities and providers which may participate in community child health and disability prevention programs.

The department shall adopt a five-year state plan for child health and disability prevention services by October 1, 1974. The plan shall include a method for allocating child health and disability prevention funds to counties. The plan shall be reviewed and revised as necessary to provide a basis for allocating state child health and disability prevention program funds throughout the state.

307. The governing body of each county or counties shall establish a community child health and disability prevention program for the purpose of providing early and periodic assessments of the health status of children in the county or counties by July 1, 1974. However, this shall be the responsibility of the department for all counties which contract with the state for health services. Each such plan shall include, but is not limited to, the following requirements:

(a) Outreach and educational services.

(b) Agreements with public and private facilities and practitioners to carry out the programs.

(c) Health screening and evaluation services.

(d) Referral for diagnosis or treatment when needed.

(e) Recordkeeping and program evaluations.

The health screening and evaluation part of each community child health and disability prevention program plan shall include, but is not limited to, the following for each child:

(a) A health and development history.

(b) An assessment of physical growth.

(c) A developmental assessment.

(d) An inspection for obvious physical defects.

(e) Ear, nose, mouth, and throat inspection, including inspection of teeth and gums.

(f) Screening tests for vision, hearing, cardiac abnormalities, anemia, tuberculosis, diabetes, infections, and urinary tract conditions.

(g) An assessment of nutritional status.

(h) An assessment of immunization status.

(i) Where appropriate, testing for sickle cell trait, lead poisoning, and other tests which may be necessary to the identification of children with potential disabilities requiring diagnosis and possibly treatment.

Standards for procedures to carry out health screening and evaluation services and to establish the age at which particular tests should be carried out shall be established by the director, with review and recommendation by the board. However, a governing body may include additional health screening and evaluation procedures in its program if approved by the director and the board.

Each community child health and disability prevention program shall, pursuant to standards set by the director, establish a record

system which contains a health case history for each child so that costly and unnecessary repetition of screening will not occur and appropriate health treatment will be facilitated as specified in Section 308.5.

307.3. Each county shall appoint a local advisory board to assist in the administration of this article. The local advisory board shall include representatives from health professions concerned with child health and disability prevention and shall, to the extent feasible, not be created separately from other health advisory bodies in the county.

The local advisory board shall:

(a) Review the community's child health needs and the adequacy of health care providers and facilities to meet those needs.

(b) Review the community child health and disability prevention plan.

(c) Advise and report directly to the governing body as to the program for child health and disability prevention.

307.5. Each community child health and disability program shall have a director meeting qualification standards by the department, appointed by the governing body, except for counties contracting with the state for health services.

307.7. Any community child health and disability prevention program may contract to furnish services to any other county if the contract is approved by the director.

308. On or before October 1 of each year, each governing board shall submit to the department, in the form and according to the procedures specified by the director, a community child health and disability prevention plan for the next fiscal year. The plan shall provide for the most appropriate and efficient use of existing public and private institutions and providers for providing health services and evaluation and referral.

Each community child health and disability prevention plan shall include the following:

(a) A summary of the previous year's activity, including the number of children screened, the number of children referred for diagnosis or treatment, by condition, and the cost of screening procedures.

(b) A detailed description of the results of cases in which a treatable disability was identified and referral made.

(c) A projection of the number of children to be screened through the community child health and disability prevention program.

(d) An assessment of the adequacy and availability of the facilities and providers to provide health screening and assessment in the community.

(e) A description of the child health and disability prevention program to be offered, including expected participating facilities and providers, and additional health screening tests to be provided and outreach mechanisms to be utilized.

(f) An assessment of the adequacy of public and private facilities

and providers which are available to provide diagnosis or treatment for disabilities as a result of health screening and evaluation.

On or before March 15, 1974, and on or before March 15 of each year thereafter, each governing board shall submit to the department a revised community child health and disability prevention plan for the next fiscal year which includes such revisions as are necessary or desirable to make the plan compatible with the budget for that fiscal year submitted by the Governor to the Legislature. By May 1, 1974, and by May 1 of each year thereafter, the department shall review and approve or disapprove each community plan, together with such revisions.

If a community child health and disability prevention plan is approved, the director shall determine the amount of state funds available for each county for specified services under an approved community child health and disability prevention plan from state funds appropriated for child health and disability prevention services.

If the amount appropriated in the Budget Act for such fiscal year as enacted into law differs from the amount in the budget submitted by the Governor for such fiscal year, each governing board shall submit an additional revised plan in the form and at the time specified by the department.

308.3. Counties shall be reimbursed for the amount required by the county to carry out its community child health and disability prevention program in accordance with the approved community child health and disability prevention plan. Claims for state reimbursement shall be made in such manner as the director shall provide. Each claim for state reimbursement shall be payable from the appropriation made for the fiscal year in which the expenses upon which the claim is based are incurred.

There shall be no reimbursement for expenditures for the treatment of disabilities identified as a result of the program or for capital improvements or the purchase or construction of buildings, except for such equipment items and remodeling expenses as may be allowed by regulations adopted by the director.

308.4. In order to ensure the maximum utilization of the California Medical Assistance Program and other potential reimbursement sources, the state department shall develop a schedule of reimbursement at reasonable rates for services rendered pursuant to this article. Inquiry shall be made of all recipients of services under this article as to their entitlement for third-party reimbursement for medical services. Where such entitlement exists it shall be billed. Notwithstanding the provisions of subdivision (c) of Section 14000 of the Welfare and Institutions Code and Section 14005 of such code, the California Medical Assistance Program shall be billed for services rendered pursuant to this article for every Medi-Cal eligible beneficiary.

308.5. On and after July 1, 1975, each child eligible for services under this article shall, upon enrollment in the first grade, give

evidence satisfactory to the governing body that he has received within the prior two years the appropriate health screening and evaluation services specified in Section 307, unless the child's parents or guardian has given written notice to the governing body that they do not want their child to receive such health screening and evaluation services.

308.6. Any child between birth and six years of age who has not completed kindergarten and all persons under 21 years of age who are eligible for the California Medical Assistance Program shall be eligible for services from the child health and disabilities prevention program in the county of which they are a resident. The department, with review and recommendation by the board, shall adopt rules and regulations specifying which age groups shall be given certain types of screening tests and recommendations for referral.

The first source of referral shall be the child's usual source of health care. If referral is required and no regular source of health care can be identified, the facility or provider providing health screening and evaluation services shall provide a list of three qualified sources of care, without prejudice for or against any specific source.

308.7. Each community child health and disability prevention program shall provide the child or his parent or guardian with a copy of the results of the health screening and evaluation and shall, where the need indicates, refer the child for further diagnosis and treatment.

SEC. 2. The sum of four hundred thousand dollars ($400,000) is hereby appropriated from the General Fund to the Department of Health for expenditure in the 1973–74 fiscal year to carry out the purposes of Article 3.1 (commencing with Section 306) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, relating to child health disability program, as enacted by Section 1 of this act.

In fiscal years, commencing with the 1974–75 fiscal year, reimbursement for services provided pursuant to this article shall be limited to funds appropriated in the Budget Bill.

SEC. 3. The sum of one hundred forty-five thousand four hundred dollars ($145,400) is hereby appropriated from the General Fund to the Department of Health in augmentation of Item 243 of the Budget Act of 1973.

CHAPTER 1070

An act to add Section 54954.1 to the Government Code, relating to meetings.

[Approved by Governor October 1, 1973. Filed with Secretary of State October 1, 1973.]

The people of the State of California do enact as follows:

SECTION 1 Section 54954.1 is added to the Government Code, to read·

54954 1 The legislative body of any district which is subject to the provisions of this chapter shall give mailed notice of every regular meeting, and any special meeting which is called at least one week prior to the date set for the meeting, to any owner of property located within the district who has filed a written request for such notice with the legislative body. Any mailed notice required pursuant to this section shall be mailed at least one week prior to the date set for the meeting to which it applies except that the legislative body may give such notice as it deems practical of special meetings called less than seven days prior to the date set for the meeting.

Any request for notice filed pursuant to this section shall be valid for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for notice shall be filed within 90 days after January 1 of each year Any request for notice, or renewal request, filed pursuant to this section shall contain a description of the property owned by the person filing the request. Such description may be in general terms but shall be sufficient enough to readily identify such property.

The legislative body may establish a reasonable annual charge for sending such notice based on the estimated cost of providing such a service.

SEC. 2 There are no state-mandated costs in this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code because this act authorizes the establishment of a reasonable annual charge to cover the costs of complying with the mandate in this act.

CHAPTER 1071

An act to amend Sections 1241 and 1241.1 of the Business and Professions Code, relating to clinical laboratories, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 1241 of the Business and Professions Code is amended to read:

1241 This chapter applies to all clinical laboratories in California except those owned and operated by:

(a) The United States of America, or any department, agency, or official thereof acting in his official capacity.

(b) An individual licensed physician and surgeon for laboratory work performed on his own patients. If direct or indirect referred

work is received from any source, all provisions of this chapter shall apply.

(c) An academic institution accredited by an accrediting agency approved by the department when clinical laboratory procedures are performed for teaching or research purposes only, if the results of any examinations performed in such laboratories are not used in the diagnosis or treatment of disease.

(d) The Department of Corrections.

(e) The California Youth Authority.

(f) A nonprofit corporation or association, which contracts with or employs individual licensed physicians and surgeons to render medical care and the operations of which are directly funded at least 80 percent by the United States government, for laboratory work performed on the patients of such physicians and surgeons and under the supervision of such physicians and surgeons. If direct or indirect referred work is received from any source, all provisions of this chapter shall apply.

(g) A community clinic, as defined in subdivision (a) of Section 1203 of the Health and Safety Code, which contracts with or employs individual licensed physicians and surgeons to render medical care for laboratory work performed on the patients of such physicians and surgeons. If direct or indirect referred work is received from any source, all provisions of this chapter shall apply.

SEC. 2. Section 1241.1 of the Business and Professions Code is amended to read:

1241.1. On and after January 1, 1972, a laboratory exempt from this chapter pursuant to subdivisions (b) or (g) of Section 1241 shall nevertheless be required to demonstrate to the board satisfactory performance in a proficiency testing program approved by the board in laboratory procedures which such a laboratory performs.

The board shall adopt regulations establishing the standards of satisfactory performance. Such standards shall not be higher than those established for licensed laboratories.

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 expeditiously to clarify questions of law relating to the status and functioning of community clinics, it is necessary that this act take effect immediately.

CHAPTER 1072

An act to amend Sections 441, 441.8, 441.9, 441.15, 441.16, 441.19, 442.4, 442.5, and 442.10 of, to add Sections 442.11 and 442.12 to, and to repeal Section 441.7 of, the Health and Safety Code, relating to care facilities, and declaring the urgency thereof, to take effect

immediately.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 441 of the Health and Safety Code is amended to read:

441. The Legislature hereby finds and declares:

(a) It is the policy of this state, as declared and established in this part, to require all hospitals, as defined by Section 441.2, which operate in this state to file for public disclosure with the California Hospital Commission which is established by this part such uniform reports of hospital cost experience in the provision of hospital services as are provided for under this part in accord with the systems of accounting approved under this part, for all of the following purposes:

(1) Encouraging economy and efficiency in their provision of such services in this state.

(2) Enabling public agencies of this state which purchase hospital services under, or which have administrative responsibility for, publicly financed health care plans or programs to make informed decisions in such purchasing or administration.

(3) Encouraging public and private third-party payors for hospital care services to take the information provided under this part into account in establishing reimbursement rates to assure hospitals of a fair and reasonable payment for such services rendered.

(b) It is the policy of this state that in order to achieve uniform and equitable statewide implementation of the policies of this part and to allow for comparisons of the performance of particular hospitals subject to its provisions, it is necessary to require that every person, political subdivision of the state, or any governmental agency within the state, that establishes, conducts, operates, manages, maintains, or controls in this state any hospital, as defined in Section 441.2, complies with the provisions of this part.

(c) It is the policy of this state to have hospitals make available to the public the highest capabilities of health science in an effective, efficient manner. It is the policy of this state to provide reasonable and appropriate safeguards to insure that the total cost of hospital services is reasonably related to the total services offered by hospitals, that the aggregate rates of hospitals are reasonably related to the aggregate costs of hospitals, and that the rates charged by hospitals are uniform for all purchasers of hospital services, because the state has an obligation to assure access and availability of high quality, efficiently provided, economical hospital services for all persons in this state and because the expenditure of public funds of this state for providing hospital services to many persons has a large financial impact on the public funds of this state. Therefore, it is the

declared policy of this state that hospitals are affected with the public interest, involved in the distribution of essential services, and obliged to furnish services to the general public at fair, equal, and nondiscriminatory rates.

SEC. 2. Section 441.7 of the Health and Safety Code is repealed.

SEC. 3. Section 441.8 of the Health and Safety Code is amended to read:

441.8. The commission shall appoint an executive director who shall perform the duties delegated to him by the commission, and shall be responsible to it for the accomplishment of such duties. The executive director shall, in accordance with such rules or regulations as the commission may adopt, organize, coordinate, supervise, and direct the operations and affairs of the commission in such a manner as to prevent delay and promote the expeditious and efficient disposition of all matters within the commission's jurisdiction. He shall submit a detailed report of his activities to the commission at each of the regularly scheduled commission meetings provided for pursuant to Section 441.13, and shall prepare such other supplemental and special reports as the commission may from time to time request or which he may deem necessary to adequately inform the members of the commission concerning his activities and experience in the implementation of this part.

The executive director shall have had at least two years' experience as the chief administrative officer of a hospital, group of hospitals, or association of hospitals whose members are subject to the provisions of this part. The executive director shall receive, in addition to his salary, actual and necessary travel expenses incurred in the discharge of his duties.

SEC. 4. Section 441.9 of the Health and Safety Code is amended to read:

441.9. (a) The commission, in its implementation of this part, shall formulate general policies which shall advance the purposes of this part and direct the executive director in his execution of such policies. It may, after consultation with, and receipt of, the recommendations of the advisory council and advisory committees appointed pursuant to this section with respect thereto, adopt, promulgate, repeal, and amend rules and regulations consistent with law to carry out the provisions of this part. In carrying out its duties under this part, the commission shall follow the procedures established by the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code. Notwithstanding Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, regulations adopted under this section, however, need not be published in the California Administrative Code or California Administrative Register if they are included in the publications of the commission.

(b) The commission may do all of the following:

(1) Appoint committees from its membership and appoint

advisory committees which may include as members individuals and representatives of interested public and private groups and organizations.

(2) Contract for any professional and business services and employ staff members including officers, examiners, statisticians, accountants, inspectors, consultants, clerks and employees as it deems necessary to carry out the provisions of this part or to perform the duties and exercise the powers conferred on it by law.

(3) Contract for the use of, or otherwise procure, necessary physical facilities and all necessary books, maps, charts, stationery, instruments, office furniture, apparatus, and appliances.

The authority granted by this section does not limit the contracting authority granted the commission under Section 442.6. All contracts or purchases authorized by this part shall be subject to the provisions of Chapter 3 (commencing with Section 14250) of Part 5, and Chapter 6 (commencing with Section 14780) of Part 5.5 of Division 3 of Title 2 of the Government Code. The commission shall have no administrative or executive functions other than those set forth in this part.

SEC. 5. Section 441.15 of the Health and Safety Code is amended to read:

441.15. The commission, after consultation with the advisory council, receipt of the recommendations of the advisory council, and public hearings with respect thereto, shall, as soon as practicable after the effective date of this part, have prepared, published, and ready for distribution to all the institutions or organizations subject to the provisions of this part approved systems of hospital accounting and uniform reporting which shall be structured so as to enable all such institutions or organizations to fairly, accurately, and efficiently prepare the particular financial reports required by Section 441.18. Existing systems of accounting and reporting used by Section 441.2 hospitals shall be examined and given due consideration by the commission in carrying out its duty of preparing the systems of accounting and uniform reporting required by this section.

The commission shall, as soon as practicable and in no event later than July 1, 1975, develop for submission to the Legislature a proposal for a Hospital Economic Stabilization Program for establishment of a system to retard inflationary increases in hospital costs and prices. The commission shall prepare a proposal for a Hospital Economic Stabilization Program, which is intended to replace the federal wage-price stabilization program if it terminates or federal delegation to the state occurs, in accord with the intent expressed in Section 441.

SEC. 6. Section 441.16 of the Health and Safety Code is amended to read:

441.16. (a) The commission where necessary to correctly reflect differences either (1) in size of; or (2) in scope, type, or method of provision of or payment for services rendered by Section 441.2 hospitals; or where necessary to avoid unduly burdensome costs for

such hospitals in meeting the requirements of this part as a result of such differences; shall allow and provide, in accordance with appropriate regulations, for modifications in the accounting systems approved pursuant to Section 441.15 for use by Section 441.2 hospitals in meeting the requirements of this part if such modifications will not interfere with the purposes established in Section 441 hereof.

(b) The commission shall establish specific reporting provisions for Section 441.2 hospitals that receive a preponderance of their revenue from associated comprehensive group-practice prepayment health care service plans. Such hospitals shall be authorized to utilize established accounting systems, and to report costs and revenues in a manner which is consistent with the operating principles of such plans and with generally accepted accounting principles. When hospitals that receive the preponderance of their revenue from associated comprehensive group-practice prepayment health care service plans are operated as units of a coordinated group of hospitals under common management, they shall be authorized to report as a group rather than as individual institutions, and as a group shall submit a consolidated balance sheet, income and expense statement and statement of source and application of funds for such group of hospitals; except, that cost data shall be reported for each individual institution.

The commission shall adopt comparable modifications to the financial reporting requirements of this part for county hospital systems consistent with the purposes of Section 441.

(c) The commission shall establish approved systems of hospital accounting, uniform reporting, and auditing to create, to the extent feasible, one uniform, comprehensive state system which takes into account the data requirements of all state programs. The commission shall make available information required by other state agencies for programs they administer or in which they have an interest.

This section shall not preclude the state administrative agency responsible for administration of a program from obtaining from health care institutions data not available from the commission which the administrative agency determines is necessary for administration of the program. Administrative agencies shall use the comprehensive system provided for in this section to the maximum extent feasible.

(d) The commission, in consultation with professional organizations shall develop a Hospital Economic Stabilization Program for establishment of a system to retard inflationary hospital costs and price increases and shall consider, among other factors, the following:

(1) Costs of doing business.
(2) Efficiency of operation.
(3) Occupancy levels.
(4) Type of care offered.
(5) Quality of care offered.
(6) Reasonable rate of return.

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(7) Equalization of rates for all patients of a hospital receiving similar services, regardless of source of payment.

(8) Prospective determination of rates to encourage innovative and pluralistic approaches to health care organization. The basis set forth in the American Hospital Association "Statement on Financial Requirements of Health Care Institutions and Services" shall be used in establishing a prospective method of payment for hospital services.

(9) Development of a system which will be designed to protect the public interest and also to provide due process, hearings, and reasonable guarantees protecting the development of a viable health care facilities industry in the state.

(10) Provision for capital, social security requirements for planning and budgets, provision for covering of third party costs which may not be paid by government or other purchasers, provision for education and research cost not directly related to patient care and not otherwise funded, impact of legally imposed cost increases beyond the control of a hospital, provision for efficiency incentives and appropriate utilization, and provision for requirements of hospitals covered by subdivision (b) of this section.

SEC. 7. Section 441.19 of the Health and Safety Code is amended to read:

441.19. Whenever, upon the recommendation of the executive director of the commission, and the approval, certified in writing, of a majority of commission members, a further investigation is deemed necessary or desirable to verify the accuracy of the information in the reports made by hospitals under this part; the executive director shall have the authority to make any necessary further examination of the hospital's records and accounts and to devote such necessary extra attention to the conduct of its affairs as the commission may by regulation provide. Such further examinations under this section may include, but are not limited to, making a full or partial audit of all such records and accounts.

The costs incurred in conducting any examinations or inquiries provided for pursuant to this section shall be borne by the commission. However, when the executive director determines that the original reports were deliberately falsified or that hospital officials were aware of untrue statements contained therein, subject to the approval of a majority of commission members, the hospital shall be responsible for all such costs, and shall, in addition, be liable for a civil penalty of twice the amount of such costs. Such civil penalty shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the commission. A hospital which wishes to contest the determination of the executive director shall have the right to a hearing conducted in accordance with the provisions of Section 442.5.

SEC. 8. Section 442.4 of the Health and Safety Code is amended to read:

442.4. The commission shall, by regulation, establish guidelines

and procedures to enable all institutions subject to the provisions of this part to request reasonable extensions of time in which to file any or all of the reports required by Section 441.18. The regulations shall provide for the grant of such extensions by the executive director in cases where the institution requesting them can show good and sufficient cause for the extension.

Any institution denied an extension under this section may petition the commission for a hearing on appeal to review the action of the executive director in refusing its request for the extension in accord with the provisions of Section 442.5; but the filing of a petition pursuant to that section shall not, unless the appeals committee reverses the executive director, limit the continued accrual of the charges levied under this section against a hospital which fails to meet the deadline for filing reports established by Section 441.18.

SEC. 9. Section 442.5 of the Health and Safety Code is amended to read:

442.5. A petition requesting a hearing to review any action taken by the commission or the executive director pursuant to this part shall be filed with the commission within 15 days of the date on which the institution or person aggrieved was notified of the action with respect to which the review is requested and shall state the grounds on which the petitioner bases his appeal. A hearing on the petition, at which the petitioner may be represented by counsel, shall be held within 45 days of the date on which the petition for appeal was filed, before an appeals committee composed of three members of the commission chosen by the chairman for such purpose. The decision of a majority of the committee, which shall be rendered in the form of a written memorandum of decision filed in the commission's office, shall be final, subject to the right of review by a court of competent jurisdiction in accordance with the provisions of Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure.

SEC. 10. Section 442.10 of the Health and Safety Code is amended to read:

442.10. For the purposes of funding such contracts of the commission as are authorized by the provisions of this part and for meeting the costs of the commission in carrying out its duties in the administration thereof, fees shall be collected by the commission as follows and shall be deposited in the California Hospital Commission Fund which is hereby established:

(a) The commission shall set, and charge to, and collect from all Section 441.2 hospitals a special fee, which shall be due on July 1 and delinquent on July 31 of each year, of not more than 0.02 of 1 percent of the hospital's gross operating cost for the provision of health care services for its last fiscal year which ended on or before December 31 of the preceding calendar year. Each year the commission shall establish the fee to produce revenues equal to the appropriation for these purposes in the Budget Act for the current fiscal year.

(b) Any amounts raised by the collection of the special fees

provided for by subdivision (a) which are not required to meet appropriations in the Budget Act for the current fiscal year shall be available to the commission in succeeding years, when appropriated by the Legislature, for expenditure under the provisions of this part and shall reduce the amount of such special fees which the commission is authorized to set and charge.

(c) No hospital against which the fees required by this section are charged shall be issued a license or have an existing license renewed unless the fees are paid; nor shall any hospital, which is exempt from licensure pursuant to the provisions of Section 1312, but is a Section 441.2 hospital, be permitted to continue to operate without the payment of the fees required by this section. The commission may bring an action to enjoin the violation or threatened violation of this subdivision in the superior court in and for the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this subdivision shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except the commission shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

SEC. 11. Section 442.11 is added to the Health and Safety Code, to read:

442.11. In addition to the other powers, duties, and functions conferred upon the commission by this part, the commission may take such action and perform such duties as may be conferred upon the states by the Cost of Living Council or by federal law or regulation under the Federal Wage-Price Stabilization Program with respect to rates charged by institutional providers of health services, and the Governor shall designate the commission as the designated state agency to take such action and to perform such duties.

SEC. 12. Section 442.12 is added to the Health and Safety Code, to read:

442.12. The commission may accept and expend grants, gifts, and legacies of money, and, with the consent of the Department of Finance, may accept, manage, and expend grants, gifts, and legacies of other property, in furtherance of the purposes of this part.

SEC 13. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

New provisions and procedures are being developed by the Federal Cost of Living Council and its advisers under Phase IV of the Federal Wage-Price Stabilization Program which will give more authority to the states under such provisions to conduct rate review with respect to institutional providers of health services. In order that the state may be able to promptly accept such additional authority and the prospective subvention therefor, it is essential that this act go into immediate effect.

02123 38 10270 775

CHAPTER 1073

An act to amend Sections 26026, 26554, and 28648.5 of, and to amend, repeal, and add Sections 28208, 28575, 28620, 28665, 28667, and 28842 to, the Health and Safety Code, relating to food temperature.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 26026 of the Health and Safety Code is amended to read:

26026. "Potentially hazardous food" means any food which is capable of supporting growth of infections or toxicogenic micro-organisms when held at temperatures above 45 degrees Fahrenheit.

SEC. 2. Section 26554 of the Health and Safety Code is amended to read:

26554. Any food is misbranded if it is a potentially hazardous processed food which is preserved by refrigeration at temperatures of 45 degrees Fahrenheit or lower and it is not conspicuously labeled "Perishable Keep Refrigerated."

SEC. 3. Section 28208 of the Health and Safety Code is amended to read:

28208. All readily perishable bakery products including but not limited to cooked custard- and cream-filled pastries or ingredients thereof which are capable of supporting rapid and progressive growth of micro-organisms likely to cause food infections or intoxications shall during storage prior to processing and upon completion of processing be cooled to a temperature of 50 degrees Fahrenheit within a time period that will prevent the rapid and progressive growth of such micro-organisms and shall thereafter be held at a temperature not to exceed 50 degrees Fahrenheit.

This section shall remain in effect only until January 1, 1975, and as of such date is repealed.

SEC. 4. Section 28208 is added to the Health and Safety Code, to read:

28208. All readily perishable bakery products including but not limited to cooked custard- and cream-filled pastries or ingredients thereof which are capable of supporting rapid and progressive growth of micro-organisms likely to cause food infections or intoxications shall during storage prior to processing and upon completion of processing be cooled to a temperature of 45 degrees Fahrenheit within a time period that will prevent the rapid and progressive growth of such micro-organisms and shall thereafter be held at a temperature not to exceed 45 degrees Fahrenheit.

This section shall become operative January 1, 1975.

SEC. 5. Section 28575 of the Health and Safety Code is amended to read:

02162 38 10285 778

28575. Except as provided in Section 28578, all readily perishable food or beverage, capable of supporting rapid and progressive growth of micro-organisms which can cause food infections or food intoxications, and which are intended to be held prior to processing, or are to be reused on the premises, shall be maintained at or below a temperature of 50 degrees Fahrenheit. No such readily perishable food or beverage which is to be served to the consumer on the premises where prepared shall be held above such temperature for such periods of time and under such conditions which can cause food intoxication.

This section shall remain in effect only until January 1, 1975, and as of such date is repealed.

SEC. 6. Section 28575 is added to the Health and Safety Code, to read:

28575. Except as provided in Section 28578, all readily perishable food or beverage, capable of supporting rapid and progressive growth of micro-organisms which can cause food infections or food intoxications, and which are intended to be held prior to processing, or are to be reused on the premises, shall be maintained at or below a temperature of 45 degrees Fahrenheit. No such readily perishable food or beverage which is to be served to the consumer on the premises where prepared shall be held above such temperature for such periods of time and under such conditions which can cause food intoxication.

This section shall become operative January 1, 1975.

SEC. 7. Section 28620 of the Health and Safety Code is amended to read:

28620. Except as provided in Section 28623 all readily perishable food or beverage, capable of supporting rapid and progressive growth of micro-organisms which can cause food infections or food intoxications, and which are intended to be held prior to processing, or are to be reused on the premises shall be maintained at or below a temperature of 50 degrees Fahrenheit. No such readily perishable food or beverage which is to be served to the consumer on the premises where prepared shall be held above such temperature for such periods of time and under such conditions which can cause food intoxication.

This section shall remain in effect only until January 1, 1975, and of such date is repealed.

SEC. 8. Section 28620 is added to the Health and Safety Code, to read:

28620. Except as provided in Section 28623 all readily perishable food or beverage, capable of supporting rapid and progressive growth of micro-organisms which can cause food infections or food intoxications, and which are intended to be held prior to processing, or are to be reused on the premises shall be maintained at or below a temperature of 45 degrees Fahrenheit. No such readily perishable food or beverage which is to be served to the consumer on the premises where prepared shall be held above such temperature for

such periods of time and under such conditions which can cause food intoxication.

This section shall become operative January 1, 1975.

SEC. 9. Section 28648.5 of the Health and Safety Code is amended to read:

28648.5. Except as provided in Section 28650, all readily perishable food or beverages, capable of supporting rapid and progressive growth of micro-organisms which can cause food infections or food intoxications, and which are intended to be stored or held, shall be maintained at or below a temperature of 60 degrees Fahrenheit until January 1, 1976. On or after January 1, 1976, and until January 1, 1979, all such readily perishable food or beverages shall be maintained at or below a temperature of 50 degrees Fahrenheit. On or after January 1, 1979, all such readily perishable food or beverages shall be maintained at or below a temperature of 45 degrees Fahrenheit. No such readily perishable food or beverage which is to be served to the consumer shall be held above such temperature for such periods of time and under such conditions which can cause food intoxication.

SEC. 10. Section 28665 of the Health and Safety Code is amended to read:

28665. Readily perishable foods or beverages or ingredients within the vending machine shall be maintained at a temperature not higher than 50 degrees Fahrenheit or a temperature not lower than 140 degrees Fahrenheit. Vending machines dispensing readily perishable foods or beverages shall be provided with controls which insure the maintenance of these temperatures at all times. An exception may be made for the actual time required to fill or otherwise service the machine and for a maximum recovery period of 30 minutes following completion of filling or servicing operations. Such controls shall also place the machine in an inoperative condition until serviced by the operator, in the event of power failure or other condition which permits the food storage compartment to attain a temperature above 50 degrees Fahrenheit, or below 140 degrees Fahrenheit, whichever is applicable. Vending machines dispensing readily perishable foods or beverages shall be provided with a thermometer which, to an accuracy of plus or minus two degrees Fahrenheit, indicates the air temperature of the food storage compartment.

This section shall remain in effect only until January 1, 1975, and as of such date is repealed.

SEC. 11 Section 28665 is added to the Health and Safety Code, to read:

28665. Readily perishable foods or beverages or ingredients within the vending machine shall be maintained at a temperature not higher than 45 degrees Fahrenheit or a temperature not lower than 140 degrees Fahrenheit. Vending machines dispensing readily perishable foods or beverages shall be provided with controls which insure the maintenance of these temperatures at all times. An

exception may be made for the actual time required to fill or otherwise service the machine and for a maximum recovery period of 30 minutes following completion of filling or servicing operations. Such controls shall also place the machine in an inoperative condition until serviced by the operator, in the event of power failure or other condition which permits the food storage compartment to attain a temperature above 45 degrees Fahrenheit, or below 140 degrees Fahrenheit, whichever is applicable. Vending machines dispensing readily perishable foods or beverages shall be provided with a thermometer which, to an accuracy of plus or minus two degrees Fahrenheit, indicates the air temperature of the food storage compartment.

This section shall become operative January 1, 1975.

SEC. 12. Section 28667 of the Health and Safety Code is amended to read:

28667. All multiuse containers or parts of vending machines which come in direct contact with readily perishable foods, beverages, or ingredients shall be removed from the machine daily and thoroughly cleaned and effectively subjected to an approved bactericidal process at the commissary or other approved facility. The requirements for daily cleaning and bactericidal treatment may be waived by the local health officer for those contact surfaces which are maintained at all times at a temperature of not higher than 50 degrees Fahrenheit or at a temperature of not lower than 140 degrees Fahrenheit, whichever is applicable. Such parts shall, after cleaning and bactericidal treatment, be protected from contamination.

This section shall remain in effect only until January 1, 1975, and as of such date is repealed.

SEC. 13. Section 28667 is added to the Health and Safety Code, to read:

28667. All multiuse containers or parts of vending machines which come in direct contact with readily perishable foods, beverages, or ingredients shall be removed from the machine daily and thoroughly cleaned and effectively subjected to an approved bactericidal process at the commissary or other approved facility. The requirements for daily cleaning and bactericidal treatment may be waived by the local health officer for those contact surfaces which are maintained at all times at a temperature of not higher than 45 degrees Fahrenheit or at a temperature of not lower than 140 degrees Fahrenheit, whichever is applicable. Such parts shall, after cleaning and bactericidal treatment, be protected from contamination.

This section shall become operative January 1, 1975.

SEC. 14. Section 28842 of the Health and Safety Code is amended to read:

28842. All potentially hazardous foods shall be kept, displayed, or maintained at or below a temperature of 50 degrees Fahrenheit or at a temperature of 140 degrees Fahrenheit or above. This section

shall not apply to foods during reasonable periods of preparation, handling or transportation. An accurate thermometer, suitable for measuring temperature of food, shall be kept readily available.

This section shall remain in effect only until January 1, 1975, and as of such date is repealed.

SEC. 15. Section 28842 is added to the Health and Safety Code, to read:

28842. All potentially hazardous foods shall be kept, displayed, or maintained at or below a temperature of 45 degrees Fahrenheit or at a temperature of 140 degrees Fahrenheit or above. This section shall not apply to foods during reasonable periods of preparation, handling or transportation. An accurate thermometer, suitable for measuring temperature of food, shall be kept readily available.

This section shall become operative January 1, 1975.

CHAPTER 1074

An act to add Sections 4153 and 4154 to, and to amend Section 11010.5 of, the Government Code, relating to public contracts.

[Approved by Governor October 1, 1973. Filed with Secretary of State October 1, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 4153 is added to the Government Code, to read:

4153. Public agencies may make changes in construction contracts for public improvements in the course of construction to bring the completed improvements into compliance with environmental requirements or standards established by state and federal statutes and regulations enacted after the contract has been awarded or entered into. The contractor shall be paid for such changes in accordance with the provisions of the contract governing payment for changes in the work or, if no such provisions are set forth in the contract, payment shall be as agreed to by the parties.

SEC. 2. Section 4154 is added to the Government Code, to read:

4154. (a) Where authority to contract is vested in any public agency, excluding the state, such authority shall include the power, by mutual consent of the contracting parties, to terminate, amend, or modify any contract within the scope of such authority.

(b) Subdivision (a) of this section shall not apply to contracts entered into pursuant to any statute expressly requiring that such contracts be let or awarded on the basis of competitive bids. Contracts of public agencies, excluding the state, required to be let or awarded on the basis of competitive bids pursuant to any such statute may be terminated, amended or modified only if such termination, amendment, or modification is so provided in the

contract or is authorized under provision of law other than this subdivision. The compensation payable, if any, for such amendments and modifications shall be determined as provided in the contract. The compensation payable, if any, in the event the contract is so terminated shall be determined as provided in the contract or applicable statutory provision providing for such termination.

(c) Contracts of public agencies may include provisions for termination for environmental considerations at the discretion of the public agencies.

SEC. 3. Section 11010.5 of the Government Code is amended to read:

11010.5. (a) Where authority is vested in any state agency to contract on behalf of the state, such authority shall include the power, by mutual consent of the contracting parties, to terminate, amend, or modify any contract within the scope of such authorization heretofore or hereafter entered into by such state agency. The modification, amendment, or termination of any contract subject by law to the approval of the Department of General Services, Director of General Services, or other state agency, shall also be subject to such approval.

(b) Subdivision (a) of this section does not apply to contracts entered into pursuant to any statute expressly requiring that such contracts be let or awarded on the basis of competitive bids. Contracts required to be let or awarded on the basis of competitive bids pursuant to any such statute may be terminated, amended, or modified only if such termination, amendment, or modification is so provided in the contract or is authorized under provision of law other than this subdivision. The compensation payable if any for such amendments and modifications shall be determined as provided in the contract. The compensation payable if any in the event the contract is so terminated shall be determined as provided in the contract or applicable statutory provision providing for such termination.

(c) Contracts of state agencies may include provisions for termination for environmental considerations at the discretion of such state agencies.

CHAPTER 1075

An act to amend Sections 13507, 13510 and 13522 of the Penal Code, relating to peace officers.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

02205 38 10355 792

SECTION 1. Section 13507 of the Penal Code is amended to read:

13507. As used in this chapter, "district" means any of the following:

(a) A regional park district.

(b) A district authorized by statute to maintain a police department.

(c) The University of California.

(d) The California State University and Colleges.

SEC. 2. Section 13510 of the Penal Code is amended to read:

13510. For the purpose of raising the level of competence of local law enforcement officers, the commission shall adopt, and may, from time to time amend, rules establishing minimum standards, relating to physical, mental, and moral fitness, which shall govern the recruitment of any city police officers, peace officer members of a county sheriff's office, policemen of a district authorized by statute to maintain a police department, or peace officer members of a district, in any city, county, city and county, or district receiving state aid pursuant to this chapter, and shall adopt, and may, from time to time amend, rules establishing minimum standards for training of city police officers, peace officer members of county sheriff's offices, policemen of a district authorized by statute to maintain a police department, and peace officer members of a district which shall apply to those cities, counties, cities and counties, and districts receiving state aid pursuant to this chapter. All such rules shall be adopted and amended pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of the Government Code.

SEC. 3 Section 13510 of the Penal Code is amended to read:

13510. For the purpose of raising the level of competence of local law enforcement officers, the commission shall adopt, and may, from time to time amend, rules establishing minimum standards, relating to physical, mental, and moral fitness, which shall govern the recruitment of any city police officers, peace officer members of a county sheriff's office, peace officer members of a municipal court marshal's department, policemen of a district authorized by statute to maintain a police department, or peace officer members of a district, in any city, county, city and county, or district receiving state aid pursuant to this chapter, and shall adopt, and may, from time to time amend, rules establishing minimum standards for training of city police officers, peace officer members of county sheriff's offices, peace officer members of a municipal court marshal's department, policemen of a district authorized by statute to maintain a police department, and peace officer members of a district which shall apply to those cities, counties, cities and counties, and districts receiving state aid pursuant to this chapter. All such rules shall be adopted and amended pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of the Government Code.

SEC. 4. Section 13522 of the Penal Code is amended to read:

13522. Any city, county, city and county, or district which desires to receive state aid pursuant to this chapter shall make application

to the commission for such aid The initial application must be accompanied by a certified copy of an ordinance, or in the case of the University of California and the California State University and Colleges a resolution, adopted by its governing body providing that while receiving any state aid pursuant to this chapter, the city, county, city and county, or district will adhere to the standards for recruitment and training established by the commission. The application shall contain such information as the commission may request.

SEC. 5 It is the intent of the Legislature, if this bill and Assembly Bill No. 1110 are both chaptered and become effective on or before January 1, 1974, both bills amend Section 13510 of the Penal Code, and this bill is chaptered after Assembly Bill No. 1110, that the amendments to Section 13510 proposed by both bills be given effect and incorporated in Section 13510 in the form set forth in Section 3 of this act Therefore, Section 3 of this act shall become operative only if this bill and Assembly Bill No. 1110 are both chaptered and become effective on or before January 1, 1974, both amend Section 13510, and Assembly Bill No. 1110 is chaptered before this bill, in which case Section 2 of this act shall not become operative.

CHAPTER 1076

An act to add Section 1016 to the Fish and Game Code, and to add Chapter 5 (commencing with Section 3780) to Division 3 of the Public Resources Code, relating to oil.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 1016 is added to the Fish and Game Code, to read:

1016. (a) Whenever the department determines that an oil sump, as defined by Section 3780 of the Public Resources Code, is hazardous to wildlife, but does not constitute an immediate and grave danger to wildlife, the department shall forthwith notify the State Oil and Gas Supervisor of such condition in order that he may take action pursuant to Section 3783 of the Public Resources Code to have such condition cleaned up or abated.

(b) Whenever the department determines that an oil sump, as defined by Section 3780 of the Public Resources Code, constitutes an immediate and grave danger to wildlife, the department shall forthwith notify the State Oil and Gas Supervisor of such condition in order that he may take action pursuant to Section 3784 of the Public Resources Code to have such condition cleaned up or abated.

(c) The department shall promulgate such rules and regulations

as are necessary to implement the provisions of this section. It is the intent of the Legislature that the department adopt, as a part of such rules and regulations, a definition of the term "wildlife," as herein employed, which will provide for reasonable exclusions consistent with effectuating the wildlife protection purposes of this section.

(d) The department shall submit a report to the Legislature of its actions taken pursuant to this section on or before March 1st of each year, commencing with March 1, 1975.

(e) No provision of this section shall be construed as a limitation on the authority or responsibilities of the department with respect to the enforcement or administration of any provision of state law which it is authorized or required to enforce or administer.

SEC. 2. Chapter 5 (commencing with Section 3780) is added to Division 3 of the Public Resources Code, to read:

CHAPTER 5. OIL SUMPS

3780. As used in this chapter, an "oil sump" is any open depression or basin in the ground, whether manmade or natural, which contains oil or a combination of oil and water.

3781. The Legislature hereby finds and declares that it is essential in order to protect the wildlife resources of California that all exposed oil sumps in this state be either screened or eliminated.

3782. The supervisor shall promulgate rules and regulations for the adequate screening of oil sumps to protect wildlife and shall order the closure of any oil and gas production operation maintaining an exposed or inadequately screened oil sump in violation of such rules and regulations.

3783. Whenever the supervisor receives notification from the Department of Fish and Game pursuant to subdivision (a) of Section 1016 of the Fish and Game Code that an oil sump is hazardous to wildlife, he shall forthwith give written notice of such hazardous condition to the owner, lessee, operator, or person responsible for the existence of the condition. The owner, lessee, operator, or person responsible shall, within 30 days from the date of such notification, or such longer period as may be mutually agreed upon by the supervisor, the Department of Fish and Game, and the owner, lessee, operator, or person responsible, clean up or abate the condition to the satisfaction of the supervisor and the Department of Fish and Game. If the owner, lessee, operator, or person responsible does not clean up or abate the condition to the satisfaction of the supervisor and the Department of Fish and Game within the required period of time, the supervisor shall forthwith order the closure of the oil and gas production operation maintaining the oil sump.

3784. Whenever the supervisor receives notification from the Department of Fish and Game pursuant to subdivision (b) of Section 1016 of the Fish and Game Code that an oil sump constitutes an immediate and grave danger to wildlife, he shall forthwith give written notice of such immediately dangerous condition to the

owner, lessee, operator, or person responsible for the existence of the condition. The owner, lessee, operator, or person responsible shall, within 10 days from the date of such notification, or such longer period as may be mutually agreed upon pursuant to Section 3784.5 by the supervisor, the Department of Fish and Game, and the owner, lessee, operator, or person responsible, clean up or abate the condition to the satisfaction of the supervisor and the Department of Fish and Game. If the owner, lessee, operator, or person responsible does not clean up or abate the condition to the satisfaction of the supervisor and the Department of Fish and Game within the required period of time, the supervisor shall forthwith order the closure of the oil and gas production operation maintaining the oil sump.

3784.5. Extension of the 10-day period specified in Section 3784 may be granted only in cases where the supervisor and the Department of Fish and Game have determined that screening or elimination of the oil sump cannot be reasonably accomplished within 10 days.

3785. The supervisor and the Department of Fish and Game shall develop a joint program to coordinate their respective responsibilities under this chapter and Section 1016 of the Fish and Game Code to protect the wildlife resources of the state from the hazards of exposed oil sumps.

3786. The supervisor shall submit a report to the Legislature on the administration and enforcement of the provisions of this chapter on or before March 1st of each year, commencing with March 1, 1975.

3787. No provision of this chapter shall be construed as a limitation on the authority and responsibilities of the supervisor with respect to the enforcement or administration of any provision of state law which he is authorized or required to enforce or administer.

CHAPTER 1077

An act to add Section 7261.6 to the Government Code, relating to relocation assistance.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 7261.6 is added to the Government Code, to read:

7261.6. Notwithstanding any other provision of this chapter, any city, county, or city and county may establish a central relocation agency to coordinate all relocation activities within the jurisdiction of the local agency. A county relocation agency shall have jurisdiction only over those relocation activities which take place within the

unincorporated areas of the county. Every public entity within the local agency's jurisdiction (required to do so) shall file the relocation rules and regulations, which it is required to adopt pursuant to Section 7267.8, with the central relocation agency and shall file annually its relocation plans by June 1st of each year for the subsequent fiscal year. The central relocation agency shall approve or disapprove the public entity's relocation plan by July 1 or the plan will automatically become effective.

If the agency disapproves the plan or finds that the plan conflicts in the use of relocation resources with those plans filed by other public entities or that adequate resources are not available in places and at times necessary to meet the relocation needs as set forth in one or more of the plans it shall call a meeting of the public entities concerned as soon as possible. At such meeting the agency shall try to resolve such conflicts as exist or insure that adequate relocation resources are developed to meet such needs.

The agency may direct modifications of a plan in the case of unresolved conflicts and may extend its approval deadline by 30 days to determine whether such modifications affect such relocation plans. Additional extensions may be granted for periods of 30 days with the consent of all affected parties. Where modification to a relocation plan is directed by the agency, the public entity may appeal to the relocation appeals board established pursuant to Section 33417.5 of the Health and Safety Code. If no such relocation appeals board has been established, the public entity may appeal to the legislative body creating the central relocation agency.

Approval of a relocation plan will constitute a finding by the agency that it has reasonable assurance that adequate relocation resources exist within the requirements of law which will be available at the times required by the plan.

The central relocation agency shall coordinate the execution of each public entity's relocation plans and shall share with each public entity making a request the relocation information of all other public entities. The central relocation agency may contract with adjoining cities or counties to perform relocation and central relocation services.

Public entities with displacement of less than 5 percent of the local agency's total local annual displacement based on all relocation plans filed and state agencies shall be exempt from the requirement of approval of their relocation plan prior to its execution.

A public entity may amend its relocation plan during any fiscal year by filing an amended plan with the central relocation agency and obtaining its approval. All amended plans must have approval before execution may occur and the central relocation agency shall approve or disapprove amended plans within 30 days or approval will be automatic.

Execution of any relocation plan must be in accordance with the approved relocation plan or the public entity may not displace any persons. Failure to file a relocation plan and obtain approval when

required, prior to displacement, may subject the public entity to an order from the central relocation agency to desist from any displacement.

CHAPTER 1078

An act to amend Sections 11350, 11351, 11352, 11353, 11354, 11355, 11357, 11358, 11359, 11360, 11361, 11363, 11364, 11365, 11366, 11368, 11370, 11371, 11376, 11377, 11378, 11379, 11380, 11382, and 11550 of, and to amend the headings of Article 1 (commencing with Section 11350) and Article 5 (commencing with Section 11376) of Chapter 6 of Division 10 of, the Health and Safety Code, relating to controlled substances, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1 The heading of Article 1 (commencing with Section 11350 of Chapter 6 of Division 10 of the Health and Safety Code is amended to read:

Article 1. Offenses Involving Controlled Substances Formerly Classified as Narcotics

SEC. 2. Section 11350 of the Health and Safety Code is amended to read:

11350. (a) Except as otherwise provided in this division, every person who possesses (1) any controlled substance specified in subdivision (b) or (c) of Section 11054, specified in paragraph (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless 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.

(b) If such person has been previously convicted once of any offense described in subdivision (d), 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.

(c) If such person has been previously convicted two or more times of any offense described in subdivision (d), 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.

(d) Any previous conviction of any of the following offenses, or of an offense under the laws of another state or of the United States which, if committed in this state, would have been punishable as such an offense, shall be charged pursuant to subdivision (b) or (c) of this section:

(1) Any felony offense described in this division involving a controlled substance specified in subdivision (b) or (c) of Section 11054, specified in paragraph (10), (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055.

(2) Any felony offense described in this division involving a narcotic drug classified in Schedule III, IV, or V.

SEC. 3. Section 11351 of the Health and Safety Code is amended to read:

11351. (a) Except as otherwise provided in this division, every person who possesses for sale (1) any controlled substance specified in subdivision (b) or (c) of Section 11054, specified in paragraph (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, 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.

(b) If such person has been previously convicted once of any offense described in subdivision (d), 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.

(c) If such person has been previously convicted two or more times of any offense described in subdivision (d), 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.

(d) Any previous conviction of any of the following offenses, or of an offense under the laws of another state or of the United States which, if committed in this state, would have been punishable as such an offense, shall be charged pursuant to subdivision (b) or (c) of this section:

(1) Any felony offense described in Section 11378, 11379, or 11380.

(2) Any felony offense described in this division involving a controlled substance specified in subdivision (b) or (c) of Section 11054, specified in paragraph (10), (11), (12), or (17) of subdivision (d) of Section 11054 or specified in subdivision (b) or (c) of Section 11055.

(3) Any felony offense described in this division involving a narcotic drug classified in Schedule III, IV, or V.

SEC. 4. Section 11352 of the Health and Safety Code is amended to read:

11352. (a) 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 (1) any controlled substance specified in subdivision (b) or (c) of Section 11054, specified in paragraph (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless 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.

(b) If such person has been previously convicted once of any offense described in subdivision (d), 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.

(c) If such person has been previously convicted two or more times of any offense described in subdivision (d), 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.

(d) Any previous conviction of any of the following offenses, or of an offense under the laws of another state or of the United States which, if committed in this state, would have been punishable as such an offense, shall be charged pursuant to subdivision (b) or (c) of this section:

(1) Any felony offense described in Section 11378, 11379, or 11380.

(2) Any felony offense described in this division involving a controlled substance specified in subdivision (b) or (c) of Section 11054, specified in paragraph (10), (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055.

(3) Any felony offense described in this division involving a narcotic drug classified in Schedule III, IV, or V.

SEC. 5. Section 11353 of the Health and Safety Code is amended to read:

11353. (a) 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 (1) a controlled substance which is specified in subdivision (b) or (c) of Section 11054, specified in paragraph (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055 or, (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, who hires, employs, or uses a minor to knowingly and unlawfully transport, carry, sell, give away, prepare for sale, or peddle any such controlled substance, or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any such controlled substance 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.

(b) If such person has been previously convicted once of any offense described in subdivision (d), 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.

(c) If such person has been previously convicted two or more times of any offense described in subdivision (d), 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.

(d) Any previous conviction of any of the following offenses, or of an offense under the laws of another state or of the United States which, if committed in this state, would have been punishable as such an offense, shall be charged pursuant to subdivision (b) or (c) of this section:

(1) Any felony offense described in Section 11378, 11379, or 11380.

(2) Any felony offense described in this division involving a controlled substance specified in subdivision (b) or (c) of Section 11054, specified in paragraph (10), (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055.

(3) Any felony offense described in this division involving a narcotic drug classified in Schedule III, IV, or V.

SEC. 6. Section 11354 of the Health and Safety Code is amended to read:

11354. (a) 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, employes, or uses a minor to knowingly and unlawfully transport, carry, sell, give away, prepare for sale, or peddle (1) any controlled substance specified in subdivision (b) or (c) of Section 11054, specified in paragraph (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055 or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any such controlled substance to a minor shall be punished by imprisonment in the state prison for a period of not less than five years.

(b) If such person has been previously convicted of any offense described in subdivision (c), 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.

(c) Any previous conviction of any of the following offenses, or of an offense under the laws of another state or of the United States which, if committed in this state, would have been punishable as such an offense, shall be charged pursuant to subdivision (b) of this section:

(1) Any felony offense described in Section 11378, 11379, or 11380.

(2) Any felony offense described in this division involving a controlled substance specified in subdivision (b) or (c) of Section

11054, specified in paragraph (10), (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055.

(3) Any felony offense described in this division involving a narcotic drug classified in Schedule III, IV, or V.

(d) This section is not intended to affect the jurisdiction of the juvenile court.

SEC. 7. Section 11355 of the Health and Safety Code is amended to read:

11355. Every person who agrees, consents, or in any manner offers to unlawfully sell, furnish, transport, administer, or give (1) any controlled substance specified in subdivision (b) or (c) of Section 11054, specified in paragraph (10), (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055 or, (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug to any person, or offers, arranges, or negotiates to have any such controlled substance 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 such controlled substance 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.

SEC. 8. Section 11357 of the Health and Safety Code is amended to read:

11357. (a) 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.

(b) If such person has been previously convicted once of any offense described in subdivision (d), 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.

(c) If such person has been previously convicted two or more times of any offense described in subdivision (d), 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.

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(d) Any previous conviction of any of the following offenses, or of an offense under the laws of another state or of the United States which, if committed in this state, would have been punishable as such an offense, shall be charged pursuant to subdivision (b) or (c) of this section:

(1) Any felony offense described in this division involving a controlled substance specified in subdivision (b) or (c) of Section 11054, specified in paragraph (10), (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055.

(2) Any felony offense described in this division involving a narcotic drug classified in Schedule III, IV, or V.

SEC. 9. Section 11358 of the Health and Safety Code is amended to read:

11358. (a) 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.

(b) If such person has been previously convicted once of any offense described in subdivision (d), 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.

(c) If such person has been previously convicted two or more times of any offense described in subdivision (d), 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.

(d) Any previous conviction of any of the following offenses, or of an offense under the laws of another state or of the United States which, if committed in this state, would have been punishable as such an offense, shall be charged pursuant to subdivision (b) or (c) of this section:

(1) Any felony offense described in Section 11378, 11379, or 11380.

(2) Any felony offense described in this division involving a controlled substance specified in subdivision (b) or (c) of Section 11054, specified in paragraph (10), (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section

11055.

(3) Any felony offense described in this division involving a narcotic drug classified in Schedule III, IV, or V.

SEC. 10. Section 11359 of the Health and Safety Code is amended to read:

11359. (a) 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.

(b) If such person has been previously convicted once of any offense described in subdivision (d), 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.

(c) If such person has been previously convicted two or more times of any offense described in subdivision (d), 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.

(d) Any previous conviction of any of the following offenses, or of an offense under the laws of another state or of the United States which, if committed in this state, would have been punishable as such an offense, shall be charged pursuant to subdivision (b) or (c) of this section:

(1) Any felony offense described in Section 11378, 11379, or 11380.

(2) Any felony offense described in this division involving a controlled substance specified in subdivision (b) or (c) of Section 11054, specified in paragraph (10), (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055.

(3) Any felony offense described in this division involving a narcotic drug classified in Schedule III, IV, or V.

SEC. 11. Section 11360 of the Health and Safety Code is amended to read:

11360. (a) 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.

(b) If such person has been previously convicted once of any offense described in subdivision (d), 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.

(c) If such person has been previously convicted two or more times of any offense described in subdivision (d), 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.

(d) Any previous conviction of any of the following offenses, or of an offense under the laws of another state or of the United States which, if committed in this state, would have been punishable as such an offense, shall be charged pursuant to subdivision (b) or (c) of this section:

(1) Any felony offense described in Section 11378, 11379, or 11380.

(2) Any felony offense described in this division involving a controlled substance specified in subdivision (b) or (c) of Section 11054, specified in paragraph (10), (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055.

(3) Any felony offense described in this division involving a narcotic drug classified in Schedule III, IV, or V.

SEC. 12. Section 11361 of the Health and Safety Code is amended to read:

11361. (a) 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.

(b) If such person has been previously convicted once of any offense described in subdivision (d), 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.

(c) If such person has been previously convicted two or more times of any offense described in subdivision (d), 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.

(d) Any previous conviction of any of the following offenses, or of an offense under the laws of another state or of the United States which, if committed in this state, would have been punishable as such an offense, shall be charged pursuant to subdivision (b) or (c) of this section:

(1) Any felony offense described in Section 11378, 11379, or 11380.

(2) Any felony offense described in this division involving a controlled substance specified in subdivision (b) or (c) of Section 11054, specified in paragraph (10), (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055.

(3) Any felony offense described in this division involving a narcotic drug classified in Schedule III, IV, or V.

SEC. 13. Section 11363 of the Health and Safety Code is amended to read:

11363. (a) 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.

(b) If such person has been previously convicted of any offense described in subdivision (c), 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.

(c) Any previous conviction of any of the following offenses, or of an offense under the laws of another state or of the United States which, if committed in this state, would have been punishable as such an offense, shall be charged pursuant to subdivision (b) of this section:

(1) Any offense described in Section 11378, 11379, or 11380.

(2) Any offense described in this division involving a controlled

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substance specified in subdivision (b) or (c) of Section 11054, specified in paragraph (10), (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055.

(3) Any offense described in this division involving a narcotic drug classified in Schedule III, IV, or V.

SEC. 14. Section 11364 of the Health and Safety Code is amended to read:

11364. It is unlawful to possess an opium pipe or any device, contrivance, instrument or paraphernalia used for unlawfully injecting or smoking (1) a controlled substance specified in subdivision (b) or (c) of Section 11054, specified in paragraph (10), (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055 or (2) a controlled substance which is a narcotic drug classified in Schedule III, IV, or V.

SEC. 15. Section 11365 of the Health and Safety Code is amended to read:

11365. It is unlawful to visit or to be in any room or place where any controlled substances which are specified in subdivision (b) or (c) of Section 11054, specified in paragraph (10), (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or which are narcotic drugs classified in Schedule III, IV, or V, are being unlawfully smoked or used with knowledge that such activity is occurring.

SEC. 16. Section 11366 of the Health and Safety Code is amended to read:

11366. (a) Every person who opens or maintains any place for the purpose of unlawfully selling, giving away, or using any controlled substance which is (1) specified in subdivision (b) or (c) of Section 11054, specified in paragraph (10), (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or (2) which is a narcotic drug classified in Schedule III, IV, or V, 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.

(b) If such person has been previously convicted of any offense described in subdivision (c), 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.

(c) Any previous conviction of any of the following offenses, or of an offense under the laws of another state or of the United States which, if committed in this state, would have been punishable as such an offense, shall be charged pursuant to subdivision (b) of this section:

(1) Any offense described in Section 11378, 11379, or 11380.

(2) Any offense described in this division involving a controlled substance specified in subdivision (b) or (c) of Section 11054, specified in paragraph (10), (11), (12), or (17) of subdivision (d) of

Section 11054, or specified in subdivision (b) or (c) of Section 11055.

(3) Any offense described in this division involving a narcotic drug classified in Schedule III, IV, or V.

SEC. 17. Section 11368 of the Health and Safety Code is amended to read:

11368. Every person who forges or alters a prescription or who issues or utters an altered prescription, or who issues or utters a prescription bearing a forged or fictitious signature for any narcotic drug, or who obtains any narcotic drug by any forged, fictitious, or altered prescription, or who has in possession any narcotic drug 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.

SEC. 18. Section 11370 of the Health and Safety Code is amended to read:

11370. (a) 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 offense described in subdivision (c).

(b) 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 which is (1) specified in subdivision (b) or (c) of Section 11054, specified in paragraph (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or, (2) which is a narcotic drug classified in Schedule III, IV, or V, to a minor or inducing a minor to use such a controlled substance 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.

(c) Any previous conviction of any of the following offenses, or of an offense under the laws of another state or of the United States which, if committed in this state, would have been punishable as such an offense, shall render a person ineligible for probation or suspension of sentence pursuant to subdivision (a) of this section:

(1) Any felony offense described in this division involving a controlled substance specified in subdivision (b) or (c) of Section 11054, specified in paragraph (10), (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055.

(2) Any felony offense described in this division involving a narcotic drug classified in Schedule III, IV, or V.

SEC. 19. Section 11371 of the Health and Safety Code is amended to read:

11371. Any person who shall violate any of the provisions of Section 11152, 11153, 11154, 11155, 11156, 11173, or 11174 with respect to (1) a controlled substance specified in subdivision (b) or (c) of Section 11054, specified in paragraph (10), (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or (2) a controlled substance which is a narcotic drug classified in Schedule III, IV, or V, or who in any voluntary manner solicits, induces, encourages or intimidates any minor with the intent that such minor shall commit any such offense, shall be punished by imprisonment in the state prison not exceeding six years or in a county jail not exceeding one year.

SEC. 20. The heading of Article 5 (commencing with Section 11376) of Chapter 6 of Division 10 of the Health and Safety Code is amended to read:

Article 5. Offenses Involving Controlled Substances Formerly Classified as Restricted Dangerous Drugs

SEC. 21 Section 11376 of the Health and Safety Code is amended to read:

11376. Whenever any person is granted probation by the trial court after conviction for possession of any controlled substance which is (1) classified in Schedule III, IV, or V and which is not a narcotic drug or (2) which is specified in subdivision (d) of Section 11054, except paragraphs (10), (11), (12), and (17) of such subdivision, or specified in subdivision (d) of Section 11055, 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 such controlled substance, 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.

SEC. 22. Section 11377 of the Health and Safety Code is amended to read.

11377. (a) 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 which is (1) classified in Schedule III, IV, or V

and which is not a narcotic drug or (2) which is specified in subdivision (d) of Section 11054, except paragraphs (10), (11), (12), and (17) of such subdivision, or specified in subdivision (d) of Section 11055, unless 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.

(b) If such person has been previously convicted once of any offense described in subdivision (c), 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.

(c) Any previous conviction of any felony offense described in this article, of a conspiracy to commit any offense described in this article, or of any offense under the laws of another state or of the United States which, if committed in this state, would have been punishable as such a felony offense, shall be charged pursuant to subdivision (b).

SEC. 23. Section 11378 of the Health and Safety Code is amended to read:

11378. (a) 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 which is (1) classified in Schedule III, IV, or V and which is not a narcotic drug or (2) which is specified in subdivision (d) of Section 11054, except paragraphs (10), (11), (12), and (17) of such subdivision, or specified in subdivision (d) of Section 11055, 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.

(b) If such person has been previously convicted once of any offense described in subdivision (d), 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.

(c) If such person has been previously convicted two or more times of any offense described in subdivision (d), 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.

(d) Any previous conviction of any of the following offenses, of a conspiracy to commit such an offense, or of an offense under the laws of another state or of the United States which, if committed in this state, would have been punishable as such an offense, shall be charged pursuant to subdivision (b) or (c) of this section:

(1) Any felony offense described in Section 11351, 11352, 11353, 11354, 11358, 11359, 11360, 11361, 11363, or 11366.

(2) Any felony offense described in this article.

SEC. 24. Section 11379 of the Health and Safety Code is amended to read:

11379. (a) 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 which is (1) classified in Schedule III, IV, or V and which is not a narcotic drug or (2) which is specified in subdivision (d) of Section 11054, except paragraphs (10), (11), (12), and (17) of such subdivision, or specified in subdivision (d) of Section 11055, unless 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.

(b) If such person has been previously convicted once of any offense described in subdivision (d), 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.

(c) If such person has been previously convicted two or more times of any offense described in subdivision (d), 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.

(d) Any previous conviction of any of the following offenses, of a conspiracy to commit such an offense, or of an offense under the laws of another state would have been punishable as such an offense, shall be charged pursuant to subdivision (b) or (c) of this section:

(1) Any felony offense described in Section 11351, 11352, 11353, 11354, 11358, 11359, 11360, 11361, 11363, or 11366.

(2) Any felony offense described in this article.

SEC. 25. Section 11380 of the Health and Safety Code is amended to read:

11380. (a) Every person 18 years of age or over who violates any provision of this chapter involving controlled substances which are (1) classified in Schedule III, IV, or V and which are not narcotic drugs or (2) which are specified in subdivision (d) of Section 11054, except paragraphs (10), (11), (12), and (17) of such subdivision, or specified in subdivision (d) of Section 11055, 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 article involving such controlled substances or who unlawfully furnishes, offers to furnish, or attempts to furnish such controlled substances 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.

(b) If such person has been previously convicted once of any offense described in subdivision (d), 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.

(c) If such person has been previously convicted two or more times of any offense described in subdivision (d) 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.

(d) Any previous conviction of any of the following offenses, of a conspiracy to commit such an offense, or of an offense under the laws of another state or of the United States which, if committed in this state, would have been punishable as such an offense, shall be charged pursuant to subdivision (b) or (c) of this section:

(1) Any felony offense described in Section 11351, 11352, 11353, 11354, 11358, 11359, 11360, 11361, 11363, or 11366.

(2) Any felony offense described in this article.

(e) Nothing contained in this section shall apply to a registered pharmacist furnishing controlled substances pursuant to a prescription.

SEC. 26. Section 11382 of the Health and Safety Code is amended to read:

11382. Every person who agrees, consents, or in any manner offers to unlawfully sell, furnish, transport, administer, or give any controlled substance which is (1) classified in Schedule III, IV, or V and which is not a narcotic drug, or (2) which is specified in subdivision (d) of Section 11054, except paragraphs (10), (11), (12), and (17) of such subdivision, or specified in subdivision (d) of Section 11055, to any person, or offers, arranges, or negotiates to have any such controlled substance 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 such controlled substance 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.

SEC. 27. Section 11550 of the Health and Safety Code is amended to read:

11550. No person shall use, or be under the influence of any controlled substance which is (1) specified in subdivision (b) or (c) of Section 11054, specified in paragraph (10) (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055 or (2) which is a narcotic drug classified in Schedule III, IV, or V, 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.

SEC. 28. Any person convicted and sentenced for a violation of any provision of Division 10 (commencing with Section 11000) of the Health and Safety Code, occurring on or after the effective date of Chapter 1407 of the Statutes of 1972 and before the effective date of this act, may petition the court which pronounced sentence upon him for resentencing, if the changes made by this act would (1)

prescribe a different punishment for such offense, or (2) render such person eligible for probation, which was denied at the time of sentencing pursuant to Section 11370 of the Health and Safety Code. The court shall modify the previous sentence to impose a sentence prescribed by the provisions of this act, if this act changes the prescribed punishment, and may in appropriate cases grant probation if the defendant would be entitled to consideration for probation pursuant to the amendments to Section 11370 of the Health and Safety Code made by this act, but was denied probation pursuant to Section 11370 prior to the effective date of this act. However, if this act deletes the offense for which the conviction is rendered, the sentence may be modified, in the discretion of the court, only to impose probation in appropriate cases.

SEC. 29. There are no state-mandated local costs imposed by this act that require reimbursement under Section 2164.3 of the Revenue and Taxation Code.

SEC. 30. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Inadvertent substantive changes with respect to criminal offenses and penalties were contained in Chapter 1407 of the Statutes of 1972 (A.B. 192). In order to restore such offenses and penalties to their status prior to the enactment of Chapter 1407 and thereby serve the actual legislative intent and to provide for the proper and intended disposition of drug offenders, it is necessary that this act go into effect immediately.

SEC. 31. If Assembly Bill No. 376, 449, or 725 of the 1973–74 Regular Session of the Legislature is enacted and becomes effective on or before January 1, 1974, any section of such bill which amends, amends and renumbers, or repeals a section amended by this act, shall prevail over this act whether such bill is enacted prior or subsequent to this act.

CHAPTER 1079

An act to add Part 4.7 (commencing with Section 12250) to Division 6 of the Water Code, relating to recreation on the Feather River, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 1, 1973. Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Part 4.7 (commencing with Section 12250) is added to Division 6 of the Water Code, to read:

PART 4.7. SPECIAL PROJECTS

CHAPTER 1. FEATHER RIVER RECREATION

12250. The department is authorized to construct a flashboard dam at or near the former Western Canal Dam site on the Feather River below the City of Oroville for recreational purposes substantially in accordance with Plan B of the Memorandum Report of the department dated January, 1973, and entitled: "Report on Alternate Recreation Plans for the Feather River between the City of Oroville and the site of the former Western Canal as Directed by Assembly Concurrent Resolution No. 71, 1972 Session." It shall be the responsibility of the department to maintain and operate such flashboard dam.

12251. In order to construct the dam authorized pursuant to Section 12250, the department may exercise any of the powers conferred upon it by the provisions of Part 3 (commencing with Section 11100) of this division.

12252. Construction of the dam authorized pursuant to Section 12250 shall be contingent on the development of the total recreation area substantially in accordance with Plan B of the Memorandum Report referred to in Section 12250.

12253. The Department of Parks and Recreation is authorized to develop and operate the recreational facilities substantially in accordance with Plan B of the Memorandum Report referred to in Section 12250.

12254. Lands adjacent to the dam authorized pursuant to Section 12250 which are owned by the department and leased to the Department of Fish and Game may be exchanged for privately owned lands in the immediate area.

12255. Any land acquisition for the purposes of this chapter shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code).

12256. Funds appropriated by the Budget Act of 1973 for the purposes of this chapter may be expended only for planning and land acquisition purposes until such time as the state has entered into contracts with local public agencies for the operation and maintenance of the recreational facilities.

SEC. 2. It is the intent of the Legislature that the Department of Parks and Recreation transfer money appropriated in Item 350.5 of the Budget Act of 1973 to the Department of Water Resources to construct the dam as authorized pursuant to Section 12250 of the Water Code.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act permits the construction by the Department of Water

Resources of urgently needed recreational facilities on the Feather River below the City of Oroville. Funds for such purpose have been appropriated in the 1973 Budget Act. The provision of such recreational facilities is required at the earliest possible time. In order, therefore, to permit the expenditure of funds appropriated for the construction of urgently needed recreational facilities at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 1080

An act to add Division 8.5 (commencing with Section 9000) to, and to repeal Chapter 5 (commencing with Section 18300) and Chapter 6 (commencing with Section 18350) of Part 6 of Division 9 of, the Welfare and Institutions Code, relating to aging, and making an appropriation therefor

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Division 8.5 (commencing with Section 9000) is added to the Welfare and Institutions Code, to read:

DIVISION 8.5. AGING

CHAPTER 1. LEGISLATIVE FINDINGS AND DECLARATIONS OF POLICY AND PURPOSES

9000. This division shall be known, and may be cited, as the Burton Act for the Aging. The Legislature finds that senior adults are a rapidly growing segment of our population and that large numbers of our state's older residents are prevented from living their lives in good health, dignity and security because of a lack of adequate economic opportunities and health and social services, a lack of an effective advocate voice at the various policy levels of state government, and a lack of the opportunity for participation by senior adults in the decisionmaking processes which affect them.

The Legislature further finds that programs for the elderly are administered by a variety of local and state agencies which are multipurpose in nature and which lack the visibility, authority and capacity to effectively influence programming on aging at the top levels of the state government, in order to meet the needs of our older residents.

9001. In enacting this division, it is the intent of the Legislature to provide the means for advocacy for the elderly, in order that they will be represented in all governmental matters that may affect

them, and for comprehensive and coordinated planning and delivery to our older residents of a full range of essential services including, but not limited to, nutrition, health services, preretirement training, continuing education, low-cost transportation, housing and income maintenance

9002. The Legislature declares that it is the policy of the state to participate fully in programs at the federal, state and community levels whose purposes are to foster and promote community planning and services for the economic, social and personal well-being of older persons.

9003. The purposes of this division are to:

(a) Provide advocacy for the senior adult throughout all levels of state government;

(b) Make available comprehensive programs which include a full range of health, education and social services to those of our older residents who are in need of them;

(c) Give full and special consideration to those of our older residents with special needs in planning such programs, and, pending the availability of such programs, to give priority to the elderly with the greatest economic and social need;

(d) Provide comprehensive programs which will assure the coordinated delivery of a full range of essential services to our older residents, and, where applicable, also furnish meaningful employment opportunities for many individuals, including older persons, young persons, and volunteers from the community; and

(e) Insure that the planning and operation of such programs will be undertaken as a partnership of older residents, deliverers of services, and state and local governments.

CHAPTER 2. DEFINITIONS

9100. Unless the context otherwise clearly requires, the definitions set forth in this chapter shall govern the construction of this division.

9101. "Commission" means the California Commission on Aging.

9102. "Office" means the Office on Aging.

9103. "Director" means the Director of the Office on Aging

9104. "Senior adult", "older person", "elderly" or "older resident" mean a person of the age of 60 years or older.

9105. "Planning areas for aging" means those areas of the state designated as such by the California Commission on Aging

CHAPTER 3. CALIFORNIA COMMISSION ON AGING

9200 There is in the state government, the California Commission on Aging. The commission shall be composed of 15 persons. nine persons appointed by the Governor, three persons appointed by the Speaker of the Assembly, and three persons appointed by the Senate Rules Committee At least five of the

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persons appointed by the Governor, two of the persons appointed by the Speaker of the Assembly and two of the persons appointed by the Senate Rules Committee shall be 55 years of age or older. Persons so appointed to the commission shall include a significant number of consumers of services referred to in this division, including members of minority groups, and persons knowledgeable in the provision of services for the elderly.

9200.5. Appointees to the commission shall serve at the pleasure of the appointing power within the limitations for terms provided in this section. The terms of office of the members of the commission shall commence on January 1, 1974, and the members shall enter upon their duties on that date and shall classify their terms of office by lot so that five of the terms of such appointed members shall expire on January 1, 1975; and five of the terms of such appointed members shall expire on January 1, 1976; and five of the terms of such appointed members shall expire on January 1, 1977. After the initial classification of terms, the term of office of members of the commission shall be three years. Members shall not serve more than two terms.

At the first meeting of the commission, and annually thereafter, the members shall select one of their members to serve as chairman and one of their members to serve as vice chairman.

9201. The duties and functions of the commission shall be to:

(a) Serve as the principal advocate body in the state on behalf of older persons in areas affecting such persons, including, but not limited to, advisory participation in the consideration of all regulations made by state departments affecting licensing, inspection and rate setting for nursing homes and like facilities, housing for the elderly, home health services, educational, and income maintenance programs;

(b) Advise the director concerning basic policies and priorities with respect to the development and operation of programs and activities related to the purposes of this division, in order to stimulate the most effective use of existing resources and available services for the elderly;

(c) Prepare, publish and disseminate materials dealing with the well-being of senior adults;

(d) Meet as a commission at least monthly in order to study all aspects of the problems of aging;

(e) Establish a statewide advisory body, representing senior adults in accordance with the guidelines for such advisory bodies established in the Older Americans Act as amended. This advisory body shall be composed of one senior consumer from each of the planning areas for aging, and those areas having a senior adult population over 100,000 shall receive an additional representative for each 100,000 senior population or portion thereof. The term of office for this advisory body shall be for two years. This advisory body shall meet at least quarterly to review the State Annual Operating Plan for Aging and to make recommendations to the commission

concerning such programs;

(f) Hold hearings throughout the state, in order to advise the Governor, Legislature and the office on action needed to solve problems of aging, and in order to insure that the needs and wants of older consumers of services referred to in this division are duly considered by the office, the Governor and the Legislature prior to the taking of action to solve these problems;

(g) Within budgetary limits, hire an executive secretary and such staff as may be necessary for the commission to fulfill its duties; and

(h) Perform other duties as may be assigned to it by statute or regulation.

9202. The commission shall prepare and render annually a written report of its activities and its recommendations, which shall reflect the advice of the statewide advisory body of senior consumers. Such report shall be presented to the Governor, the director, the Speaker of the Assembly and the Senate Rules Committee for improvements and additions to the existing efforts of state government on behalf of older persons and of the ways the State of California could encourage and promote programs and services by local communities on behalf of senior residents.

9203. The commission may accept gifts and grants from any source, public or private, to assist it in the performance of its functions, and such gifts and grants shall operate to augment any appropriation made for the support of the commission, provided that the office shall serve as the fiscal agent for the accounting of such gifts and grants and that no gifts or grants shall be used for the operation by the commission of direct service programs which would conflict with the office's duties and functions as described in law.

9204. Wherever there is a reference in any statute of this state to the Citizens Advisory Committee on Aging or the California Commission on Aging, it shall be construed to refer to the California Commission on Aging; provided that such reference concerns an advisory or advocacy function, or a function described in Section 9201 of this code. Any other such reference shall be construed to refer to the Office on Aging.

9205. Members of the commission and of the statewide advisory body shall serve without compensation, but shall be reimbursed for their actual and necessary travel and other expenses incurred in the performance of their official duties.

CHAPTER 4. OFFICE ON AGING

9300. There is in the state government in the Health and Welfare Agency, an independent Office on Aging.

9301. The office consists of a director and such staff as may be necessary for proper administration. The office shall include, but not be limited to, comprehensive program planning and development, information and administrative services, which include intra- and intergovernmental relations, and regional and community

development, which includes training services.

The Office on Aging shall maintain its main office in Sacramento.

9302. With the consent of the Senate, the Governor shall appoint, to serve at his pleasure, a Director of the Office on Aging. The director shall be appointed wholly on the basis of training, demonstrated ability, experience and leadership in the field of aging. He shall have the powers of a head of a department pursuant to Chapter 2 (commencing with Section 11150) of Part 1 of Division 3 of Title 2 of the Government Code, and shall receive the salary provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code.

Prior to consideration by the Senate of the appointment, the Senate Rules Committee or another committee of the Legislature designated by such committee shall hold public hearings on the qualifications of the Governor's appointee and submit a report to the Senate on findings and recommendations.

9303. The director shall·

(a) Be responsible for the management of the office;

(b) Administer the laws pertaining to the purposes of this division;

(c) With the advice of the commission, formulate, adopt, amend or repeal regulations and general policies affecting the purposes, responsibilities and jurisdiction of the office and which are consistent with law and necessary for the administration of this division;

(d) Assist the commission in the carrying out of its duties; and

(e) Perform other duties as may be prescribed by law.

9304. Subject to the State Civil Service Act, the director shall appoint such assistants and other employees as are necessary for the administration of the affairs of the office and shall prescribe their duties.

9305. The office shall be designated as the single state agency for supervision of all programs under the Older Americans Act as amended, and all programs for the elderly established by federal acts which provide revenue sharing for such programs, and may be designated as the single state agency for supervision of other programs of the federal government relating to the aging which are not the specific responsibility of another state department under the provisions of federal law or which have not been specifically entrusted to another state department by the Legislature.

9306. The duties and powers of the office shall be to:

(a) Provide for the coordination of programs and activities related to the purposes of this division;

(b) Coordinate and assist in the planning and development by public and nonprofit private agencies of programs for older persons, with a view to establishing a statewide network of comprehensive, coordinated services and opportunities for such persons;

(c) Provide technical assistance and consultation to state and local public agencies, voluntary organizations, churches, industry, labor and other interested persons and organizations with respect to programs for the aging;

(d) Prepare, publish and disseminate materials dealing with the well-being of older persons;

(e) Conduct and arrange for research, gather statistics, hold hearings on and in other ways study all aspects of the problems of aging in order to accomplish the purposes of this division;

(f) Serve as a clearinghouse for information and all aspects of aging—such information to be made available to all interested persons and organizations;

(g) Administer programs and activities as directed by law; and

(h) Take other actions necessary to accomplish the objectives and purposes of this division.

9307. The office shall prepare and render annually a written report of its activities and recommendations to the Governor, Speaker of the Assembly, Senate Rules Committee and the commission for improvements and additions to the existing efforts of state government on behalf of the older persons in California and of the ways the State of California can encourage and promote programs and services by local communities on behalf of older persons.

9308. The office may accept gifts and grants from any source, public or private, to assist it in the performance of its functions, and such gifts and grants shall operate to augment any appropriation made for the support of the office.

9309. No person, while holding the office of member of the commission or its staff or the director of the office or its staff, shall be a trustee, manager, director or other officer or employee of any agency performing any function supervised by the office or the commission, nor shall any member of the commission hold any other office or employment in the office.

SEC. 2. Chapter 5 (commencing with Section 18300) of Part 6 of Division 9 of the Welfare and Institutions Code is repealed.

SEC. 3. Chapter 6 (commencing with Section 18350) of Part 6 of Division 9 of the Welfare and Institutions Code is repealed.

SEC. 3.5. The Legislature hereby finds and declares that Fresno County is a uniquely appropriate area for a senior citizens transportation pilot project because of the following facts:

(1) Fresno County ranks in the top one-fifth of the state for percentage of population over 65;

(2) Fresno County is primarily a rural, agrarian area where public transportation is not readily available; and

(3) Fresno County's population is sufficiently low that a transportation pilot project of small size would still have a meaningful countywide effect.

Pursuant to such legislative findings, the Office on Aging shall establish a transportation pilot project in Fresno County for the benefit of persons over age 60. Such pilot project shall be funded pursuant to Title VII of the Older Americans Act of 1965, as amended, and shall be implemented through the purchase by the state of four minibuses, which shall be suitably equipped to meet the

transportation needs of persons over age 60.

The Office on Aging shall submit to the Legislature a report on the success of such pilot project within three years.

SEC. 4. On the effective date of this act, the unexpended balance of the appropriation made by Item 269 of the Budget Act of 1973 shall be transferred to the Office on Aging and the California Commission on Aging for the purposes of this act.

CHAPTER 1081

An act to amend Section 6802.1 of the Education Code, relating to special education.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. 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 within the employing or other district being served, such physically handicapped pupils for the full schoolday established by the governing board for regular pupils in the public school or public 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. 2. 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 within the employing or other district being served, such physically handicapped pupils for the full schoolday established by the governing board for regular pupils in the public school or public 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.

(f) Special speech instruction through speech aides. In counties having a total average daily attendance of less than 30,000 or defined as class 4 through class 8 counties, inclusive, by Section 756, a program of remediation for speech handicapped pupils may be conducted through the use of specially trained instructional aides in structured programs of language and articulation under the direction and guidance of a credentialed speech therapist. Reimbursement of such speech instruction shall be as provided by subdivision (j) of Section

18102.9. No more than two speech aides may be supervised by one speech therapist. The therapist shall be responsible for establishing goals and objectives and evaluating the aide's performance.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 851 are both chaptered and become effective January 1, 1974, both bills amend Section 6802.1 of the Education Code, and this bill is chaptered after Senate Bill No. 851, that the amendments to Section 6802.1 proposed by both bills be given effect and incorporated in Section 6802.1 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 851 are both chaptered and become effective January 1, 1974, both amend Section 6802 1, and this bill is chaptered after Senate Bill No. 851, in which case Section 1 of this act shall not become operative.

CHAPTER 1082

An act making an appropriation for the acquisition of lands for the state park system.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the Bagley Conservation Fund to the Department of Parks and Recreation the sum of one million eight hundred thousand dollars ($1,800,000) for the acquisition of lands located in Monterey County for the state park system; provided, that the projects budgeted in Item 350 of the Budget Act of 1973 shall have priority over this project, and this project may only be funded from any unencumbered balance of the appropriation made by Item 350 of the Budget Act of 1973. Such acquisition shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code).

CHAPTER 1083

An act to amend Section 1329 of the Penal Code, relating to witness fees

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1 Section 1329 of the Penal Code is amended to read:

1329. (a) When a person attends before a magistrate, grand jury, or court, as a witness in a criminal case, whether upon a subpoena or in pursuance of an undertaking, or voluntarily, the court, at its discretion, if the attendance of the witness be upon a trial may by an order upon its minutes, or in any criminal proceeding, by a written order, direct the county auditor to draw his warrant upon the county treasurer in favor of such witness for witness' fees at the rate of twelve dollars ($12) for each day's actual attendance and for a reasonable sum to be specified in the order for the necessary expenses of such witness. The court, in its discretion, may make an allowance under this section, or under Chapter 1 (commencing with Section 68070), Title 8, of the Government Code, as it may deem appropriate. The allowances are county charges.

(b) The court, in its discretion, may authorize payment to such a witness, if he is employed and if his salary is not paid by his employer during the time he is absent from his employment because of being such a witness, of a sum equal to his gross salary for such time, but such sum shall not exceed eighteen dollars ($18) per day. The sum is a county charge.

A person compensated under the provisions of this subdivision may not receive the payment of witness' fees as provided for in subdivision (a).

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations or responsibilities imposed on local government by this act.

CHAPTER 1084

An act to add Section 39079 6 to the Health and Safety Code, relating to air pollution

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 39079.6 is added to the Health and Safety Code, to read:

39079 6 (a) The chairman of the board shall convene a committee of 11 members to recommend to the board for adoption, not later than January 1, 1975, air pollution standards for sandblasting operations.

(b) The committee shall include nine members appointed by the chairman of the board as follows: three contractors licensed pursuant to Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code for sandblasting services, three

members from public entities which contract for such services, and three members from the governing bodies of air pollution control districts. The committee shall also include two public members, one of whom shall be appointed by the Senate Rules Committee and one by the Speaker of the Assembly. The committee shall select a chairman from its membership, and he shall serve at the pleasure of the committee.

(c) In developing the standards, the committee shall take into consideration the need to reduce air pollution from all sources and the need to also continue sandblasting operations as a means of corrosion control. The committee shall examine present sandblasting procedures and equipment, and determine where improvements can be made so that the standards reflect the strictest standards that can be reasonably achieved.

(d) The board shall adopt the standards in accordance with Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code.

(e) Thirty days after the adoption of air pollution standards for sandblasting operations, the committee shall adjourn. Thereafter, it may meet at least once annually upon the call of the chairman of the committee to review the standards in light of changes in sandblasting technology.

(f) The board may add to, amend, and repeal any such standard.

(g) These standards shall be statewide and no rule or regulation of any air pollution control district that is applicable to sandblasting operations shall be stricter or less strict than the standards adopted by the board pursuant to the recommendations of the committee.

(h) The standards adopted pursuant to this section shall not supersede any rule or regulation of any air pollution control district governing permanent sandblasting operations or equipment, which rule or regulation was in effect on January 1, 1974. For purposes of this section, "permanent sandblasting operations or equipment" means sandblasting operations conducted, or sandblasting equipment located, in a building which is used, in whole or in part, for sandblasting operations.

SEC. 2. Notwithstanding the state-mandated local costs contained in this act, there shall be no reimbursement pursuant to Section 2164.3 of the Revenue and Taxation Code, nor shall any appropriation be made by this act, because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may be enacted that serve to cause both increased and decreased costs to local governmental entities which, in the aggregate, do not result in significant identifiable cost changes.

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CHAPTER 1085

An act to add Sections 248 and 255.3 to the Health and Safety Code, relating to crippled children services.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 248 is added to the Health and Safety Code, immediately prior to Section 249, to read:

248. This article shall be known and may be cited as the Robert W. Crown Crippled Children Services Act.

SEC. 2. Section 255.3 is added to the Health and Safety Code, to read:

255.3. The financial eligibility standards for treatment services established pursuant to Section 255 shall be updated effective January 1, 1974, to reflect increases in the cost of living since January 1, 1967, and shall be updated annually thereafter to reflect any increases in the cost of living.

CHAPTER 1086

An act to amend Section 1760 of, and to add Sections 1760.5 and 1760.6 to, the Health and Safety Code, and to amend Section 2512 of, and to repeal Section 21714 of, the Vehicle Code, relating to ambulances.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 1760 of the Health and Safety Code is amended to read:

1760. The State Department of Health shall maintain, in cooperation with local agencies, an emergency medical services program including, but not limited to, the following:

(a) Collection of data on the use of emergency medical services which will be of value in their development.

(b) Evaluation of emergency medical services.

(c) Establishment of recommended standards for emergency medical services.

(d) Provision of plans whereby community medical emergency services can be augmented by assistance from nearby communities and from other resources throughout the state at large.

(e) Providing consultation services with the emergency medical care committee of each county established under Section 1750 of this

code.

(f) Establishment of emergency medical training and educational standards for ambulance personnel.

SEC. 2. Section 1760.5 is added to the Health and Safety Code, to read:

1760.5. No owner of a publicly or privately owned ambulance shall permit the operation of such ambulance in emergency service unless the attendant on duty therein or, if there is no attendant on duty therein, the operator, possesses evidence of such specialized training as is reasonably necessary to insure that such attendant or operator is competent to care for sick or injured persons who may be transported by such ambulance, as set forth in the emergency medical training and educational standards for ambulance personnel established by the department pursuant to subdivision (f) of Section 1760. This section shall not be applicable in any state of emergency declared pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code), when it is necessary to fully utilize all available ambulances in an area and it is not possible to have such ambulance operated or attended by persons with the qualifications required by this section.

SEC. 3. Section 1760.6 is added to the Health and Safety Code, to read:

1760.6. The Advisory Committee on Emergency Medical Services is hereby created and established in the State Department of Health. The committee shall advise the director on regulations to be adopted by the department for implementation of this article. The committee may give the director general advice in regard to communications, medical equipment, training, personnel, facilities, and other subjects relating to emergency medical services. The committee shall be composed of 10 members. The Governor shall appoint eight members as follows: one representative of a private ambulance company, one hospital administrator, one physician and surgeon specializing in emergency medical care, two public members, one of whom has been active in community efforts to improve emergency medical services, one representative of a public emergency medical services agency, one representative of the Department of the California Highway Patrol, and one representative of the State Department of Health, who shall serve as chairman.

The Senate Rules Committee and the Speaker of the Assembly shall each appoint one public member.

The members of the advisory committee shall receive no compensation for their services, but shall be reimbursed for their actual, necessary traveling and other expenses incurred in the discharge of their duties.

The committee shall meet on the call of the chairman.

SEC. 4. Section 2512 of the Vehicle Code is amended to read:

2512. (a) The commissioner, after consultation with, and

pursuant to the recommendations of, the State Department of Health and the Department of Motor Vehicles, shall adopt and enforce such reasonable regulations as he determines are necessary for the public health and safety regarding the operation, equipment, and certification of drivers of all ambulances used for emergency services. Such regulations shall not conflict with standards established by the State Department of Health pursuant to subdivision (f) of Section 1760 of the Health and Safety Code. The commissioner shall exempt, upon request of the county board of supervisors that such exemption is necessary for public health and safety, noncommercial ambulances operated within the county from such regulations adopted under this section as are specified in the board of supervisors' request The State Department of Health shall be notified by the county boards of supervisors of any such exemptions. The commissioner may, with the consent of the Director of Motor Vehicles, authorize the director to administer any regulations adopted pursuant to this section which relate to the issuance, suspension, or revocation of ambulance drivers' certificates and, in such administration, to exercise the powers granted to the commissioner by this section.

(b) This section shall not preclude the adoption of more restrictive regulations by local authorities, but it is the intent of the Legislature that regulations adopted by the commissioner pursuant to this section shall be the minimum necessary to protect public health and safety, and shall not be so restrictive as to preclude compliance by ambulances operated in sparsely populated areas. The provisions of this subdivision shall not relieve the owner or driver of any ambulance from compliance with Section 21055.

SEC. 5. Section 21714 of the Vehicle Code is repealed.

SEC. 6. The emergency medical training and education standards for ambulance personnel required to be established by the State Department of Health under this act shall be adopted and shall go into effect no later than July 1, 1974, except that the department shall allow such personnel in rural or remote areas, as defined by the department, until not later than July 1, 1975, to comply with such standards when the Director of Health finds that such personnel are limited by their rural or remote location in their opportunity to obtain and complete such training courses.

CHAPTER 1087

An act relating to land acquisition for a state park at Candlestick Point.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. The Department of Parks and Recreation is hereby authorized to acquire and develop real property at Candlestick Point for the state park system.

SEC. 2. The acquisition shall be made in accordance with the Property Acquisition Law (Part 11 (commencing with Section 15850), Division 3, Title 2 of the Government Code).

CHAPTER 1088

An act to amend Sections 11056 and 11377 of the Health and Safety Code, relating to controlled substances, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 11056 of the Health and Safety Code is amended to read:

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) Methaqualone and its salts.

(7) Methyprylon.

(8) Phencyclidine.

(9) Sulfondiethylmethane.

(10) Sulfonethylmethane.

(11) 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.

SEC. 2. Section 11377 of the Health and Safety Code is amended to read:

11377. (a) 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, other than any substance specified in paragraph (6) of subdivision (b) of Section 11056, unless 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.

(b) 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 specified in paragraph (6) of subdivision (b) of Section 11056, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by a fine of not exceeding five hundred dollars ($500) or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment.

(c) If a person charged with an alleged violation of subdivision (a) 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.

SEC 3. Section 11377 of the Health and Safety Code is amended to read·

11377. (a) 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 which is (1) classified in Schedule III, IV, or V, other than any substance specified in paragraph (6) of subdivision (b) of Section 11056, and which is not a narcotic drug or (2) which is specified in subdivision (d) of Section 11054, except paragraphs (10), (11), (12), and (17) of such subdivision, or specified in subdivision (d) of Section 11055, unless 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.

(b) 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 specified in paragraph (6) of subdivision (b) of Section 11056, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by a fine of not exceeding five hundred dollars ($500), or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment.

(c) If a person charged with an alleged violation of subdivision (a) has been previously convicted once of any offense described in subdivision (d), 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.

(d) Any previous conviction of any felony offense described in this article, of a conspiracy to commit any offense described in this article, or of any offense under the laws of another state or of the United States which, if committed in this state, would have been punishable as such a felony offense, shall be charged pursuant to

subdivision (c).

SEC 4 It is the intent of the Legislature, if this bill and Assembly Bill No. 2228 are both chaptered, both bills amend Section 11377 of the Health and Safety Code, and this bill is chaptered after Assembly Bill No. 2228, that the amendments to Section 11377 proposed by both bills be given effect and incorporated in Section 11377 in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill, and Assembly Bill No. 2228 are both chaptered, both amend Section 11377, and this bill is chaptered after Assembly Bill No. 2228, in which case Section 2 of this act shall not become operative.

SEC. 5. Notwithstanding Section 2164.3 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there by any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The unsupervised use of methaqualone and its salts have resulted in a serious health problem and such use should be made subject to controls at the earliest possible time. In order for the use of such substances to be controlled at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 1089

An act to protect the water resources of the state by creating the South Delta Water Agency and prescribing the boundaries, organization, operation, management, financing, and other powers and duties of the agency.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

Article 1. General Provisions

SEC 1.1. This act may be cited as the South Delta Water Agency Act.

SEC. 1.2. There is hereby created a body politic and corporate of the State of California to be known as the "South Delta Water Agency" which shall have the boundaries hereafter described.

SEC. 1.3. As used herein, unless otherwise indicated by their context:

(a) "Agency" means the South Delta Water Agency.

(b) "United States" means and includes the United States of America and all bureaus, commissions, divisions, departments, boards, agencies, and officers of the executive branch thereof.

(c) "State of California" includes the State of California and all bureaus, commissions, divisions, departments, boards, agencies, and officers of the executive branch thereof.

(d) "Board" means the board of directors of the agency.

(e) "Director" means a member of the board of directors.

(f) "Chairman" means the chairman of the board of directors of the agency.

(g) "Secretary" means the secretary of the board of directors of the agency.

(h) "Legal representative" means an official of a corporation owning land, and means a guardian, conservator, or administrator of the estate of the holder of title to land who:

(1) Is appointed under the laws of this state.

(2) Is authorized by the appointing court to exercise the particular right, privilege, or immunity which he seeks to exercise.

(i) "Voter" means the owner of record of the fee title to lands within the agency.

SEC. 1.4. "Land" or "lands" as used herein excludes improvements thereon, and also excludes rights or privileges appertaining to minerals, oil, gas, or other hydrocarbon substances underlying the surface thereof when such rights or privileges are assessed separately from the land.

Article 2. Elections

SEC. 2.1. Except as otherwise provided herein, the Uniform District Election Law relating to landowner voting districts, shall apply to all elections within the agency.

SEC. 2.2. Each landowner shall have one vote for each dollar's worth of land to which he holds title within the division. The last equalized assessment roll of the county in which the land is located is conclusive evidence of ownership and of the worth of the land for voting purposes.

SEC. 2.3. Every voter or his legal representative may vote at any agency election either in person or by a person duly appointed as his proxy.

SEC. 2.4. No appointment of a proxy shall be valid, accepted, or vote allowed thereon at any agency election unless it meets all of the following requirements:

(a) It is in writing.

(b) It is executed by the person or legal representative of the person who, in accordance with the provisions of Section 2.3, is entitled to cast the votes for which the proxy is given.

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(c) It is acknowledged.

(d) It specifies the election at which it is to be used. An appointment of a proxy shall be used only at the election specified.

Every appointment of a proxy is revocable, at the pleasure of the person executing it, at any time before the person appointed as proxy shall have cast a ballot representing the votes for which the appointment was given.

SEC. 2.5. Before a legal representative votes at an agency election he shall present to the precinct board a certified copy of his authority which shall be kept and filed with the returns of the election.

SEC. 2.6. The ballots used at an agency election shall be provided by the county clerk pursuant to the provisions of the Uniform District Election Law, and shall be in the form prescribed in Section 35106 of the Water Code.

SEC. 2.7. Except as otherwise provided herein or in the Uniform District Election Law, the procedures to be used at the polls by the precinct board shall be as set forth in Section 35107 of the Water Code.

SEC. 2.8. Any voter may commence the contest of an agency election within 20 days after the result has been declared by filing a complaint in the superior court of the county within which the voter's lands are situated. If no contest is commenced within that time, the declaration of the result as determined from the canvass of the respective county clerks is final and conclusive.

Article 3. Internal Organization

SEC. 3.1. The government of the agency shall be vested in a board of directors selected as herein provided, and the powers of the agency, except as otherwise herein expressly provided, shall be exercised by the board.

SEC. 3.2. The board shall consist of five members, one from each of the five divisions in the agency, and each of whom shall be an owner of real property, or the legal representative of an owner of real property, within the respective division he represents.

SEC. 3.3. The members representing each division on the first board of directors of the agency shall be appointed on or before March 1, 1974, by the board of supervisors of the county in which the division or the greater portion of the assessed value of the division is located, which board of supervisors shall be the supervising authority for the purpose of appointment in lieu of election pursuant to Section 23520 of the Elections Code.

SEC. 3.4. The terms of office for the first board of directors shall expire in 1975 for those directors appointed to represent even-numbered divisions, and in 1977 for those appointed to represent odd-numbered divisions as designated in Section 9.2, as provided in the Uniform District Election Law.

SEC 3.5. All directors shall thereafter be elected or appointed in

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lieu of election in the manner prescribed in Article 2 (commencing with Section 2.1) of this act. The term of each director other than those appointed pursuant to Section 3.3 shall be four years and until his successor qualifies.

SEC. 3.6. Within 20 days after receiving his certificate of election, or certificate of appointment, each member director shall qualify by taking and subscribing an official oath and filing it in the office of the agency.

SEC. 3.7. Any vacancy occurring on the board shall be filled by appointment by the board of supervisors of the county within which such division or the major portion of the assessed value of such division is located, and such appointee shall serve for the unexpired portion of the term of the office in which such vacancy exists.

SEC. 3.8. The first board shall hold its first meeting as soon as possible after the appointment and qualification of the members of the first board of directors. It shall choose one of its members as chairman, and one of its members as vice chairman, and shall thereupon provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

A majority of the board shall constitute a quorum for the transaction of business.

At its first meeting in January of each year, the board shall choose one of its members as chairman and one of its members as vice chairman, who shall serve as such until the first meeting in January of the immediately following year, or until their respective successors are chosen.

SEC. 3.9. The board shall act only by resolution or motion, which may be adopted by voice vote, but on demand of any member the roll shall be called. No motion or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board.

SEC. 3.10. The board may adopt reasonable rules and regulations to facilitate the exercise of its duties and powers.

SEC. 3.11. Each of the members of the board shall receive for each attendance at the meetings of the board the sum of twenty-five dollars ($25).

In addition to his compensation for attendance at meetings of the board, each member of the board shall be allowed his actual, necessary and reasonable expenses incurred in carrying out his duties.

Each member of the board shall receive such compensation as the board determines to be just and reasonable for services, other than attendance at meetings of the board, performed at the direction of the board.

SEC. 3.12. The board may appoint, define the duties, and fix the compensation of such advisers, assistants, and employees as it may deem necessary to efficiently maintain and operate the agency. The exercise of any and all executive, administrative and ministerial powers may be delegated by the board.

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SEC. 3.13. The board shall have the power:

1. To fix the time and place or places at which its regular meetings shall be held, and shall provide for the calling and holding of special meetings;

2. To fix the location of the principal place of business of the agency and the location of all offices of the agency.

3. To prescribe a system of business administration; to create any and all necessary offices; to establish and reestablish the powers and duties and compensation of all officers and employees; and to require and fix the amount of all official bonds necessary for the protection of the funds and property of the agency.

4. To designate depositories for the funds of the agency.

Article 4. Purposes and Powers

SEC. 4.1. The general purposes of the agency shall be to negotiate, enter into, execute, amend, administer, perform, and enforce one or more agreements with the United States and with the State of California, or with either, which have for their general purposes the following:

(a) To protect the water supply of the lands within the agency against intrusion of ocean salinity; and

(b) To assure the lands within the agency a dependable supply of water of suitable quality sufficient to meet present and future needs.

SEC. 4.2. The agency shall also have the following powers:

(a) To have perpetual succession.

(b) To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at pleasure.

(d) To take by grant, purchase, gift, devise, or lease, or dispose of, real and personal property of every kind within or without the agency.

(e) To borrow money and incur indebtedness; provided, however, that with the exception of agreements provided for in Section 4.1, the agency shall not at any one time incur indebtedness in excess of the ordinary annual income and revenues of the agency; except that the agency may borrow money for its expenses incurred during the period until the agency first receives tax money.

(f) To employ labor and contract for services.

(g) To cause assessments to be levied, in the manner hereinafter provided, for the purpose of paying expenses and obligations of the agency, including its formation expenses and any warrants issued therefor.

(h) To act jointly with or cooperate with the United States and with the State of California to the end that the purposes and activities of the agency may be fully and economically performed.

(i) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(j) To carry on technical and other investigations of all kinds necessary or convenient for the accomplishment of the purposes or powers of the agency.

SEC. 4.3. The agency shall have all powers necessary or convenient to carry out the purposes of this act, including powers granted by this act and any other provision of law.

Article 5. Finances

SEC. 5.1. On or before the 30th day of June of each year, the board shall determine, and cause to be thereafter assessed and collected as provided in this act, an amount of money sufficient to meet and pay the estimated expenses and obligations, including a reasonable reserve for contingencies, of the agency, until such time as moneys shall be available to the agency from assessments levied in the next succeeding year, subject, however, to a maximum limit of seventy-five thousand dollars ($75,000) for purposes other than payment under the contracts provided for in Section 4.1.

SEC. 5.2. The agency shall, at the time of making the determinations specified in Section 5.1, also determine the portion of the amounts to be raised applicable to each county within which lands lying within the agency are located, on the ratio of the value of land shown on the last equalized assessment roll within the agency within such county to the total value of land shown on the last equalized assessment roll in the agency, as determined by the agency, and the board shall certify such determinations to the board of supervisors of each county within which lands lying within the agency are located on or before the 30th day of June.

SEC. 5.3. Upon receipt of such certificate of determination, the county auditor, county assessor and county tax collector of each county shall take such action as may be necessary to collect such amount by prorating it on the basis of the assessed value of the taxable land, as defined in this act, lying within the agency and located in such county.

SEC. 5.4. The agency shall pay to each county the cost incurred by the county auditor, county assessor and county tax collector complying with the provisions of this act.

SEC. 5.5. The board of supervisors shall levy an assessment on the lands within the agency in accordance with the determinations made above, at the same time county taxes are levied, and its collection shall be at the same time and in the same manner as county taxes. Such assessments shall be a lien on the lands assessed and shall be enforceable in the same manner and by the same means as county taxes.

When collected, the amount, less the cost incurred by the county in complying with the provisions of this act, shall be paid to the treasurer of the agency under the general requirements and penalties provided by law for the settlement of other taxes.

SEC. 5.6. The board may, but need not, appoint as treasurer of

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the agency the county treasurer of any county situated in whole or in part within the boundaries of the agency. In the event that a county treasurer is appointed, he shall be the depository of the funds of the agency.

The board may issue warrants drawn on the appropriate funds of the agency to pay indebtedness of the agency incurred in carrying out the powers and duties of the agency in anticipation of the collection of assessment levies.

SEC. 5.7. The lands within the agency comprise a portion of the lands lying within the Delta Water Agency, the existence of which agency terminates on December 31, 1973, pursuant to Section 8.1 of the Delta Water Agency Act of 1968 (Chapter 419 of the Statutes of 1968). The successor of the Delta Water Agency, pursuant to Section 56501 of the Government Code, shall hold for the benefit of this agency that portion of the moneys, funds, and other assets of the Delta Water Agency which bears the same ratio to such total moneys, funds, and other assets as the assessed valuation of lands within this agency which were also situated within the Delta Water Agency bears to the total assessed evaluation of lands within the Delta Water Agency, and which remained on hand in the Delta Water Agency after payment of all outstanding obligations of such agency, and shall distribute such portion of the remaining assets to this agency following its initial organization in lieu of the distribution of such assets otherwise provided under Section 56507 of the Government Code.

Article 6. Validation Proceedings

SEC. 6.1. The agency shall validate any contract entered into with the United States or the State of California under the provisions of Section 4.1 in the manner provided in Chapter 9 (commencing with Section 860), Title 10, Part 2 of the Code of Civil Procedure.

Article 7. Approval of Contract by Voters

SEC. 7.1. No contract of the nature and character authorized by Section 4.1 of this act may be entered into or by the agency unless first approved by a majority of the votes cast at an election held within the agency.

SEC. 7.2. The election called for the purpose of voting upon such a contract shall be conducted insofar as applicable, in the manner provided in Article 2 (commencing with Section 2.1) of this act.

SEC. 7.3. Notice of such a contract approval election shall be published once a week for four successive weeks in a newspaper of general circulation published in each county within which affected lands of the agency are located. Proof of publication shall be filed with the secretary prior to the day of the election.

SEC. 7.4. The notice of the election shall specify:

(a) The time and place of the election.

(b) The purpose of the election.

(c) A brief statement of the general purpose of the contract.

(d) The amount of money to be paid to the United States, or the State of California, or both, under the contract.

SEC. 7.5. The ballots at the election shall contain a brief statement of the general purpose of the contract substantially as stated in the notice of election and the amount of money to be paid to the United States, or the State of California, or both, under the contract with the words "Contract—Yes" and "Contract—No."

Article 8. Dissolution for Failure to Execute Agreement

SEC. 8.1. In the event that the agency fails to enter into and execute on or before December 31, 1978, a contract with the United States and the State of California of the character and nature described in Section 4.1 of this act, the agency is dissolved and its existence is automatically terminated, and all of its corporate powers shall cease, except for the purpose of winding up the affairs of the agency.

SEC. 8.2. In the event of such dissolution of the agency and the termination of its existence, its affairs shall be wound up, its successor for the purpose of winding up its affairs determined, and its assets and funds distributed in accordance with the District Reorganization Act of 1965 (Division 1 (commencing with Section 56000) of Title 6 of the Government Code).

Article 9. Boundaries

SEC. 9.1. The boundaries of the agency are as follows:

Beginning at the intersection of the westerly boundary of the County of San Joaquin with the center line of Victoria Canal; thence in a general southerly direction along said westerly boundary of San Joaquin County, 5 miles, more or less, to intersection with the south line of the Southern Pacific Railroad Company's right of way, said intersection being in Section 32, T. 1 S., R. 4 E., M. D. B. & M.; thence southeasterly along said Railroad south line, 1¾ miles, more or less, to the west line of Section 3, T. 2 S., R. 4 E., M. D. B. & M.; thence south, being along the westerly boundary of the West Side Irrigation District, 2 miles, more or less, to a point 630 feet north of the S.W. corner of Section 15, T. 2 S., R. 4 E., M. D. B. & M.; thence in a general southeasterly direction along the boundary of the West Side Irrigation District (as said boundary is described in Instrument recorded in Book G., Volume 31 of Miscellaneous, page 585, San Joaquin County Records) through Sections 15, 22, 23, 26, 25 and 36, T. 2 S., R. 4 E., M. D. B. & M., and Sections 31 and 32, T. 2 S., R. 5 E., M.D.B.&M., a distance of 6.4 miles, more or less, to the east line of said Section 32; thence along the boundary of the Banta Carbona Irrigation District the following forty-four (44) courses: (1) south, 1¼ miles, more or less, to the N.E. corner of Section 8, T. 3 S., R. 5 E.,

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M. D. B. & M., (2) west, ½ mile to the N¼ corner of said Section 8, (3) south along the north-south ¼ section line of said Section 8, a distance of 1019.3 feet, (4) S. 82° 22′ E., 827.35 feet, (5) N. 63° 46′ E., 535.55 feet, (6) S. 65° 30′ E , 495.8 feet, (7) S. 46° 06′ E., 223.4 feet, (8) S. 8° 52′ E., 356.5 feet, (9) N. 87° 49′ E., 695.7 feet to a point in the west line of Section 9, T. 3 S , R. 5 E., M. D. B. & M. that bears south 1580.8 feet from the northwest corner thereof, (10) south to the W¼ corner thereof, (11) S. 89° 35′ E. along the south line of the NW¼ of said Section 9, a distance of 1325.8 feet; (12) S. 36° 05′ E., 609.2 feet, (13) along a curve to the left, radius 691 3 feet, through a central angle of 13° 36′, a distance of 164.0 feet, (14) S. 49° 41′ E., 240.2 feet, (15) along a curve to the left, radius 548.0 feet through a central angle of 35° 12′, a distance of 336.5 feet, (16) S. 84° 35′ E., 322.8 feet to the east line of the SW¼ of said Section 9, (17) S. 0° 16′ W., 1781.3 feet to the S¼ corner of said Section 9, (18) east, 2 miles to the N¼ corner of Section 14, T. 3 S., R. 5 E., M. D. B. & M., (19) south, ½ mile to the center of said Section 14, (20) east, ½ mile to the E¼ corner of said Section 14, (21) south, ½ mile to the S.E. corner of said Section 14, (22) east, ½ mile to the N¼ corner of Section 24, T. 3 S., R. 5 E., M. D. B. & M., (23) south 1½ miles to the center of Section 25, T. 3 S., R. 5 E., M. D. B. & M., (24) east, ½ mile to the W¼ corner of Section 30, T. 3 S., R. 6 E., M. D. B. & M., (25) south, 75.5 feet, (26) S. 76° 57′ E., 233.7 feet, (27) S. 67° 33′ E., 563.0 feet, (28) S. 75° 48′ E, 488.29 feet, (29) along a curve to the right, radius 573.14 feet, a distance of 115 feet, (30) S. 64° 18′ E., 47.85 feet, (31) along a curve to the left, radius 409.32 feet, a distance of 249.29 feet, (32) N. 80° 48′ E., 574.77 feet; (33) N. 80° 04′ E., 322.76 feet, (34) along a curve to the right, radius 358.17 feet, a distance of 225.83 feet, (35) S. 63° 48′ E., 1.51 feet to the east line of the SW¼ of said Section 30, (36) north, 469.3 feet, more or less, to the center of said Section 30, (37) east, ½ mile to the W¼ corner of Section 29, T. 3 S., R. 6 E., M. D. B. & M., (38) south, ½ mile to the S.W. corner of said Section 29, (39) east, 1½ mile to the N¼ corner of Section 33, T. 3 S., R. 6 E., M. D. B. & M., (40) south, 1 mile to the S¼ corner of said Section 33, (41) east, 1¼ miles, more or less, to the intersection of the south line of Section 34, T. 3 S., R. 6 E., M. D. B. & M., with the southerly boundary of the County of San Joaquin, (42) northeasterly along the southerly boundary of San Joaquin County, 1900 feet, more or less, to the east line of said Section 34, (43) north, along the east line of Section 34, a distance of 1100 feet, more or less, to the southwesterly line of the Southern Pacific Railroad Company's right of way and (44) northwesterly along said Railroad's southwesterly line 3 miles, more or less, to the west line of Section 21, T. 3 S., R. 6 E., M. D. B. & M ; thence north along the west line of said Section 21 to the northeasterly line of said Railroad right of way; thence along the boundary of the West Stanislaus Irrigation District the following seven (7) courses: (1) north, 1100 feet, more or less, to the N.W. corner of said Section 21, (2) east, 1½ miles to the N¼ corner of Section 22, T. 3 S., R 6 E., M. D. B. & M., (3) south, 1 mile to the S¼ corner of said Section 22, (4) N. 43° E.,

2,020 feet, more or less, (5) S. 47° E., 7600 feet, more or less, to the center line of Greenwood Road, (6) northeasterly along the center line of Greenwood Road, 1900 feet, more or less, to intersection with the east line of Section 26, T. 3 S., R. 6 E., M. D. B. & M., and (7) south along the east line of Section 26, a distance of 1400 feet, more or less, to intersection with the southerly boundary of the County of San Joaquin; thence northeasterly along the southerly boundary of San Joaquin County, 2.2. miles, more or less, to the center line of the San Joaquin River; thence continue along said southerly boundary of San Joaquin County in a general northeasterly direction, along the center line of the San Joaquin River and the center line of the Stanislaus River, 4½ miles, more or less, to intersection with the north-south ¼ Section line of Section 9, T. 3 S., R. 7 E., M. D. B. & M., said intersection being southerly 300 feet, more or less from the north line of said Section 9; thence north along said north-south ¼ Section line to the right bank of the Stanislaus River; thence along the boundary of Reclamation District No. 2064 the following four (4) courses: (1) north, 1 mile, more or less, to the S¼ corner of Section 33, T. 2 S., R. 7 E., M. D. B. & M., (2) east, ½ mile to the S.E. corner of said Section 33, (3) north, ½ mile to the E¼ corner of said Section 33, and (4) west, 1 mile to the W¼ corner of said Section 33; thence along the boundary of Reclamation District No. 2075 the following three (3) courses: (1) north, 1½ miles to the N.E. corner of Section 29, T. 2 S., R. 7 E., M. D. B. & M., (2) west, 2 miles to the S.E. corner of Section 24, T. 2 S., R. 6 E., M. D. B. & M., and (3) north, ½ mile to the E¼ corner of said Section 24; thence north, ½ mile to the N.E. corner of said Section 24; thence west along the north line of said Section 24, a distance of 30 feet; thence along the boundary of Reclamation District 2094 the following two (2) courses: (1) continue west, ½ mile to the S¼ corner of Section 13, T. 2 S., R. 6 E., M. D. B. & M., and (2) north, 1 mile to the S¼ corner of Section 12, T. 2 S., R. 6 E., M. D. B. & M.; thence along the boundary of Reclamation District No. 17 the following seventeen (17) courses: (1) north, 1 mile to the N¼ corner of said Section 12, (2) west, ½ mile to the S.E. corner of Section 2, T. 2 S., R. 6 E., M. D. B. & M., (3) north, ½ mile to the E¼ corner of said Section 2, (4) west, ½ mile to the center of said Section 2, (5) north, ¾ mile the S.W. corner of the NW¼ of the SE¼ of Section 35, T. 1 S., R. 6 E., M. D. B. & M., (6) east, ½ mile to the S.E. corner of the NE¼ of the SE¼ of said Section 35, (7) north, ¼ mile to the E¼ corner of said Section 35, (8) west along the east-west ¼ section line of said Section 35, a distance of 1350 feet, more or less, to the west line of the Southern Pacific Railroad Company's right of way, (9) northerly along the west line of said Railroad right of way, ¼ mile, more or less, to the north line of the S½ of the NE¼ of said Section 35, (10) west, 1457 feet, more or less, to the N.W. corner of the SW¼ of the NE¼ of said Section 35, (11) north, ¼ mile to the N¼ corner of said Section 35, (12) west, ¼ mile to the S.W. corner of the SE¼ of the SW¼ of Section 26, T. 1 S., R. 6 E., M. D. B. & M., (13) north, ½ mile to the N.W. corner of the NE¼ of the SW¼ of said

Section 26, (14) east, ¼ mile to the center of said Section 26, (15) north, 1¾ miles to the N.E. corner of the SE¼ of the SW¼ of Section 14, T. 1 S., R. 6 E., M. D. B. & M., (16) west, ¼ mile to the N.W. corner of the SE¼ of the SW¼ of said Section 14, and (17) north, ¾ mile to the N.E. corner of the NW¼ of the NW¼ of said Section 14, being on the boundary of the C. M. Weber Grant; thence along the boundary of said C. M. Weber Grant, being along the boundary common to said Reclamation District No. 17 and the Stockton-East Water District the following five (5) courses: (1) west, ¾ mile to the S.E. corner of fractional Section 10, T. 1 S , R. 6 E., M. D. B. & M., (2) north, 232.41 chains, more or less, to the N.E. corner of fractional Section 34, T. 1 N., R. 6 E., M. D. B. & M., (3) East 20 chains, (4) North 40 chains, and (5) East 1076 feet; thence leaving said boundary of the C. M. Weber Grant and continuing along the boundary common to said Reclamation District No. 17 and Stockton-East Water District, the following five (5) courses: (1) North 255.64 feet, (2) N. 89° 15' E., 364.98 feet, (3) N. 66° 30' E., 1246.34 feet to the west line of French Camp Road, (4) northerly along said west line of French Camp Road, 1850 feet, more or less, to the south bank of French Camp Slough, and (5) westerly along the south bank of French Camp Slough, 1.75 miles, more or less, to the right or easterly bank of the San Joaquin River; thence leaving the boundary of said Reclamation District No. 17 and continuing along the boundary of the Stockton-East Water District the following (5) courses: (1) northwesterly along said right bank of the San Joaquin River, 1 mile, more or less, (2) West 500 feet, more or less, to the southeast corner of Oxidation Pond Annexation No. 3—A-1-66 to the City of Stockton, (3) westerly along the Stockton City Limits line, 1.6 miles, more or less, to the easterly line of Dagget Road; (4) northerly along said easterly line of Dagget Road, 1 mile, more or less, to the center line of Burns Cutoff, and (5) in a general westerly direction along the center line of Burns Cutoff 0.8 miles, more or less, to intersection with the northeasterly production of High Ridge Levee; thence southeasterly along said northeasterly production to the intersection of said High Ridge Levee with the westerly bank of Burns Outoff; thence in a general southwesterly direction along High Ridge Levee, being along the westerly boundary of Reclamation District No. 524, a distance of 4½ miles, more or less, to intersection with the center line of Kingston School Road; thence westerly along the center line of Kingston School Road and its westerly production 1366 feet, more or less, to intersection with the center line of Drexler Tract Levee; thence in a general southerly direction along the center line of Drexler Tract Levee and its southerly production, 1 mile, more or less, to intersection with the center line of Middle River; thence in a general easterly direction along said center line of Middle River, 1 2 miles, more or less, to intersection with the northerly production of a line that is parallel with and 40 feet westerly of the center line of Kidd Levee; thence southerly along said northerly production and along the line parallel with and 40 feet westerly of the center line of Kidd Levee, a distance

of 2.9 miles, more or less, to intersection with the easterly production of the center line of Howard Road, being the northeast corner of the lands of David Bixler as said corner was established by Julius H. Smith in 1889; thence along the division line between the lands of David Bixler and the Williams Estate, as established by said Smith, the following two (2) courses: (1) westerly along the easterly production and the center line of Howard Road, 2.2 miles, more or less, to the west side of the Cross Levee, (2) northerly along the west side of the Cross Levee, 1.9 miles, more or less, to the center line of Middle River; thence westerly along the center line of Middle River, 2.1 miles, more or less, to intersection with the center line of Victoria Canal; thence southwesterly along said center line of Victoria Canal, 4 miles, more or less, to the point of beginning.

SEC. 9.2. The area of each division of the agency is as follows:

Division 1

Beginning at the intersection of the center line of Middle River with the southerly production of the center line of Drexler Tract Levee, being a point on the northerly boundary of the South Delta Water Agency; thence in a general easterly direction along said center line of Middle River, being along said Agency boundary, 1.2 miles, more or less, to intersection with the northerly production of a line that is parallel with and 40 feet westerly of the center line of Kidd Levee; thence leaving said Agency boundary in a general easterly and southerly direction along the center line of Middle River 5.8 miles, more or less, to intersection with the center line of Old River; thence in a general easterly direction along the center line of Old River 3½ miles, more or less, to the center line of the San Joaquin River; thence southerly along the center line of the San Joaquin River 4 miles, more or less, to intersection with the north line of the S½ of the SW¼ of Section 10, T. 2 S., R. 6 E., M. D. B. & M.; thence east along said north line 1400 feet, more or less, to the westerly end of the south line of Williamson Road; thence in a general easterly and southeasterly direction along the south line of Williamson Road 0.6 mile, more or less, to a point 15 feet west of the east line of said Section 10, where said Road turns north; thence S. 83° 20′ E., 15 feet, more or less, to the east line of said Section 10; thence south, 300 feet, more or less, to the S.E. corner of said Section 10; thence east 1½ miles to the S¼ corner of Section 12, T. 2 S., R. 6 E., M. D. B. & M., being on the easterly boundary of said South Delta Water Agency; thence in a general northerly, westerly and southwesterly direction along the easterly and northerly boundary of said Agency to the point of beginning.

Division 2

Beginning at the intersection of the center line of Howard Road with the division line (running northerly) between David Bixler and

the Williams Estate, as established by Julius H. Smith in 1889, being on the northerly boundary of the South Delta Water Agency; thence leaving said Agency boundary, westerly along the center line of Howard Road 200 feet, more or less, to intersection with the center line of Tracy Boulevard; thence southerly along the center line of Tracy Boulevard 2.6 miles, more or less, to intersection with the center line of Grant Line Canal; thence easterly along the center line of Grant Line Canal 1.6 miles, more or less, to intersection with the center line of Salmon Slough; thence southeasterly along the center line of Salmon Slough 1.4 miles, more or less, to center line of Old River; thence westerly along the center line of Old River 5000 feet, more or less, to the center line of a Dredger Cut; thence southerly along the center line of said Dredger Cut 700 feet, more or less, to the center line of Tom Paine Slough; thence southerly and southeasterly along the center line of Tom Paine Slough 1.4 miles, more or less, to intersection with the center line of MacArthur Drive; thence southerly along the center line of MacArthur Drive 2.1 miles, more or less, to the center line of Grant Line Road; thence easterly along the center line of Grant Line Road 3½ miles, more or less, to the center line of Kasson Road, thence southeasterly along the center line of Kasson Road 1.7 miles, more or less, to the southeasterly line of Lorenzen Road, being on the southeasterly line of San Joaquin County Survey No. 2183; thence northeasterly and easterly along the boundary line of said Survey No. 2183, a distance of 2.4 miles, more or less, to the left bank of the San Joaquin River; thence easterly to the center line of the San Joaquin River; thence in a general northerly direction along the center line of the San Joaquin River 4.3 miles, more or less, to the westerly boundary of Division 1; thence in a general northwesterly direction along the westerly boundary of Division 1 to the northerly boundary of said South Delta Water Agency; thence southerly and westerly along the northerly boundary of the South Delta Water Agency to the point of beginning.

Division 3

Beginning at the intersection of the southerly boundary of the South Delta Water Agency with the center line of Corral Hollow Road; thence northerly along the center line of Corral Hollow Road 5½ miles, more or less, to intersection with the center line of Lammers Road; thence easterly along the center line of Lammers Road 1800 feet, more or less, to intersection with the center line of Tracy Boulevard; thence northerly along the center line of Tracy Boulevard 1 mile, more or less, to intersection with the center line of Old River; thence in a general easterly direction along the center line of Old River 2.4 miles, more or less, to intersection with the westerly boundary of Division 2; thence easterly, northwesterly, westerly, northerly and easterly along the westerly boundary of Division 2 to the northerly boundary of said South Delta Water Agency; thence northerly, westerly, southerly and southeasterly

along the northerly, westerly and southerly boundary of said Agency to the point of beginning.

Division 4

Beginning at the N.E. corner of Section 8, T. 3 S., R. 5 E., M. D. B. & M., said corner being on the southerly boundary of the South Delta Water Agency; thence northerly and westerly along said Agency boundary 2¼ miles, more or less, to intersection with the easterly boundary of Division 3; thence in a general northerly and easterly direction along the easterly boundary of Division 3 to the westerly boundary of Division 2; thence southerly and easterly along the westerly and southerly boundary of Division 2 to the N.E. corner of Section 24, T. 2 S., R. 5 E., M. D. B. & M.; thence south 1 mile to the S.E. corner of said Section 24; thence west 1 mile to the S.W. corner of said Section 24; thence south 3 miles to the S.E. corner of Section 2, T. 3 S., R. 6 E., M. D. B. & M.; thence west 3 miles, more or less, to the point of beginning.

Division 5

Beginning at the N¼ corner of Section 8, T. 3 S., R. 5 E., M. D. B. & M., said corner being on the southerly boundary of the South Delta Water Agency; thence easterly along said Agency boundary ½ mile to the southerly boundary of Division 4; thence easterly, northerly, easterly and northerly along the southerly and easterly boundary of Division 4 to the southerly boundary of Division 2; thence easterly, southeasterly, northeasterly, and northerly along the southerly and easterly boundary of Division 2 to the southerly boundary of Division 1; thence easterly along the southerly boundary of Division 1 to the easterly boundary of said South Delta Water Agency; thence in a southerly, southwesterly and northwesterly direction along the easterly and southerly boundary of said Agency to the point of beginning.

SEC. 10. There are no state-mandated local costs that require reimbursement under Section 2231 of the Revenue and Taxation Code.

CHAPTER 1090

An act to amend Section 22302 of the Business and Professions Code, relating to passage tickets, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 1, 1973 Filed with Secretary of State October 1, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 22302 of the Business and Professions Code is amended to read:

22302. Any person issuing, selling, or offering to sell any passenger ticket for passage or conveyance aboard any foreign vessel, including the owner or consignee of such vessel, his agents, servants, or employees, shall make reference to the country of registry of such vessel and a statement that such vessel is not subject to American safety regulations in any advertisement, circular, circular letter, pamphlet, card, handbill, or other printed paper or notice, written or oral, in regard to the passage, ticket, or instrument, or the passage or voyage to which it entitles or purports to entitle its owner, purchaser, or holder, or line over which, or the vessel for which, such passage is sold or offered, or as to his agency for such line or vessel. The reference and statement shall be prominently displayed.

SEC. 2. The provisions of this act shall become operative on July 1, 1974.

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 citizens who utilize foreign vessels for travel may receive the safety information provided by this act as soon as possible it is necessary that this act go into immediate effect.

CHAPTER 1091

An act to amend Section 5465 of the Health and Safety Code, relating to sewer bonds, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 1, 1973. Filed with Secretary of State October 1, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 5465 of the Health and Safety Code is amended to read:

5465. Notwithstanding any other provision of law, in any district which is authorized to provide sewer facilities and the district is authorized to incur bonded indebtedness after a favorable vote of two-thirds of the votes cast at an election held for that purpose, if at the last two such elections at which bond propositions were submitted for any required amount for the purpose of providing sewer facilities such a favorable vote was not received, and if the health officer of the county in which the principal portion of the district is located makes a finding that the proceeds of any bond issue are necessary for the construction of sewage facilities essential to the

public health and such officer certifies that a present dangerous hazard to the public health exists, and the governing body of such district or county shall, in conjunction with the public health officer, certify that they will cease and desist in any activity which may contribute to such hazard, and such finding is concurred in by the State Department of Health and the board of supervisors of such county as evidenced by resolution, or if the regional water quality control board issues an order to the district to cease and desist, and the fact of such order is stated in a resolution, then by resolution adopted by a four-fifths vote, the district board may call for a bond election and provide in the resolution calling for such election that bonds for the district for the amount stated may be issued and sold if a majority of the votes cast at the election are in favor of incurring the bonded indebtedness as proposed. This section shall remain in effect until January 1, 1975, and shall have no force or effect after that date.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to assure that agencies which urgently need funding to meet environmental quality standards and to construct sewage facilities where dangerous hazards to the public health exist may continue to obtain such funding, it is necessary that this act take effect immediately, as the authority to pass bond issues with a majority vote in critical cases pursuant to Section 5465 of the Health and Safety Code expires on December 31, 1973.

CHAPTER 1092

An act making an appropriation to the Department of Water Resources for reimbursement to the Alameda County Flood Control and Water Conservation District for expenditures made in connection with the San Leandro Creek Small Federal Flood Control Project, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 2, 1973 Filed with Secretary of State October 2, 1973]

I am hereby transmitting a statement regarding my deletion of the $1,240,000 appropriation contained in Section 1 of Senate Bill No 1083 (Chapter 1092, 1973 Statutes)

Respectfully,

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 one million two hundred forty thousand dollars ($1,240,000), in augmentation of Item 235 of the Budget Act of 1973, for expenditure by the Department of Water Resources for reimbursement of the Alameda County Flood Control and Water Conservation District for expenditures authorized by the Department of Water Resources as of November 6, 1970, for land, easements, rights-of-way and utility relocation in connection with the San Leandro Creek Small Federal Flood Control Project, pursuant to Sections 12583, 12585, 12585.1, and 12750 of the Water Code.

SEC. 2. On the San Leandro Creek Small Federal Flood Control Project, the state shall pay 75 percent of the costs of lands and rights or interest in lands whereon channel improvements and channel rectifications are located and of lands, rights, or interests in lands necessary in connection with the construction, operation, or maintenance of such channel improvements and rectifications, including those necessary for flowage purposes, spoil areas, borrow pits, or for access roads, apportioned to the benefits resulting from the reduction of flood damage. Alameda County Flood Control and Water Conservation District shall pay 25 percent of the costs of lands and rights or interests in lands whereon channel improvements and channel rectifications are located and of lands, rights, or interests in lands necessary in connection with the construction, operation or maintenance of such channel improvements or rectifications, including those necessary for flowage purposes, spoil areas, borrow pits, or for access roads, apportioned to the benefits resulting from the reduction of flood damage and all of such costs apportioned to the benefits resulting from increased or higher utilization of land. The state shall pay 90 percent of the costs of the relocation, reconstruction, or replacement of existing improvements, structures, or utilities rendered necessary by the project, apportioned to the benefits resulting from the reduction of flood damage. Alameda County Flood Control and Water Conservation District shall pay 10 percent of the costs of the relocation, reconstruction, or replacement of existing improvements, structures, or utilities rendered necessary by the project, apportioned to the benefits resulting from the reduction of flood damage and all of such costs apportioned to the benefits resulting from increased or higher utilization of land. The state's portion shall not be changed unless there are major project changes made in the plan of improvement, in which case the department, prior to the next appropriation of state funds for the project, shall review the project and make such new determination as it deems justified by the project changes.

The state shall not provide financial assistance for relocation, reconstruction, or replacement of existing improvements, structures, or utilities for which the owner has no legal right to be compensated for such relocation, reconstruction, or replacement.

SEC. 3. No appropriation is made by this act, nor is any obligation

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created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by 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:

Funds which have been authorized for reimbursement by the Department of Water Resources are urgently needed to prosecute previously authorized flood protection projects in the Oakland area of the Alameda County Flood Control and Water Conservation District. These projects are located in low-income minority-group areas subject to flooding and cannot proceed until reimbursement is made to the Alameda County Flood Control and Water Conservation District. It is therefore necessary that this act go into immediate effect.

CHAPTER 1093

An act to amend Section 69601 of the Government Code, relating to judges, and making an appropriation therefor.

[Approved by Governor October 2, 1973. Filed with Secretary of State October 2, 1973.]

I am deleting the $60,000 appropriation contained in Section 2 of Senate Bill No. 551 The appropriation is being deleted from this bill because I feel that the cost of additional municipal and superior court judges should be the responsibility of local government

With the above deletion, I approve Senate Bill No 551

RONALD REAGAN, Governor

The people of the State of California do enact as follows:

SECTION 1. Section 69601 of the Government Code is amended to read:

69601. In the County of Shasta there shall be three judges of the superior court.

SEC. 2. The sum of sixty thousand dollars ($60,000) is hereby appropriated from the General Fund to the State Controller for allocation and disbursement to Shasta County pursuant to Section 2231 of the Revenue and Taxation Code to reimburse the county for costs incurred by it pursuant to this act.

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CHAPTER 1094

An act to add Section 12851 to the Education Code, relating to schools, and making an appropriation therefor.

[Approved by Governor October 2, 1973 Filed with Secretary of State October 2, 1973]

I am reducing the appropriation contained in Section 2 of Senate Bill No. 1109 from $100,000 to $50,000

The reduced appropriation is sufficient to fund the first year of this proposed two-year study The second-year costs should be handled through the normal budgetary process

With the above deletion, I approve Senate Bill No 1109

RONALD REAGAN, Governor

The people of the State of California do enact as follows:

SECTION 1. Section 12851 is added to the Education Code, to read:

12851. The Superintendent of Public Instruction shall perform an analysis of selected schools to identify educational factors which produce the distinction between unusually high-performing districts and unusually low-performing districts, such performance as measured by standard measures of school achievement.

The schools selected for study shall be comparable in social and demographic characteristics and shall vary only on student attainment.

The study shall last two calendar years so that variables discovered the first year may be verified the second year.

The Superintendent of Public Instruction shall report to the Legislature by January 5, 1975, on the identification and description of those socioeconomic, financial, and educational variables affecting school performance which tend to distinguish between unusually high-performing districts and unusually low-performing districts. By January 5, 1976, the Superintendent of Public Instruction shall issue a final report to the Legislature including information regarding the verifiability of the relative impact of the variables discovered during the first year of the study.

SEC. 2. The sum of one hundred thousand dollars ($100,000) is hereby appropriated from the General Fund in the State Treasury to the Superintendent of Public Instruction for the costs incurred by the Superintendent of Public Instruction in the administration of the program specified pursuant to Section 12851 of the Education Code.

CHAPTER 1095

An act to add Division 28 (commencing with Section 39800) to the Health and Safety Code, relating to noise, and making an appropriation therefor.

[Approved by Governor October 2, 1973 Filed with Secretary of State October 2, 1973]

I am deleting the $115,000 appropriation contained in Section 2 of Senate Bill No 1220

The provisions of this bill can be implemented within the existing budgetary resources of the Department of Health

With the above deletion, I approve Senate Bill No 1220

RONALD REAGAN, Governor

The people of the State of California do enact as follows:

SECTION 1. Division 28 (commencing with Section 39800) is added to the Health and Safety Code, to read:

DIVISION 28. NOISE CONTROL ACT

CHAPTER 1. FINDINGS, DECLARATIONS, AND INTENT

39800. The Legislature hereby finds and declares that:

(a) Excessive noise is a serious hazard to the public health and welfare.

(b) Exposure to certain levels of noise can result in physiological, psychological, and economic damage.

(c) There is a continuous and increasing bombardment of noise in the urban, suburban, and rural areas.

(d) Government has not taken the steps necessary to provide for the control, abatement, and prevention of unwanted and hazardous noise.

(e) The State of California has a responsibility to protect the health and welfare of its citizens by the control, prevention, and abatement of noise.

(f) All Californians are entitled to a peaceful and quiet environment without the intrusion of noise which may be hazardous to their health or welfare.

(g) It is the policy of the state to provide an environment for all Californians free from noise that jeopardizes their health or welfare. To that end it is the purpose of this division to establish a means for effective coordination of state activities in noise control and to take such action as will be necessary to achieve the purposes of this section.

39801. No provision of this division or ruling of the Office of Noise Control is a limitation or expansion:

(a) On the power of a city, county, or city and county to adopt and enforce additional regulations, not in conflict therewith, imposing

further conditions, restrictions, or limitations.

(b) On the power of any city, county, or city and county to declare, prohibit, and abate nuisances.

(c) On the power of the Attorney General, at the request of the office, the state department, or upon his own motion to bring an action in the name of the people of the State of California to enjoin any pollution or nuisance or to protect the natural resources of the state.

(d) On the power of a state agency in the enforcement or administration of any provision of law which it is specifically permitted or required to enforce or administer.

(e) On the right of any person to maintain at any time any appropriate action for relief against any private nuisance as defined in the Civil Code or for relief against any noise pollution.

39802. Nothing in this division shall be construed as giving the Office of Noise Control authority or responsibility for adopting or enforcing noise-emission standards for any product for which a regulation has been, or could be, prescribed or promulgated by the Environmental Protection Agency under the Federal Noise Control Act of 1972.

CHAPTER 2. SHORT TITLE

39810. This division shall be known and may be cited as the California Noise Control Act of 1973.

CHAPTER 3. DEFINITIONS

39820. Unless the context otherwise requires, the definitions set forth in this chapter govern the construction of the words used in this division.

39821. "Local agency" means and includes every local agency, including a county, city, whether general law or chartered, city and county, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.

39822. "Noise" means and includes excessive undesirable sound, including that produced by persons, pets and livestock, industrial equipment, construction, motor vehicles, boats, aircraft, home appliances, electric motors, combustion engines, and any other noise-producing objects.

39823. "Office" means the Office of Noise Control.

39824. "Public agency" means and includes every state agency and every local agency.

39825. "State agency" means and includes every state office, officer, department, division, bureau, board, council, commission, or other state agency.

CHAPTER 4. ESTABLISHMENT OF OFFICE

39840. There is within the state department an Office of Noise Control.

CHAPTER 5. DUTIES OF THE OFFICE

39850. The office shall, in order to protect health and well-being establish and maintain a program on noise control, including but not limited to:

(a) Determining the psychological and physical health effects of noise.

(b) Determining the physiological effects of noise upon plant and animal life.

(c) Monitoring noise.

(d) Collecting and disseminating authoritative information on adverse effects of noise and of means for its control.

(e) Developing, in cooperation with local governments, model ordinances for urban, suburban, and rural environments.

(f) Providing assistance to local governmental entities engaged in developing and implementing noise abatement procedures.

(g) Developing criteria and guidelines for use in setting standards for human exposure to noise.

(h) Developing standards for the use of noise-producing objects in California.

(i) Developing criteria for submission to the Legislature so that state agencies may require noise control in equipment purchased for state use.

39851. The state department shall submit an annual report to the Governor and the Legislature describing accomplishments pursuant to this division, and making recommendations for any additional legislation which might be needed to implement the policies and provisions of this division.

CHAPTER 6. ASSISTANCE TO LOCAL AGENCIES

39860. It is the purpose of this chapter to encourage the enactment and enforcement of local ordinances in those areas which are most properly the responsibility of local government. It is further the purpose to insure that the state is of maximum assistance to local agencies in the discharge of those responsibilities, furnishing technical and legal expertise to assist local agencies in the enactment and enforcement of meaningful and technically sufficient noise abatement measures.

39861. The office shall provide technical assistance to local agencies in combatting noise pollution. Such assistance shall include but not be limited to:

(a) Advice concerning methods of noise abatement and control.

(b) Advice on training of noise control personnel.

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(c) Advice on selection and operation of noise abatement equipment.

39862. The office shall provide assistance to local agencies in the preparation of model ordinances to control and abate noise. Such ordinances shall be developed in consultation with the Attorney General and with representatives of local agencies, including the County Supervisors' Association and the League of California Cities. Any local agency which adopts any noise control ordinance shall promptly furnish a copy to the office.

CHAPTER 7. COORDINATION OF STATE AND FEDERAL ACTIVITIES

39870. The director shall promote coordination of the programs of all state agencies relating to noise research, abatement, prevention, and control. Each state agency shall, upon request, furnish to the director such information as he may reasonably require to determine the nature, scope, and results of the noise research and noise control programs of the agency.

39871. On the basis of regular consultation with appropriate state agencies, the director shall compile and publish, from time to time, a report on the status and progress of state activities relating to noise reseach and noise control. This report shall describe the noise programs of each state agency and assess the contributions of those programs to the state's overall efforts to control noise.

39872. In any case where any state agency is carrying out or sponsoring any activity resulting in noise which the director determines amounts to a public nuisance or is otherwise objectionable, such agency shall consult with the director to determine possible means of abating such noise. This section does not apply to any action of a private person for which a license, permit, or other entitlement for use is required to be issued by a state agency.

39873. The Legislature authorizes and directs that all state agencies shall, to the fullest extent consistent with existing authority, administer the programs within their control in such a manner as to further the policy declared in Section 39600. This section shall not be construed to limit or expand the authority of any state agency to issue or deny a license, permit, or other entitlement for use.

39874. Each state agency authorized to adopt regulations in the area of noise control shall in the manner specified in subdivision (c) of Section 11423 of the Government Code give notice to and invite the comments of the office concerning any proposed adoption, amendment, or repeal of a regulation in the area of noise control.

39875. In accordance with the provisions of Section 11426 of the Government Code or other applicable law, the office may petition any public agency for the adoption of regulations or other measures otherwise within the authority of that public agency in the area of noise control.

39876. The Office of Noise Control shall maintain a program to

insure that all state agencies are advised of available federal assistance and funds for noise control programs. The office may, at the request of individual agencies, act for them for the following purposes:

(a) Applying for federal funds which may be made available to the states for noise control programs or related research as a result of the Federal Noise Control Act of 1972 (42 U S C. 4901, P.L. 92-574) or any other federal program or law

(b) Receiving technical assistance from the Environmental Protection Agency to facilitate the development and enforcement of state noise standards and model noise legislation.

39877. The office shall maintain a program to ensure coordinated state and federal noise control programs including, but not limited to, the following:

(a) The study of federal noise regulations proposed for adoption pursuant to the Federal Noise Control Act of 1972 (42 U.S.C. 4901, P L. 92-574).

(b) The preparation of comments, evaluations, objections or the use of any other means to ensure that the federal government considers existing California noise control statutes and regulations prior to the adoption of regulations in order to prevent the adoption of federal noise regulation weaker than existing state standards.

(c) The preparation of reports to the Legislature containing recommendations for legislation necessitated by the adoption of federal noise regulations pursuant to the Federal Noise Control Act of 1972.

CHAPTER 8. RESEARCH AND PUBLIC INFORMATION

39880. In furtherance of his responsibilities under this division and to complement, as necessary, the noise research programs of federal agencies and of other state agencies, the director is authorized to:

(a) Conduct research, and finance research by contract with other public and private bodies, on the effects, measurement, and control of noise, including but not limited to:

(1) Investigation of the psychological and physiological effects of noise on humans and the effects of noise on domestic animals, wildlife, and property, and determination of acceptable levels of noise on the basis of such effects.

(2) Development of improved methods and standards for measurement and monitoring of noise.

(3) Determination of the most effective and practicable means of controlling noise generation, transmission, and reception.

(b) Coordinate with and become knowledgeable concerning the noise research programs of other governmental entities including the federal government.

(c) Disseminate to the public information on the effects of noise, acceptable noise levels, and techniques for noise measurement and

control.

SEC. 2. The sum of one hundred fifteen thousand dollars ($115,000) is hereby appropriated from the General Fund to the Office of Noise Control for use in the 1973–74 fiscal year to carry out the purposes of Division 28 (commencing with Section 39800) of the Health and Safety Code, as enacted by Section 1 of this act

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CHAPTER 1096

An act to add and repeal Chapter 5.77 (commencing with Section 5768) of Division 6 of the Education Code, relating to bilingual-crosscultural teacher preparation, and making an appropriation therefor.

[Approved by Governor October 2, 1973 Filed with Secretary of State October 2, 1973]

I am reducing the appropriation contained in Section 2 of Senate Bill No 1335 from $490,000 to $20,000 by deleting the appropriations contained in schedules (b) $145,000, (c) $155,000 and (d) $170,000

The $20,000 appropriation left in this bill should be adequate to design a career ladder for bilingual aides The ladder should be an incentive for aides to continue on to become fully certificated bilingual teachers

There appears to be sufficient available funds to enable bilingual aides to continue their education without the creation of a new grant award system

With the above reduction, I approve Senate Bill No 1335

RONALD REAGAN, Governor

The people of the State of California do enact as follows:

SECTION 1. Chapter 5.77 (commencing with Section 5768) is added to Division 6 of the Education Code, to read:

CHAPTER 5.77. BILINGUAL-CROSSCULTURAL TEACHER PREPARATION AND TRAINING ACT OF 1973

5768. The Legislature recognizes that there are several hundred thousand California schoolchildren whose primary languages are not English. These children have shown their ability to perform in bilingual-crosscultural classes and large amounts of money are now available to expand the number of bilingual classrooms. The Legislature recognizes, furthermore, that there is an insufficient number of qualified bilingual-bicultural teachers to staff present projects, and that many more such teachers will be needed as the new projects are established. It is, therefore, the intent of this chapter to establish programs designed to rapidly produce teachers who are fully bilingual, who are sensitive to cultural differences and knowledgeable about the origins of such differences, who can serve as models for these children to emulate, and who will qualify for credentials in bilingual-crosscultural education. Bilingual-bicultural teacher aides and the presently underutilized certificated teacher

force shall be primary manpower sources for this program.

5768.2. The Commission for Teacher Preparation and Licensing shall develop, on or before January 15th of each year, a status report on local, state, and federally funded bilingual-crosscultural teacher preparation programs. Such report shall be made to the Legislature not later than February 15th of each year. The Board of Governors of the California Community Colleges, the Trustees of the California State University and Colleges, and the Regents of the University of California shall, by November 15 of each year, report to the Commission for Teacher Preparation and Licensing with reference to their programs in bilingual-crosscultural teacher training. Such report shall include information on special classes or programs leading to a bilingual-crosscultural teaching credential, preservice or in-service programs offered by these institutions to bilingual-bicultural teachers or teacher aides, and the number of persons enrolled in such programs.

5768.4. The Commission for Teacher Preparation and Licensing shall design career ladder programs which will allow bilingual teacher aides to become fully certificated bilingual teachers. This program shall provide grants for tuition and living expenses to needy applicants for part-time or full-time attendance at any public institution of higher education in California. Up to two years of credit toward credential requirements may be allowed for experience within the classroom as a teacher aide. The career ladder programs shall be adopted by regulations promulgated by the Commission for Teacher Preparation and Licensing and subject to Section 13117.2.

5768.6. The Commission for Teacher Preparation and Licensing shall, with the assistance of a representative appointed by the Superintendent of Public Instruction, the Chancellor of the California Community Colleges, the Chancellor of the California State University and Colleges, the President of the University of California, and with five presently practicing teachers appointed by the Superintendent of Public Instruction, design a comprehensive language and culture curriculum for teachers who are already certificated. Such curriculum shall be designed to enable teachers to qualify for the bilingual-crosscultural specialist credential. Initial programs to assist on the development of this shall be offered at not less than five public institutions of higher education in California, beginning not later than September 1, 1974.

5769. There is hereby established a Bilingual Teacher Development Grant Program. The Scholarship and Loan Commission shall administer the Bilingual Teacher Development Grant Program in accordance with general policies established by the Commission for Teacher Preparation and Licensing. Candidates shall be evaluated according to criteria developed by the Commission for Teacher Preparation and Licensing. Not less than 75 percent of the funds available for grants shall be awarded to bilingual aides participating in the career ladder program prescribed in Section 5768.4. Remaining funds shall be available to needy teachers

who are enrolled in the curriculum prescribed in Section 5768.6.

5769.2. The Board of Governors of the California Community Colleges, the Trustees of the California State University and Colleges, and the Regents of the University of California shall, within their respective systems, establish a policy of recruitment and appointment of professors of bilingual-crosscultural education by June 1, 1974.

5769.4. The Department of Education shall serve as a clearinghouse for bilingual-bicultural teaching personnel, and shall, upon request, assist school districts in the recruitment of such personnel.

The Department of Education shall prepare a five-year projection on the needs for bilingual-crosscultural teaching personnel, which shall be submitted to the Legislature by September 1, 1974, and may be updated annually thereafter.

5769.6. This chapter shall be operative until July 1, 1979, and as of that date is repealed.

SEC. 2. There is hereby appropriated from the General Fund the sum of four hundred ninety thousand dollars ($490,000) to the Commission for Teacher Preparation and Licensing for purposes of implementing the Bilingual-Crosscultural Teacher Preparation and Training Act of 1973 pursuant to Chapter 5.77 (commencing with Section 5768) of Division 6 of the Education Code and to the State Scholarship and Loan Commission for grant programs established pursuant to this act, to be apportioned according to the following schedule:

(a) For purposes of implementing the Bilingual-Crosscultural Teacher Preparation Program	$20,000
(b) For the Bilingual Teacher Development Grant Program for the 1974–75 fiscal year	$145,000
(c) For the Bilingual Teacher Development Grant Program for the 1975–76 fiscal year	$155,000
(d) For the Bilingual Teacher Development Grant Program for the 1976–77 fiscal year	$170,000
Total of schedule	$490,000

Funds appropriated to the State Scholarship and Loan Commission for the purposes of this act but not expended shall be carried over to the next fiscal year. Not more than ten thousand dollars ($10,000) may be used by the State Scholarship and Loan Commission for administration of this grant program.

CHAPTER 1097

An act to add Article 10 (commencing with Section 19700.80) to Chapter 10 of Division 14 of the Education Code, relating to construction of a regional occupational center.

[Approved by Governor October 2, 1973 Filed with Secretary of State October 2, 1973]

The people of the State of California do enact as follows:

SECTION 1. Article 10 (commencing with Section 19700.80) is added to Chapter 10 of Division 14 of the Education Code, to read:

Article 10. Santa Cruz Regional Occupational Center

19700.80. Not to exceed four million dollars ($4,000,000) of the amount of the proceeds of bonds issued under the State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1972 may be expended pursuant to this article. The funds shall be allocated by the State Allocation Board to the Santa Cruz County Career Education Center Joint Power Board, hereafter referred to as the entity, for the establishment and construction of a permanent campus for a regional occupational center, or regional occupational program, to be located in Santa Cruz County, such facility to be operated and maintained by the County Superintendent of Schools of Santa Cruz County and the Cabrillo Community College District. The said funds shall be available for allocation to such entity for a period of not more than three years from the effective date of this article and during such period the entity shall apply for such funds as are necessary to accomplish the purposes of this article. No funds shall be made available for allocation until the voters of the school districts to be affected have approved of the repayment of such funds pursuant to Section 19700.85.

Only Sections 19551 through 19555, inclusive, and Sections 19559, 19562, 19563, 19565, 19611, 19618, 19619, 19623, 19623.1, 19626, and 19628 of this chapter shall be applicable to the administration of this article except to the extent that the context of this article, as determined by the State Allocation Board, requires otherwise.

19700.81. It is the intent of the Legislature in enacting this article to make available the necessary funds for the construction, equipping, and establishment of a regional occupational center facility to be used both by the high schools of Santa Cruz County and the Cabrillo Community College District, but to be maintained by the entity, to serve an area in great need of occupational preparation. It is further the intent of the Legislature by enacting this article, to improve the employment opportunities of persons residing in Santa Cruz County by providing educational programs in areas of social

and economic need. The program provided will also serve to upgrade the cultural and intellectual life, as well as the economic life, of the area to be served.

19700.82. Any amounts allocated and disbursed to the entity pursuant to this article shall be a loan by the state to the entity and shall be fully repaid with interest in 20 equal annual payments commencing with the second fiscal year after the date of disbursement. Interest shall be paid at a rate determined by the State Allocation Board pursuant to Section 19596.

19700.83. On or before the first day of December of each fiscal year, the Director of General Services shall determine and certify to the State Controller the ratio of the assessed valuation of each participating school district, including the Cabrillo Community College District, to twice the assessed valuation of the entire area encompassed by the boundaries of the territory under the jurisdiction of the entity.

19700.84. On or before the first day of January of each fiscal year, the State Controller shall determine the annual repayment due and shall compute that portion of such amount applicable to each participating school district, including the Cabrillo Community College District, in accordance with the ratio certified under Section 19700.83. Each participating school district shall be individually liable for repayment of the amount so computed.

19700.85. (a) The County Superintendent of Schools of Santa Cruz County shall order a special election to be held in the school districts to be affected by the provisions of this article. The special election shall be held in order to give the electors of the districts affected an opportunity to approve or disapprove of a ballot proposition as provided by subdivision (b).

(b) The ballot proposition used in the election shall contain the words "For the repayment of not to exceed $_____ (amount of repayment) for the establishment of the Santa Cruz Regional Occupational Center" followed by the words "Yes" and "No" so placed that the voter may clearly indicate his choice.

19700.86. If at least two-thirds of the electors voting on the ballot proposition, as provided by subdivision (b) of Section 19700.85, vote "yes", then the entity shall be permitted to establish the Santa Cruz Regional Occupational Center.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there by any appropriation made by this act because revenue is provided in Chapter 208 of the Statutes of 1973–74.

CHAPTER 1098

An act to add Sections 34217.2, 34217.3 and 34217.4 to the Government Code, relating to regional planning districts.

[Approved by Governor October 2, 1973. Filed with Secretary of State October 2, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 34217.2 is added to the Government Code, to read:

34217.2. If three or more contiguous counties elect, by a majority of the voters of each, to form a new regional planning district, the council shall forthwith withdraw such counties from their former district or districts and establish the new district.

Any election held pursuant to this section shall be called by resolution of the board of supervisors and shall be held and conducted in the same manner as provided in Chapter 2 (commencing with Section 3700) of Division 4 of the Elections Code for county initiative measures; except that the question to be submitted to the voters shall read substantially as follows:

"Shall the counties of _____, _____, and _____ be established as a regional planning district?"

Opposite the question to be voted on, and to its right, the words "yes" and "no" shall be printed on separate lines, with voting squares.

No election shall be held pursuant to this section prior to the 1974 general election.

This section is not intended, and shall not be construed, to limit or alter in any manner whatsoever the authority of the Legislature to establish, by statute, regional planning agencies the boundaries of which differ from those established pursuant to this section.

SEC. 2. Section 34217.3 is added to the Government Code, to read:

34217.3. The council shall transfer from one regional planning district to another such district any county requesting such transfer if:

(a) A majority of the voters of the county have approved the transfer, and

(b) By majority vote in each county, the counties comprising the district to be joined consent thereto.

Any election held pursuant to this section shall be called by resolution of the board of supervisors and shall be held and conducted in the same manner as provided in Chapter 2 (commencing with Section 3700) of Division 4 of the Elections Code for county initiative measures; except that the question to be submitted to the voters shall read substantially as follows:

"Shall the county of _____ be included within the _____ regional planning district?"

Opposite the question to be voted on, and to its right, the words "yes" and "no" shall be printed on separate lines, with voting squares.

No election shall be held pursuant to this section prior to the 1974 general election.

This section is not intended, and shall not be construed, to limit or alter in any manner whatsoever the authority of the Legislature to establish, by statute, regional planning agencies the boundaries of which differ from those established pursuant to this section.

SEC. 3. Section 34217.4 is added to the Government Code, to read:

34217.4. Nothing contained in Section 34217.2 or 34217.3 shall limit the authority of the council to alter district boundaries; provided, however, that boundaries established pursuant to those sections may only be altered by following the same procedure used in their establishment.

This section is not intended, and shall not be construed, to limit or alter in any manner whatsoever the authority of the Legislature to establish, by statute, regional planning agencies the boundaries of which differ from those established pursuant to Sections 34217.2 or 34217.3.

CHAPTER 1099

An act to amend Section 13986 of the Education Code, relating to retirement.

[Approved by Governor October 2, 1973. Filed with Secretary of State October 2, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 13986 of the Education Code is amended to read:

13986. A member shall receive credit for time during which he is prevented from rendering service in a status requisite for membership, by act of God, or by reason of the closing of a school by any duly authorized officer or body. If by reason of a member's Japanese ancestry, he was required by the Wartime Civil Control Administration to leave his teaching position in California and returned prior to July 1, 1972, to a position requiring membership in the State Teachers Retirement System, he shall be given by the system four years of service credit in the system.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this act nor shall there be any appropriation made by this act because revenue is provided in Section 14100 of the Education Code.

4173 381295 1000

CHAPTER 1100

An act to amend Section 5756.5 of the Education Code, relating to school districts

[Approved by Governor October 2, 1973 Filed with Secretary of State October 2, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 5756 5 of the Education Code is amended 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.

Apprentices enrolled in any classes maintained by community colleges pursuant to Section 3074 of the Labor Code shall be reported separately, and the high school foundation program for regular students shall be used in computing district apportionments.

CHAPTER 1101

An act to add Section 30636.5 to the Public Utilities Code, relating to the Southern California Rapid Transit District.

[Approved by Governor October 2, 1973 Filed with Secretary of State October 2, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 30636.5 is added to the Public Utilities Code, to read:

30636.5. (a) Not later than January 10, 1974, the district shall submit to the Legislature its plan for the implementation of a rapid transit system, and the financing thereof, in the district.

(b) Prior to adding any new, or extending any existing, scheduled or regularly scheduled bus service, the district shall prepare a cost-benefit study of the proposed added or extended bus service.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations or responsibilities imposed on local government by this act.

CHAPTER 1102

An act to amend Section 75033 of, and to add Section 75033.5 to the Government Code, relating to the Judges' Retirement Law.

[Approved by Governor October 2, 1973 Filed with Secretary of State October 2, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 75033 of the Government Code is amended to read:

75033. Notwithstanding any other provision of this chapter, if the service of a judge, who has been elected or appointed as such, is discontinued by any means other than death, resignation, recall, impeachment, or retirement pursuant to this chapter, he shall have the right to elect in writing filed with the State Controller within ninety (90) days thereafter, and without right of revocation, whether to allow his accumulated contributions to remain in the fund. A judge who after the effective date of the 1972 amendments to this section leaves his office to accept any lucrative office under the United States within the purview of Section 28, Article IV, of the Constitution shall not be eligible for deferred retirement under this section. Failure to make such election shall be deemed an irrevocable election to withdraw his accumulated contributions. A judge who so elects to allow his accumulated contributions to remain in the fund shall, upon his application therefor to the State Controller after attaining age 65, be retired, and receive a retirement allowance based upon the judicial service with which he is credited, in the same manner as other judges, except that his retirement allowance is an annual amount equal to 5 percent of the compensation payable, at the time payments of the allowance fall due, to the judge holding the office which the retired judge last held prior to the discontinuance of his service as judge, multiplied by the number of years and fractions of years of service with which the retired judge is entitled to be credited at the time of such discontinuance of his service, not to exceed eight years.

This section shall not be applicable to any person who becomes a judge after the operative date of the amendments to this section during the 1973–74 Regular Session.

SEC. 2. Section 75033.5 is added to the Government Code, to read:

75033.5. Notwithstanding any other provision of this chapter, any judge with at least five years of service, and prior to attaining age 70, may retire, and upon his application therefor to the State Controller after reaching the age which would have permitted him to retire for age and length of service under Section 75025 had he remained continuously in service as a judge up to such age, receive a retirement allowance based upon the judicial service as a judge of a court of record, with which he is credited, in the same manner as

other judges, except as otherwise provided by this section the retirement allowance is an annual amount equal to 3.75 percent of the compensation payable, at the time payments of the allowance fall due, to the judge holding the office which the retired judge last held prior to his discontinuance of his service as judge, multiplied by the number of years and fractions of years of service with which the retired judge is entitled to be credited at the time of his retirement, not to exceed 20 years.

If a judge has served more than five years but less than 12 years, the above percentage of compensation payable shall be reduced 0.25 percent for each year that the service of the judge is less than 12 years.

No judge shall be eligible to receive an allowance pursuant to this section until the attainment of age 63 unless the judge is credited with 20 years of judicial service and has attained age 60.

The surviving spouse of any judge who has so elected to retire under this section shall receive for life an allowance equal to one-half of the retirement allowance that would be payable to the judge were he living and receiving the benefits accorded by this section, commencing with his death, if the judge dies after commencement of receipt of benefits, or the date the judge would have been able to commence receipt of benefits but for his death, if his death occurs prior to commencement of receipt of benefits.

An election to retire under this section shall be made in writing and filed with the State Controller, and shall be without right of revocation, and upon such filing said judge shall be deemed retired with receipt of benefits deferred until herein provided, and the judicial office from which he has retired shall become vacant. Said notice and election of retirement shall be sufficient if it states in substance that said judge elects to retire under the benefits of this section.

If after retirement and actual commencement of benefits hereunder, said retired judge becomes entitled to any salary or other compensation as the incumbent of any public office, the retirement allowance otherwise payable to him shall, during the time he is entitled to receive such salary or other compensation, be reduced by the amount of such salary or other compensation.

A judge who leaves his office to accept any lucrative office under the United States within the purview of Section 28 of Article IV of the Constitution shall have any benefits receivable hereunder reduced by the amount of any salary or retirement benefits he receives by virtue of his service in such office.

4217 38 12 135 1008

CHAPTER 1103

An act to amend, repeal, and add Sections 18040, 18300, and 18502 of, to add and repeal Sections 18550, 18552, 18554, and 18605 of, and to repeal and add Sections 18050, 18051, 18053, and 18054 of, the Health and Safety Code, relating to mobilehomes.

[Approved by Governor October 2, 1973 Filed with Secretary of State October 2, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 18040 of the Health and Safety Code is amended to read:

18040. The department shall enforce every provision of this part and the rules and regulations promulgated thereunder.

This section shall remain in effect only until January 1, 1976, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1976, deletes or extends such date.

SEC. 1.5. Section 18040 is added to the Health and Safety Code, to read:

18040. The department shall enforce every provision of this part and the rules and regulations promulgated thereunder except as provided in Section 18051.

This section shall become operative January 1, 1976, unless a later enacted statute, which is chaptered before January 1, 1976, deletes or extends such date.

SEC. 2. Section 18050 of the Health and Safety Code is repealed.

SEC. 2.5. Section 18050 is added to the Health and Safety Code, to read:

18050. It shall be unlawful for any person in a mobilehome to use or cause, or permit to be used for occupancy:

(a) Any mobilehome from which any axle or wheel hub has been removed therefrom except for the purpose of making temporary repairs or placing it in dead storage.

(b) Any mobilehome supplied with fuel gas, water, electricity, or sewage connections, unless such connections and installations conform to regulations of the commission.

(c) Any mobilehome which is permanently attached with underpinning or foundation to the ground.

(d) Any mobilehome which does not conform to the registration requirements of the Vehicle Code. A mobilehome which may be moved under permit as provided for in Sections 35780 and 35790 of the Vehicle Code shall be deemed to conform to the requirements of such code within the meaning of this section.

(e) Any mobilehome in an unsanitary condition.

(f) Any mobilehome which is structurally unsound and does not protect its occupants against the elements.

(g) Any mobilehome in which the occupants use any water heater, clothes washer, or clothes dryer, requiring plumbing,

mechanical, gas or electrical connections unless such appliance is within the mobilehome or an approved building. No such appliance outside the mobilehome shall be interconnected with the plumbing, mechanical, gas or electrical system of the mobilehome.

(h) Any mobilehome which does not have a current annual vehicle license.

(i) Any mobilehome which does not have the space directly beneath it kept clean and free from refuse, rubbish or other impediments. Such space shall not be used for storage purposes. It may be enclosed. Such enclosures, however, shall not unreasonably impede the movement of the mobilehome, shall be openable for inspection, and cross ventilation on at least three sides shall be provided with no less than two square feet of opening for each 25 linear feet.

This section shall become operative January 1, 1976, unless a later enacted statute, which is chaptered before January 1, 1976, deletes or extends such date.

SEC. 3. Section 18051 of the Health and Safety Code is repealed.

SEC. 3.5. Section 18051 is added to the Health and Safety Code, to read:

18051. (a) Any city, county, or city and county, which has assumed responsibility for the enforcement of Part 2.1 (commencing with Section 18200) of Division 13 pursuant to Section 18300, shall enforce the provisions of Sections 18050, 18053, and 18054, and the regulations adopted pursuant thereto.

(b) Every city, city and county, or county, within its jurisdiction, shall enforce all of the provisions of Sections 18050, 18053, and 18054, and the regulations adopted pursuant thereto, as they relate to mobilehomes and to mobilehome accessory buildings or structures located outside of mobilehome parks.

This section shall become operative January 1, 1976, unless a later enacted statute, which is chaptered before January 1, 1976, deletes or extends such date.

SEC. 4. Section 18053 of the Health and Safety Code is repealed.

SEC. 4.5. Section 18053 is added to the Health and Safety Code, to read:

18053. The commission shall adopt regulations for mobilehome accessory buildings or structures. Such regulations shall provide for the construction, location, and use of mobilehome accessory buildings or structures to protect the health and safety of the occupants and the public, and may be enforced by the appropriate enforcement agency.

This section shall become operative January 1, 1976, unless a later enacted statute, which is chaptered before January 1, 1976, deletes or extends such date.

SEC. 5. Section 18054 of the Health and Safety Code is repealed.

SEC. 5.5. Section 18054 is added to the Health and Safety Code, to read:

18054. It is unlawful to permit any waste water or material from

any plumbing fixtures in a mobilehome to be deposited upon the surface of the ground. All plumbing fixtures, when in use, shall be connected to a sewage disposal system meeting the requirements established by the commission. The commission is hereby empowered to promulgate such rules and regulations as it determines are reasonably necessary for the protection of life and property and to carry out the purposes of this section.

This section shall become operative January 1, 1976, unless a later enacted statute, which is chaptered before January 1, 1976, deletes or extends such date.

SEC. 6. Section 18300 of the Health and Safety Code is amended to read:

18300. The provisions of this part apply to all parts of the state and supersede any ordinance enacted by any city, county, or city and county, whether general law or chartered, applicable to the provisions of this part. The commission may adopt regulations to interpret and make specific the provisions of this part and when adopted such regulations shall apply to all parts of the state. Upon 30 days' written notice from the governing body to the department, any city, county, or city and county, may assume the responsibility for the enforcement of this part and the regulations adopted pursuant thereto.

Except as provided in this part, assumption of responsibility for enforcement of this part by a city, county, or city and county does not authorize such city, county, or city and county to impose more restrictive requirements than those imposed by this part and the regulations adopted pursuant thereto or to prescribe fees for permits.

In the event of nonenforcement of this part or the regulations adopted pursuant thereto, the provisions of this part and the regulations adopted pursuant thereto shall be enforced by the department in any such city, county, or city and county after the department has given 30 days' written notice to the governing body of such city, county, or city and county setting forth in what respects the city, county, or city and county has failed to discharge its responsibility, and has failed to initiate corrective measures to carry out its responsibility.

Any city, city and county, or county, upon written notice from the governing body to the department, may cancel its assumption of responsibility for the enforcement of this part. The department, upon receipt of such notice, shall assume such responsibility within 30 days.

Every city, county, or city and county, within its jurisdiction, shall enforce all of the provisions of this part and the regulations adopted pursuant thereto, as they relate to mobilehomes and to mobilehome accessory buildings or structures located outside of mobilehome parks.

The provisions of this part shall not prevent local authorities of any city, county, or city and county, within the reasonable exercise of

their police powers:

(a) From prohibiting mobilehomes or mobilehome parks, travel trailers, travel trailer parks, recreational trailer parks, temporary trailer parks, or tent camps within all or certain zones within such city, county, or city and county, or from adopting rules and regulations by ordinance or resolution prescribing standards of lot, yards, or park area, landscaping, walls or enclosures, signs, access, and vehicle parking or from prescribing the prohibition of certain uses for mobilehome parks, travel trailer parks, recreational trailer parks, temporary trailer parks, or tent camps; or

(b) From regulating the construction and use of equipment and facilities located outside of a mobilehome or camp car used to supply gas, water, or electricity thereto, except facilities owned, operated, and maintained by a public utility, or to dispose of sewage or other waste therefrom when such facilities are located outside a mobilehome park, travel trailer park, recreational trailer park, or temporary trailer park for which a permit is required by this part, or the regulations adopted pursuant thereto; or

(c) From requiring a permit to use a mobilehome or camp car outside a mobilehome park, travel trailer park, recreational trailer park, or temporary trailer park for which a permit is required by this part or by regulations adopted pursuant thereto, and require a fee therefor by local ordinance commensurate with the cost of enforcing this part and local ordinance with reference to the use of mobilehomes and camp cars, which permit may be refused or revoked if such use violates any provisions of this part or Part 2 (commencing with Section 18000) of this division, any regulations adopted pursuant thereto, or any local ordinance applicable to such use; or

(d) From requiring a local building permit to construct an accessory structure for a mobilehome when such mobilehome is located outside a mobilehome park, travel trailer park, recreational trailer park or temporary trailer park, under circumstances which the provisions of this part or Part 2 (commencing with Section 18000) of this division and the regulation adopted pursuant thereto do not require the issuance of a permit therefor by the department.

This section shall remain in effect only until January 1, 1976, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1976, deletes or extends such date.

SEC. 6.3. Section 18300 is added to the Health and Safety Code, to read:

18300. The provisions of this part apply to all parts of the state and supersede any ordinance enacted by any city, county, or city and county, whether general law or chartered, applicable to the provisions of this part. The commission may adopt regulations to interpret and make specific the provisions of this part and when adopted such regulations shall apply to all parts of the state. Upon 30 days' written notice from the governing body to the department, any city, county, or city and county, may assume the responsibility for the

enforcement of this part and the regulations adopted pursuant thereto.

Except as provided herein, assumption of responsibility for enforcement of this part by a city, county, or city and county does not authorize such city, county, or city and county to impose more restrictive requirements than those imposed by this part and the regulations adopted pursuant thereto or to prescribe fees for permits.

In the event of nonenforcement of this part or the regulations adopted pursuant thereto, the provisions of this part and the regulations adopted pursuant thereto shall be enforced by the department in any such city, county, or city and county after the department has given 30 days' written notice to the governing body of such city, county, or city and county setting forth in what respects the city, county, or city and county has failed to discharge its responsibility, and has failed to initiate corrective measures to carry out its responsibility.

Any city, city and county, or county, upon written notice from the governing body to the department, may cancel its assumption of responsibility for the enforcement of this part. The department, upon receipt of such notice, shall assume such responsibility within 30 days.

The provisions of this part shall not prevent local authorities of any city, county, or city and county, within the reasonable exercise of their police powers:

(a) From prohibiting mobilehomes or mobilehome parks, travel trailers, travel trailer parks, recreational trailer parks, temporary trailer parks, or tent camps within all or certain zones within such city, county, or city and county, or from adopting rules and regulations by ordinance or resolution prescribing standards of lot, yards, or park area, landscaping, walls or enclosures, signs, access, and vehicle parking or from prescribing the prohibition of certain uses for mobilehome parks, travel trailer parks, recreational trailer parks, temporary trailer parks, or tent camps; or

(b) From regulating the construction and use of equipment and facilities located outside of a mobilehome or camp car used to supply gas, water, or electricity thereto, except facilities owned, operated, and maintained by a public utility, or to dispose of sewage or other waste therefrom when such facilities are located outside a mobilehome park, travel trailer park, recreational trailer park, or temporary trailer park for which a permit is required by this part, or the regulations adopted pursuant thereto; or

(c) From requiring a permit to use a mobilehome or camp car outside a mobilehome park, travel trailer park, recreational trailer park, or temporary trailer park for which a permit is required by this part or by regulations adopted pursuant thereto, and require a permit therefor commensurate with the cost of enforcing this part and local ordinance with reference to the use of mobilehomes and camp cars, which permit may be refused or revoked if such use

violates any provisions of this part or Part 2 (commencing with Section 18000) of this division, any regulations adopted pursuant thereto, or any local ordinance applicable to such use; or

(d) From requiring a local building permit to construct an accessory structure for a mobilehome when such mobilehome is located outside a mobilehome park, travel trailer park, recreational trailer park or temporary trailer park, under circumstances which the provisions of this part or Part 2 (commencing with Section 18000) of this division and the regulation adopted pursuant thereto do not require the issuance of a permit therefor by the department.

This section shall become operative January 1, 1976, unless a later enacted statute, which is chaptered before January 1, 1976, deletes or extends such date.

SEC. 6.5. Section 18502 of the Health and Safety Code is amended to read:

18502. Fees as applicable shall be submitted for permits:

(a) Fees for a permit to conduct any construction subject to this part as determined by the schedule of fees adopted by the commission.

(b) Plan checking fees equal to one-half of the construction, mechanical and electrical permit fees, except that the minimum fee shall be ten dollars ($10).

(c) Except for a temporary trailer park, annual operating permit fee of twenty-five dollars ($25) and an additional two dollars ($2) per lot or two dollars ($2) per camping party for the maximum number of camping parties to be accommodated at any one time in an incidental camping area.

(d) Temporary trailer park operating permit fee of twenty-five dollars ($25), with no additional fee for the lots.

(e) Change in name fee or transfer of ownership or possession fee of ten dollars ($10).

(f) Duplicate permit fee or amended permit fee of ten dollars ($10).

This section shall remain in effect only until January 1, 1976, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1976, deletes or extends such date.

SEC. 6.7. Section 18502 is added to the Health and Safety Code, to read:

18502. Fees as applicable shall be submitted for permits.

(a) Fees for a permit to conduct any construction subject to this part as determined by the schedule of fees adopted by the commission.

(b) Plan checking fees equal to one-half of the construction, mechanical and electrical permit fees, except that the minimum fee shall be ten dollars ($10).

(c) Except for a temporary trailer park, annual operating permit fee of twenty-five dollars ($25) and an additional one dollar ($1) per lot or one dollar ($1) per camping party for the maximum number of camping parties to be accommodated at any one time in an

incidental camping area.

(d) Temporary trailer park operating permit fee of twenty-five dollars ($25), with no additional fee for the lots.

(e) Change in name fee or transfer of ownership or possession fee of ten dollars ($10).

(f) Duplicate permit fee or amended permit fee ten dollars ($10).

This section shall become operative on January 1, 1976, unless a later enacted statute, which is chaptered before January 1, 1976, deletes or extends such date.

SEC. 7. Section 18550 is added to the Health and Safety Code, immediately following the heading of Article 1 (commencing with Section 18600) of Chapter 5 of Part 2.1 of Division 13 thereof, to read:

18550. It shall be unlawful for any person to use or cause, or permit to be used for occupancy, any of the following mobilehomes, wherever such mobilehomes are located·

(a) Any mobilehome from which any axle or wheel hub has been removed therefrom except for the purpose of making temporary repairs or placing it in dead storage.

(b) Any mobilehome supplied with fuel, gas, water, electricity, or sewage connections, unless such connections and installations conform to regulations of the commission.

(c) Any mobilehome which is permanently attached with underpinning or foundation to the ground.

(d) Any mobilehome which does not conform to the registration requirements of the Vehicle Code. A mobilehome which may be moved under permit as provided for in Sections 35780 and 35790 of the Vehicle Code shall be deemed to conform to the requirements of such code within the meaning of this section.

(e) Any mobilehome in an unsanitary condition.

(f) Any mobilehome which is structurally unsound and does not protect its occupants against the elements.

(g) Any mobilehome which does not have the space directly beneath it kept clean and free from refuse, rubbish, or other impediments. Such space shall not be used for storage purposes. It may be enclosed. Such enclosures, however, shall not unreasonably impede the movement of the mobilehome, shall be openable for inspection, and cross ventilation on at least three sides shall be provided with no less than two square feet of opening for each 25 linear feet.

(h) Any mobilehome in which the occupants use any water heater, clothes washer, or clothes dryer requiring plumbing, mechanical, gas, or electrical connections unless such appliance is within the mobilehome or an approved building. No such appliance outside the mobilehome shall be interconnected with the plumbing, mechanical, gas, or electrical system of the mobilehome.

(i) Any mobilehome which does not have a current annual vehicle license.

This section shall remain in effect only until January 1, 1976, and as of such date is repealed, unless a later enacted statute, which is

chaptered before January 1, 1976, deletes or extends such date.

SEC. 8. Section 18552 is added to the Health and Safety Code, to read:

18552. The commission shall adopt regulations for mobilehome accessory buildings or structures. Such regulations shall provide for the construction, location, and use of mobilehome accessory buildings or structures to protect the health and safety of the occupants and the public, and shall be enforced by the appropriate enforcement agency.

This section shall remain in effect only until January 1, 1976, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1976, deletes or extends such date.

SEC. 9. Section 18554 is added to the Health and Safety Code, to read:

18554. It is unlawful to permit any waste water or material from any plumbing fixtures in a mobilehome to be deposited upon the surface of the ground. All plumbing fixtures, when in use, shall be connected to a sewage disposal system meeting the requirements established by the commission. The commission is hereby empowered to promulgate such rules and regulations as it determines are reasonably necessary for the protection of life and property and to carry out the purposes of this section.

This section shall remain in effect only until January 1, 1976, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1976, deletes or extends such date.

SEC. 10. Section 18605 is added to the Health and Safety Code, to read:

18605. The commission shall adopt regulations to govern the use and occupancy of mobilehomes and recreational vehicles. Such regulations shall establish minimum requirements to protect the health and safety of the occupants and the public, and shall also provide for the repair or abatement of any unsafe or unsanitary condition of the vehicle or of the electrical, mechanical, or plumbing installations therein.

This section shall remain in effect only until January 1, 1976, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1976, deletes or extends such date.

SEC. 11. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because there are savings as well as costs in this act which, in the aggregate, do not result in significant identifiable cost changes.

4262 38 12 245 1030

CHAPTER 1104

An act to amend Sections 1, 2, and 3 of, and to add Section 4 to, Chapter 1203 of the Statutes of 1970, relating to regional occupational centers and programs.

[Approved by Governor October 2, 1973 Filed with Secretary of State October 2, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 1203 of the Statutes of 1970 is amended to read:

Section 1. It is the intent of the Legislature in enacting this act to finance the capital expenditures involved in the construction, equipping, and establishment of a regional occupational center or regional occupational center program to be maintained by the officer or entity designated pursuant to Chapter 14 (commencing with Section 7450) of Division 6 of the Education Code, to serve an area in great need of occupational preparation. It is the further intent of the Legislature, by this act, to improve the employment opportunities of persons residing in areas of need for such training by providing education programs of a nature that will serve the social and economic needs of that area. The program provided will also serve to upgrade the cultural and intellectual life, as well as the economic life, of the area to be served.

It is further the intent of the Legislature that the regional occupational center or regional occupational program to be established in Fresno County shall conform with the requirements of state law in regard to the establishment of regional occupational centers or regional occupational programs pursuant to Chapter 14 (commencing with Section 7450) of Division 6 of the Education Code.

SEC. 2. Section 2 of Chapter 1203 of the Statutes of 1970 is amended to read:

Sec. 2. Amounts expended pursuant to this act by the officer or entity maintaining a regional occupational center or regional occupational program shall be a loan by the state to the officer or entity, as the case may be, and shall be fully repaid with interest to the state in such annual amounts and over such period as may be determined by the State Allocation Board, not to exceed 20 years from the date of disbursement. Interest shall be paid at a rate determined by the State Allocation Board. Such loan shall be repaid by the officer or entity which operates or which participates in the operation of a regional occupational center or regional occupational program, from proceeds of a district or county tax, or both, levied in the manner prescribed in Section 7456 of the Education Code, but at a rate on each one hundred dollars ($100) of assessed valuation sufficient to make the payments required by the State Allocation Board, notwithstanding the limitations contained in Section 7456 of

the Education Code.

The tax revenue referred to in this act shall be transferred by the County Auditor of Fresno to the State Treasury for the credit of the State School Building Aid Fund in accordance with established regulations and procedures.

SEC. 3. Section 3 of Chapter 1203 of the Statutes of 1970 is amended to read:

Sec. 3. An amount not to exceed two million five hundred thousand dollars ($2,500,000) from the proceeds of bonds issued pursuant to the State School Building Aid Bond Law of 1966 shall be expended for purposes of this act. The funds shall be expended under the administrative direction of the State Allocation Board in cooperation with the officer or entity designated pursuant to Chapter 14 (commencing with Section 7450) of Division 6 of the Education Code, for the remodeling, expansion, or construction of vocational facilities for a newly created regional occupational center or regional occupational program to be located in Fresno County. Not to exceed two hundred fifty thousand dollars ($250,000) of such sum shall be allocated and expended for architectural and engineering services in connection with such remodeling, expansion, or construction.

Sections 19551 to 19555, inclusive, and Sections 19559, 19562, 19565, and 19699.10 of the Education Code shall be applicable to the administration of this act unless the context of this act, as determined by the State Allocation Board, requires otherwise. Except to the extent and for the purposes expressly provided in this act, the provisions of Chapter 10 (commencing with Section 19551) of Division 14 of the Education Code shall not be applicable hereto.

SEC. 4. Section 4 is added to Chapter 1203 of the Statutes of 1970, to read:

Sec. 4. No expenditure of funds under this act shall be made, unless at an election called by the County Superintendent of Schools of Fresno County, two-thirds of the qualified electors of the county voting on a proposition therefor have authorized the officer or entity designated pursuant to Chapter 14 (commencing with Section 7450) of Division 6 of the Education Code to accept, expend, and repay an amount not to exceed two million five hundred thousand dollars ($2,500,000) from the proceeds of the State School Building Aid Bond Law of 1966.

SEC. 5. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act, because revenue is provided for by Chapter 208 of the Statutes of 1973–74.

4 359 38 12 275 1036

CHAPTER 1105

An act to amend Section 454 of the Public Utilities Code, relating to public utilities.

[Approved by Governor October 2, 1973 Filed with Secretary of State October 2, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 454 of the Public Utilities Code is amended to read:

454. (a) No public utility shall raise any rate or so alter any classification, contract, practice, or rule as to result in any increase in any rate except upon a showing before the commission and a finding by the commission that such increase is justified. Whenever any electrical, gas, heat, telephone, water, or sewer system corporation proposes to increase any rate of charge for the services or commodities furnished by it and the commission determines that a hearing on the proposed increase shall be held and sets a date for such hearing, the corporation shall furnish to its customers affected by the proposed increase notice of its application to the commission for approval of such increase. The corporation shall include such notice with the regular bill for charges transmitted to such customers within 45 days if the corporation operates on a 30-day billing cycle, or within 75 days if the corporation operates on a 60-day billing cycle. The notice shall state the date, time, and place of the hearing, the amount of the proposed increase expressed in both dollar and percentage terms, a brief statement of the reasons the increase is required or sought, and the mailing address of the commission to which any customer inquiries relative to the proposed increase may be directed.

(b) The commission may establish such rules as it considers reasonable and proper for each class of public utility providing for the nature of the showing required to be made in support of proposed increases, the form and manner of the presentation of such showing, and the procedure to be followed in the consideration thereof. Rules applicable to common carriers may provide for the publication and filing of any proposed increase together with a written showing in support thereof, giving notice of such filing and showing in support thereof to the public, affording an opportunity for protests thereto, and to the consideration of, and action on, such showing and any protests filed thereto by the commission, with or without hearing; provided that the proposed increase shall not become effective until it has been approved by the commission.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any

financial burden to local government.

CHAPTER 1106

An act to add Section 6958 to the Education Code relating to development centers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 2, 1973 Filed with Secretary of State October 2, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 6958 is added to the Education Code, to read:

6958. The governing board of a school district or a county superintendent of schools which maintains and operates one or more development centers for handicapped pupils may admit to such centers pupils who live in regularly established licensed children institutions 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 district or county.

In the event that a child lives in a regularly established licensed children 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 in a school district or county which maintains and operates a development center for handicapped pupils, the governing board of such a school district or the county superintendent of schools may admit such a pupil, provided that the county board of education of the county or city and county in which the child resided prior to his admission to the children's institution or family home approves of the admission and agrees to reimburse the school district or county maintaining the development center for the actual local costs of educating each such child.

If the child's prior residence cannot be ascertained or if his residence was outside the state, the district or county shall be reimbursed for the actual local cost of educating such pupil by the county or city and county in which the institution or family home is located, provided that admission has been approved by the county board of education of that county. 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 living in the institution or family home.

Claims by a school district or county superintendent of schools for actual local cost of educating pupils admitted to development centers for handicapped pupils shall be processed and paid in the same manner as provided in this chapter for other pupils and the

applicable provisions of this chapter shall govern the process and payment of such claims.

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 undertake the education and training of exceptional pupils in development centers for handicapped pupils who are living in specified children institutions or family homes as soon as possible during 1973–74 school year, it is necessary that this act take effect immediately.

CHAPTER 1107

An act to add Section 4029 to the Health and Safety Code, relating to water systems, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 2, 1973 Filed with Secretary of State October 2, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 4029 is added to the Health and Safety Code, to read:

4029. Every person who furnishes or supplies water to a user for domestic purposes within the State of California shall, on or before April 1, 1974, submit to the state department emergency notification plans designed to provide immediate notification to his customers of any determination by the state department that the quality of domestic water fails to comply with the standards of the state department. The state department shall review and approve such plans no later than July 1, 1974. No permit may be issued or amended under the provisions of this chapter until emergency notification plans submitted by the petitioner have been approved.

Upon notification by the state department, pursuant to subdivision (c) of Section 4026, that the quality of domestic water fails to comply with the standards established by the state department and, as determined by the state department, represents an imminent danger to the health of the water users, such person shall immediately implement the approved emergency notification plan. The requirements of this section are intended to be in addition to those of Section 4027 which shall continue in full force and effect where applicable.

Any person who fails to comply with the provisions of this section is guilty of a misdemeanor. Each day's violation of this section shall be a separate offense.

SEC. 2. In enacting this act, the Legislature hereby determines

and finds that any duties, obligations or responsibilities imposed on local government are minor in nature and do not result in a significant new state-mandated program for local government, or a significant increase in the level of service of an existing mandated program, and no significant additional economic burden or cost is intended to be imposed hereby. Therefore, and solely as a result of this finding and determination, no appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code for reimbursement of any local agency for any costs that may be incurred by it.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect The facts constituting such necessity are:

This act, among other things, requires every person who furnishes or supplies water to a user for domestic purposes to submit to the State Department of Health, on or before April 1, 1974, emergency notification plans designed to provide immediate notification to his customers of any determination by the department that the quality of domestic water fails to comply with the standards of the department and represents an imminent danger to the health of water users. In order, therefore, to afford sufficient time for the preparation of such emergency notification plans and to thereby protect the public health, it is necessary that this act go into immediate effect.

CHAPTER 1108

An act to amend Section 22860 of, and to add Section 23758 to, the Education Code, relating to California State University and Colleges student fees and tuition.

[Approved by Governor October 2, 1973 Filed with Secretary of State October 2, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 22860 of the Education Code is amended to read:

22860 The governing boards and district governing boards may waive nonresident tuition in whole or in part pursuant to Sections 23754, 23754.3, 23754.4, 23758, and 25505.8.

SEC. 2. Section 23758 is added to the Education Code, to read:

23758. Notwithstanding any other provision of law, the Trustees of the California State University and Colleges may enter into agreements with other universities or colleges located within the state whereby qualified students from campuses of the California State University and Colleges may attend such other universities or

colleges without payment of some or all fees or tuition, or both, charged by such institutions, and students from such institutions may attend campuses of the California State University and Colleges without payment of some or all of the fees or tuition, or both, charged by the state university or college; provided that during any year, the number of students attending campuses of the California State University and Colleges from other universities or colleges, pursuant to such agreements entered in between the Trustees of the California State University and Colleges and other universities and colleges, shall not exceed the number of students of the California State University and Colleges attending such other institutions.

CHAPTER 1109

An act to repeal and add Part 2 (commencing with Section 12500) of Division 11 of the Health and Safety Code, relating to fireworks.

[Approved by Governor October 2, 1973 Filed with Secretary of State October 2, 1973]

The people of the State of California do enact as follows:

SECTION 1. Part 2 (commencing with Section 12500) of Division 11 of the Health and Safety Code is repealed.

SEC. 2. Part 2 (commencing with Section 12500) is added to Division 11 of the Health and Safety Code, to read:

PART 2. FIREWORKS AND PYROTECHNIC DEVICES

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

12500. This part shall be known and may be cited as the State Fireworks Law.

12501 Unless the context otherwise requires, the definitions in this chapter govern the construction of this part.

12502. "Advertise" means an announcement publicly with any sign, card, or notice, or by any other means, on which appears a person's name or business name style offering to sell or transfer fireworks or pyrotechnic devices, or to cause a person's name or business name style to be included in any classified advertisement or directory for the purpose of the sale or transfer of fireworks or pyrotechnic devices.

12503. "Agricultural and wildlife fireworks" means fireworks designed and intended by the manufacturer to be used to prevent damage to crops or unwanted occupancy of areas by animals or birds through the employment of sound or light, or both.

12504. "Class 1 flammable liquid" means any liquid whose flashpoint is 100 degrees Fahrenheit, or less, when tested pursuant to

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Standard D56-69 of the American Society for Testing Materials.

12505. "Dangerous fireworks" includes all of the following:

(a) Any fireworks which contain any of the following:

(1) Arsenic.

(2) Phosphorus.

(3) Thiocyanate

(4) Magnesium.

(5) Mercuric chloride.

(6) Potassium picrate.

(7) Gallic acid.

(8) Chlorates of alkaline or metallic salts.

(9) Gunpowder.

(b) Firecrackers, salutes, and other articles which explode.

(c) Skyrockets and rockets, including all devices which employ any combustible or explosive material and which rise in the air during discharge.

(d) Roman candles, including all devices which discharge balls of fire into the air.

(e) Chasers, including all devices which dart or travel about the surface of the ground during discharge.

(f) Sparklers more than 10 inches in length or one-fourth of one inch in diameter.

(g) All fireworks designed and intended by the manufacturer to create the element of surprise upon the user. These items include, but are not limited to, auto-foolers, cigarette loads, exploding golf balls, and trick matches.

(h) Fireworks known as devil-on-the-walk, or any other firework which explodes through means of friction, unless otherwise classified by the State Fire Marshal pursuant to this part.

(i) Torpedoes of all kinds which explode on impact.

(j) Fireworks kits.

(k) Such other fireworks examined and tested by the State Fire Marshal and determined by him, with the advice of the State Fire Advisory Board, to possess characteristics of design or construction which make such fireworks unsafe for use by any person not specially qualified or trained in the use of fireworks.

12506. "Emergency signaling device" means a pyrotechnic device designed and intended by the manufacturer to be used as such and which provides a reasonable degree of safety to the user and does not create a fire hazard when used according to the label of instructions.

12507. "End fuse" means a fuse inserted into any fireworks or pyrotechnic device at the end as distinguished from the side of such item.

12508. "Exempt fireworks" means any special item containing pyrotechnic compositions which the State Fire Marshal, with the advice of the State Fire Advisory Board, has investigated and determined to be limited to industrial, commercial, agricultural use, or religious ceremonies when authorized by a permit granted by the

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authority having jurisdiction.

12509. "Exporter" means any person who sells, consigns, or delivers fireworks located within this state for delivery, use, or sale out of this state.

12510. "Fire nuisance" means anything or any act which increases, or may cause an increase of, the hazard or menace of fire, or which may obstruct, delay, or hinder, or may become the cause of any obstruction, delay, or hindrance, to the prevention or extinguishment of fire.

12511. "Fireworks" means any device containing chemical elements and chemical compounds capable of burning independently of the oxygen of the atmosphere and producing audible, visual, mechanical, or thermal effects which are useful as pyrotechnic devices or for entertainment.

The term "fireworks" includes, but is not limited to, devices designated by the manufacturer as fireworks, torpedoes, skyrockets, roman candles, rockets, Daygo bombs, sparklers, party poppers, paper caps, chasers, fountains, smoke sparks, aerial bombs, and fireworks kits.

12512. "Fireworks kit" means any assembly of materials or explosive substances, which is designed and intended by the seller to be assembled by the person receiving such material or explosive substance and when so assembled would come within the definition of fireworks in Section 12511.

12513. "Importer" means any person who for any purpose does any of the following:

(a) Brings fireworks into this state or causes fireworks to be brought into this state.

(b) Procures the delivery or receives shipments of any fireworks into this state.

(c) Buys or contracts to buy fireworks for shipment into this state.

12514. "Issuing authority" means any person who has the responsibility of evaluating the application for, and issuing, the permits required by Section 12640.

12515. "Label of registration" means the label of registration of the State Fire Marshal.

12516. "License" means any nontransferable authorization granted by the State Fire Marshal to engage in any activity regulated by this part.

12517. "Licensee" means any person 21 years of age or older holding a fireworks license issued pursuant to Chapter 5 (commencing with Section 12570).

12518. "Manufacturer" means any person who manufactures, makes, constructs, fabricates, or produces any fireworks or pyrotechnic devices, but does not include any person who assembles or fabricates any sets or mechanical pieces for public displays of fireworks, or persons operating within the scope of public display or pyrotechnic operator licenses.

12519. "Model rocket" means any toy or educational device

which weighs not more than 500 grams, including the engine and any payload, that is propelled by model rocket engines.

12520. "Model rocket engine" means a commercially manufactured, nonreusable rocket propulsion device which is constructed of a nonmetallic casing and solid propellant, wherein all of the ingredients are self-contained so as not to require mixing or handling by the user and which have design and construction characteristics determined by the State Fire Marshal to provide a reasonable degree of safety to the user.

12521. "Package" includes any case, container, or receptacle, used for holding fireworks, which is closed or sealed by tape, cordage, or by any other means.

12522. "Permit" means the nontransferable permission granted by the public agency having local jurisdiction to a licensee for the purposes of establishing and maintaining a place where fireworks are manufactured, constructed, produced, packaged, stored, sold, exchanged, discharged, or used, or the nontransferable permission granted by the public agency having local jurisdiction or by the State Fire Marshal to a licensee for the purpose of transporting fireworks.

12523. "Person" means any person, copartnership, organization, firm, corporation, association, or any combination thereof, or any city, county, city and county, and state, and shall include any of their employees and authorized representatives.

12524. "Public display of fireworks" means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of dangerous fireworks.

12525. "Pyrotechnic compositions" means any combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere.

12526. "Pyrotechnic device" means any combination of materials, including pyrotechnic compositions, which, by the agency of fire, produce an audible, visual, mechanical or thermal effect designed and intended to be useful for industrial, agricultural, personal safety, or educational purposes.

The term "pyrotechnic device" includes, but is not limited to, agricultural and wildlife fireworks, model rockets, exempt fireworks, emergency signaling devices, and special effects.

12527. "Pyrotechnic operator" means any licensed pyrotechnic operator, who by examination, experience, and training, has demonstrated the required skill and ability in the use and discharge of fireworks as authorized by the license granted.

12528. "Retailer" means any person who, at a fixed place of business, sells, transfers, or gives fireworks to a consumer or user.

12529. "Safe and sane fireworks" means any fireworks which do not come within the definition of "dangerous fireworks" or "exempt fireworks."

12530. "Salesman" means any person who, as an employee of a manufacturer or wholesaler, solicits, accepts, or receives an order for fireworks for a licensee or permittee.

12531. "Sell" means any arrangement between two or more persons as a result of which there is a transfer of property for a consideration.

12532. "Special effects" means articles containing any pyrotechnic composition manufactured and assembled, designed, or discharged in connection with television, theater, or motion picture productions, which may or may not be presented before live audiences and any other articles containing any pyrotechnic composition used for commercial, industrial, education, recreation, or entertainment purposes when authorized by the authority having jurisdiction.

12533. "Wholesaler" means any person, other than an importer, exporter, or manufacturer selling only to wholesalers, who sells fireworks to a retailer or any other person for resale. It also includes any person who sells dangerous fireworks to public display permittees.

12534. "Within this state" means within all territory within the boundaries of this state.

CHAPTER 2 EXCEPTIONS

12540. The provisions of this part shall not apply to any of the following:

(a) Explosives regulated under Part 1 (commencing with Section 12000) of Division 11.

(b) Arms and handguns defined as firearms by the Federal Gun Control Act of 1968, as well as such devices and weapons classified under Section 12020 or 12301 of the Penal Code, including blank cartridge pistols of the type used at sporting events or theatrical productions.

(c) Research or experiments with rockets or missiles or the production or transportation of rockets or missiles by the Department of Defense of the United States, or by any agency or organization acting pursuant to a contract with the Department of Defense for the development and production of rockets or missiles.

(d) Paper caps which contain less than 0.25 grain of pyrotechnic composition per unit load.

CHAPTER 3. ADMINISTRATION

12550. The State Fire Marshal shall enforce and administer this part.

12551. The State Fire Marshal shall appoint such deputies and employees as may be required to carry out the provisions of this part.

12552. The State Fire Marshal shall adopt such regulations relating to fireworks as may be necessary for the protection of life and property not inconsistent with the provisions of this part. Such regulations shall include, but not be limited to, provisions for the following:

(a) Granting of licenses and permits for the manufacture, wholesale, import, export, and sale of all classes of fireworks.

(b) Classification of fireworks and pyrotechnic devices.

(c) Registration of employees of licensees.

(d) Licenses and permits required for presentation of public displays.

(e) Granting of licenses and permits for research or experimentation with experimental or model rockets and missiles.

(f) Investigation, examination, and licensing of pyrotechnic operators of all classes.

(g) Registration of emergency signaling devices and the classification and use of exempt fireworks.

(h) Transportation of all classifications of fireworks, model rockets, emergency signaling devices, and exempt fireworks.

12553. The State Fire Marshal shall also adopt regulations for classification of any new type of fireworks or pyrotechnic devices which have not been classified prior to January 1, 1974 and for the regulation of such fireworks in accordance with the provisions of this part.

12554. The regulations adopted by the State Fire Marshal relating to fireworks and in existence on January 1, 1974 shall continue thereafter to be in effect as regulations of the State Fire Marshal until amended or repealed pursuant to the provisions of this part.

12555. The State Fire Marshal or his salaried deputies may make an examination of the books and records of any licensee or permittee relative to fireworks, and may visit and inspect any building or other premises subject to the control of, or used by, the licensee or permittee for any purpose related to fireworks of any licensee or permittee at any time he may deem necessary for the purpose of enforcing the provisions of this part.

12558. The licensee or permittee shall permit the chief of the issuing authority, or his authorized representatives, as qualified in Section 12721, to enter and inspect any building or other premises subject to the control of or used by the licensee or permittee for any purpose related to fireworks at any time for the purpose of enforcing the provisions of this part.

CHAPTER 4. CLASSIFICATION OF FIREWORKS AND PYROTECHNIC DEVICES

12560. The State Fire Marshal shall classify all fireworks and pyrotechnic devices in accordance with the provisions of this chapter. No fireworks or pyrotechnic devices shall be imported, sold, or offered for sale prior to the examination and classification by the State Fire Marshal.

12561. All fireworks examined by the State Fire Marshal and determined by him to come within the definition of "dangerous fireworks" in Section 12505 shall be classified as dangerous fireworks.

12562. All fireworks examined by the State Fire Marshal and

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determined by him to come within the definition of "safe and sane fireworks" in Section 12529 shall be classified as safe and sane fireworks.

12563. All fireworks examined by the State Fire Marshal and determined by him to come within the definition of "agricultural and wildlife fireworks" in Section 12503 shall be classified as agricultural and wildlife fireworks.

12564. All fireworks examined by the State Fire Marshal and determined by him to come within the definition of "exempt fireworks" in Section 12508 shall be classified as exempt fireworks.

12565. All fireworks or toy propellent devices containing pyrotechnic compositions examined by the State Fire Marshal and found by him to come within the definition of "model rocket" or "model rocket engine" in Section 12519 or 12520, respectively, shall be classified as model rocket engines.

12566. All pyrotechnic devices examined by the State Fire Marshal and found by him to come within the definition of "emergency signaling devices" in Section 12506 shall be classified by the State Fire Marshal as emergency signaling devices.

12567. Those fireworks classified by the State Fire Marshal as safe and sane prior to January 1, 1974 may continue to bear that designation and may be sold as safe and sane fireworks until 12 noon on July 6, 1974. All fireworks previously designated as safe and sane which are offered for sale or sold during the 1974 retail license year and thereafter shall bear the State Fire Marshal label with the classification of safe and sane fireworks.

12568. The manufacturer, importer, or wholesaler shall stamp or label each case or carton of dangerous fireworks offered for sale, sold, consigned, or delivered within the state for sale or use within this state as dangerous fireworks. Each package of safe and sane fireworks shall be marked as safe and sane fireworks and shall bear the State Fire Marshal's classification label and licensee's registration number.

12569. Except as provided in Section 12637 and pursuant to the provisions of Sections 12560 and 12581, fireworks or pyrotechnic devices examined and classified by the State Fire Marshal shall be submitted by manufacturers, wholesalers, and importers and exporters holding a valid license only.

CHAPTER 5. LICENSES

Article 1. Types of Licenses

12570. The State Fire Marshal may issue any license described in this part, subject to the regulations which he may adopt not inconsistent with the provisions of this part.

12571. A manufacturer's license shall allow the manufacture of fireworks and other pyrotechnic devices of all types and the sale and transport to licensed wholesalers in California only and the sale to special effects pyrotechnic operators of materials and devices for

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which such pyrotechnic operators hold a valid permit.

12572. A wholesaler's license allows the sale and transportation of all types of fireworks to licensed retailers, or retailers operating under a permit, licensed public display operators, and other licensed wholesalers in California only and sale to special effects pyrotechnic operators holding a valid permit and sale of exempt fireworks to those industrial and commercial concerns that possess a valid permit from the local agency having jurisdiction in the area where such fireworks are to be used or stored.

12573. An importer's and exporter's license shall allow fireworks to be imported into and exported from the state. Import activity shall be limited to the sale of fireworks to licensed wholesalers and licensed manufacturers only Export activity shall be limited to the sale of fireworks to persons outside of the state. Holders of this type of license shall not be issued or possess a public display license of any type without first securing a wholesaler's license. This section shall not require a license for a motion picture production company to transport or deliver special effects from within the state to a destination outside the state.

12574. A retail sales license allows the retail sale of safe and sane fireworks for private use.

12575 A public display (special) license allows the holding and conducting at various times of public displays of dangerous fireworks at a single location only.

12576. A public display license (general) allows the holding and conducting of public displays of dangerous fireworks at various locations and at various times.

12577. A public display license (limited) allows the performance of a single public display action of a single nature with dangerous fireworks at one location to be executed at one or more performances or exhibitions.

12578. A pyrotechnic operator license allows such operator to handle, supervise, or discharge dangerous fireworks at public displays of all types, and to handle, supervise or discharge rockets and special effects pyrotechnic devices which produce an audible or visual effect in connection with group entertainment productions which may or may not be held before live audiences.

12579. All licensees may transport the class of fireworks for which they hold a valid license as provided in Section 12651.

Article 2. Issuance, Revocation and Renewal

12580. The State Fire Marshal may issue and renew licenses for the manufacture, import, export, sale, and use of all fireworks and pyrotechnic devices in this state.

12581. Any person who desires to manufacture, import, export, sell or use fireworks, shall first make written application for a license to the State Fire Marshal on forms provided by him. Such application shall be accompanied by the annual license fee as prescribed in this

chapter.

12582 The application for a license shall be signed by the applicant If the application is made by a partnership, it shall be signed by each partner of the partnership If the application is made by a corporation, it shall be signed by an officer of the corporation and bear the corporation's seal.

12583. The authorization to engage in the particular act or acts conferred by a license to a person shall extend to salesmen or other employees of such person who are registered with the State Fire Marshal. The sales personnel and other employees of licensed retailers, however, need not be registered with the State Fire Marshal. No person under the age of 18 shall sell, or handle for sale, any classification of fireworks.

12585. Any applicant may withdraw his application for a license or renewal of a license and the State Fire Marshal may allow the withdrawal when he has determined that it is in the best interest of public safety or the administration of this part.

12586. The suspension, expiration, or forfeiture by operation of law of a license issued by the State Fire Marshal, or its suspension, forfeiture, or cancellation by order of the State Fire Marshal or by a court of law, or its surrender to the State Fire Marshal shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the State Fire Marshal of his authority to institute or continue disciplinary action against the licensee upon any ground provided by law, or to enter an order suspending or revoking a license or otherwise taking disciplinary action against the licensee on any such ground.

12587. A written report by the State Fire Marshal, any of his deputies, or salaried assistants, or by the chief of any city or county fire department or fire protection district or their authorized representatives, disclosing that the applicant for a license or for renewal of a license does not meet, or the premises for which the license is required do not meet, the qualifications or conditions for such license as required by this part or regulations adopted pursuant to this part, may constitute grounds for denial of any application for the license or renewal of the license.

12588. The State Fire Marshal may deny, without hearing, an application for a license or renewal of a license, if within one year prior to the date of application, the State Fire Marshal has denied or revoked a license after proceedings conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code for the same applicant on the ground of violation of this part.

12589. The application for any license shall become void when any of the following occurs:

(a) The State Fire Marshal has notified the applicant to appear for examination and the applicant fails to appear or fails to submit a written statement of just cause for not appearing.

(b) The applicant fails to achieve a passing score on a required

examination. A minimum qualifying score shall be established by regulations pursuant to this part.

(c) The applicant has not submitted documentary evidence of his qualifications as required by regulations adopted pursuant to this part.

(d) The applicant has failed to submit evidence of insurability as required by this part.

(e) The applicant withdraws his application prior to an investigation by the State Fire Marshal to determine if the license shall be issued.

(f) The license is denied after a hearing is conducted as provided by this part.

(g) The applicant has made misrepresentations or filed false statements.

12590. The State Fire Marshal may revoke any license issued pursuant to this part if he finds any of the following conditions has occurred:

(a) The licensee has failed to pay the annual renewal license fee provided in this chapter.

(b) The licensee has violated any provisions of this part or any regulations adopted by the State Fire Marshal pursuant to this part.

(c) The licensee has created or caused a fire nuisance.

(d) The licensee has failed to keep full, complete, and accurate records or failed to file any required reports.

(e) 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 State Fire Marshal in refusing originally to issue such license.

(f) The permit issued under Section 12640 has been rescinded or revoked by the issuing authority.

(g) Any licensee has refused to make available to the State Fire Marshal full, complete, and accurate records.

12591. The State Fire Marshal may, upon three days notice, suspend any license for a period not exceeding 30 days pending investigation of any violation of the provisions of this part.

12592. Any applicant who has been denied a license or renewal of a license, or any licensee who has had a license suspended, shall be entitled to a hearing in accordance with the provisions of this part.

12593. Except where otherwise provided in this part, all hearings under this part shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

12594. Reports on fireworks transactions or the payment of license fees or penalties required by this part shall be deemed to have been made or paid at the time they are filed with, or paid to, the State Fire Marshal, or, if sent by mail, on the date shown by the United States postmark on the envelope containing the report or payment.

12595. Except as otherwise provided in Section 12599, on and after July 1, 1974, the original and annual license fee shall be for the

fiscal year beginning July 1 and ending June 30 of the following year, or for the remaining portion of such fiscal year if the license is issued after the beginning of that fiscal year.

12596. Any person or organization may obtain any license required by this part between January 1, 1974, and June 30, 1974, to be effective for that period only.

12597. Application for renewal of a license shall be made during the license renewal period in the current license year in order to renew a license for the next following license year. The license renewal period shall begin on January 1 and end May 1 preceding the license year for which renewal is requested. A penalty of 50 percent of the basic license fee shall be assessed in all cases where the renewal fees are not paid on or before May 1, preceding the license year for which renewal is requested. This section shall not apply to retail sales licenses.

12598. Every licensee who fails to renew his license by the time the license expires shall surrender such license to the State Fire Marshal within 10 days after the license expires. Any application by such licensee for the same type of license during the year next following the date of expiration of such license shall be considered an application for renewal of the license and shall carry the same penalty as provided in Section 12597.

12599. A retail license shall authorize a retail sale of safe and sane fireworks within this state only during the period of 12 noon on the 28th of June through 12 noon on the 6th of July of the same calendar year and such license shall expire at the end of such period. No retail license shall be issued for the license period defined in this section unless the application for such license is received by the State Fire Marshal on or before June 15 preceding the license period. A new retail sales license shall be required annually for the period specified in this section.

12600. Except as provided in Section 12583, the authority to perform any acts permitted by a license issued under this part shall be limited to the licensee and shall not be transferable.

12601. Except as provided in Section 12599, any license not renewed in accordance with the provisions of this part shall automatically expire at 12 midnight on June 30 of each year.

12602. A license shall not be required for the retail sale, use, or discharge of agricultural and wildlife fireworks, model rocket engines, or emergency signaling devices.

12603. No person or employee holding a pyrotechnic license shall be required to obtain a manufacturer's license to design, assemble, compound, use, discharge, fabricate, construct, or erect any fireworks of any class or any combination thereof when such person or employee of such person is engaged in the business of producing television, motion picture, theater, or opera productions if the fireworks are for a specific use in a particular production or are used to maintain a reasonable inventory of special effects by a special effects independent contractor.

12604. Following the revocation or voluntary surrender of a license, or failure to renew his license, any person in lawful possession of lawfully acquired fireworks for which a license is required may sell or otherwise dispose of such fireworks only under supervision of the State Fire Marshal and in such a manner as he shall provide by regulations and solely to persons who are authorized to buy, possess, sell, or use such fireworks. Such disposal shall be accomplished not later than 90 days from the legal revocation, voluntary surrender, or day that the license expires. Any person possessing fireworks pursuant to this section shall report the disposition of such fireworks to the local authority who issued the storage permit within the time period specified by this section.

12605 Any person found guilty of violating any of the provisions of this part is not eligible to apply for a new license, apply for a renewal of a license, or take an examination for any license for a period of one year from the date of any conviction. The State Fire Marshal may waive the provisions of this section when he finds the granting of a license will not endanger public safety.

12606. Any charges against applicants for a license or against licensees which would be cause for the State Fire Marshal to initiate proceedings for revocation or denial of a license shall be filed with the State Fire Marshal within three years of the alleged act or omission

12607. The State Fire Marshal shall deny the application for a license or the application for renewal of a license filed by any person who has been convicted of a felony involving explosives or dangerous fireworks or who has been convicted as a principal or accessory in a crime against property involving arson or any other fire-related offense contained in Chapter 1 (commencing with Section 447a) of Title 13 of Part 1 of the Penal Code.

12608. The authority to perform those acts conferred upon the employee of a licensee as provided for in Section 12583 shall not be granted to any person who has been convicted of a felony.

Article 3. Insurance

12610. Notwithstanding any of the provisions of the law which may require a certificate of insurance as a condition for a permit to hold a general, special, or limited public display, any person, firm, or corporation applying for a public display license shall furnish to the State Fire Marshal a policy of public liability and property damage insurance, without deductible, with limits of bodily injury of not less than fifty thousand dollars ($50,000) for one person or one hundred thousand dollars ($100,000) for each occurrence annually and with a limit of property damage liability of not less than twenty-five thousand dollars ($25,000) for each occurrence as payment for damages to persons or property which may result from, or be caused by, such public display of fireworks, or any negligence on the part of the licensee or his or its agents, servants, employees, or

subcontractors presenting such public display.

12611. The certificate of insurance shall provide all of the following:

(a) That the insurer will not cancel the insured's coverage without 15 days' prior written notice to the State Fire Marshal.

(b) That the duly licensed pyrotechnic operator required by law to supervise and discharge the public display, acting either as an employee of the insured or as an independent contractor and the State of California, its officers, agents, employees, and servants are included as additional insureds, but only insofar as any operations under contract are concerned

(c) That the state shall not be responsible for any premium or assessments on the policy.

Article 4 Reports

12615. All licensees, except retailers, shall maintain and make available to the State Fire Marshal full and complete, true, and accurate records showing all production, imports, exports, purchases, sales, or other disposition or consumption of fireworks by kind and class whether dangerous, safe and sane, or agricultural and wildlife fireworks.

12616. The licensees shall report any theft or loss of fireworks to the State Fire Marshal within 24 hours after the discovery of the theft or loss. The report shall show the quantity, type and kind, classification of fireworks and the location where the loss occurred.

12617. In the event of the theft or loss of any fireworks or pyrotechnic devices, the State Fire Marshal shall notify the fire authorities in the location where the theft or loss occurred and the fire authorities shall cooperate with the State Fire Marshal in conducting a joint investigation of the circumstances.

12618. Each bill of lading, manifest, and invoice issued to cover the sale and shipment of fireworks shall bear the license number of both the seller or shipper and buyer or receiver.

12619. All import and export licensees shall file a notice with the State Fire Marshal prior to the arrival of any class of fireworks subject to the license he holds. The notice shall state all of the following:

(a) Estimated date of arrival.

(b) Type, kind, and quantity of fireworks.

(c) Name of carrier.

(d) Point of origin and bill of lading number.

(e) Name and address of consignee.

(f) Load number or other identification carton marks.

12620. In addition to the report required under this part, the State Fire Marshal may by regulation require such additional reports from licensees or permittees as are necessary to carry out the purposes of this part, and prescribe the form, including verification of the information to be given when filing such additional reports.

Article 5. Fees

12630. Except as otherwise provided in Sections 12631 and 12632, the original and annual renewal fee for fireworks licenses shall be as follows:

Manufacturer	$500
Wholesaler	1,000
Importer and exporter	100
Retailer	10
Public display (special)	25
Public display (limited)	25
Public display (general)	100
Pyrotechnic operator	10

12631. The original and annual renewal license fee to manufacture, import, export, or wholesale, or any combination thereof, agricultural and wildlife fireworks shall be twenty-five dollars ($25).

12632. The original and annual renewal license fee to manufacture, import, export, or wholesale, or any combination thereof, model rocket engines shall be twenty-five dollars ($25).

12633. The application for registration of each model of emergency signaling devices shall be made to the State Fire Marshal on forms provided by him. The registration fee of twenty-five dollars ($25) for each model of signaling device shall accompany the application.

12634. When a license to manufacture, wholesale, or import and export fireworks has been issued pursuant to Section 12571, 12572, or 12573, respectively, a separate license for the same person to manufacture, wholesale, import, or export agricultural and wildlife fireworks or model rocket engines pursuant to Section 12631 or 12632 shall not be required where the license allows such activity with respect to other fireworks.

12635. All money collected pursuant to this part shall be deposited in the General Fund.

12636. Except as otherwise provided by law, the State Fire Marshal shall charge a fee in the amount of five dollars ($5) for each certified copy of any record, document, or paper in his custody, or for certification of any document representing the content of any such record, document, or paper.

12637. All fireworks or pyrotechnic devices intended for sale in this state, which are products of nonlicensed manufacturers, shall be examined and classified by the State Fire Marshal upon written application on forms provided by him. Such application shall be accompanied by a fee as follows:

(a) Ten dollars ($10) for each label of an item of identical size and design of a given lot or batch, provided that the lot or batch is identifiable by a code, serial number, shipment lot, case cargo

number, etc.

A separate application and fee shall be submitted for each lot or batch. The State Fire Marshal seal and the wholesalers or importers registration number shall not be imprinted on the label until the lot or batch has been examined and classified.

CHAPTER 6 PERMITS

12640. In any case where this chapter requires that a permit be obtained from the State Fire Marshal, or in any case where the public agency having local jurisdiction requires pursuant to this chapter that a permit be obtained, any licensee shall possess a valid permit before performing any of the following:

(a) Manufacturing, importing, exporting, storing, possessing, or selling dangerous fireworks at wholesale.

(b) Manufacturing, importing, exporting, storing, selling at wholesale and retail safe and sane fireworks and transporting safe and sane fireworks, except that a transportation permit shall not be required for safe and sane fireworks possessed by retail licensees.

(c) Manufacturing, importing, exporting, possessing, storing, transporting, using, selling at wholesale and retail, those fireworks classified by the State Fire Marshal as agricultural and wildlife fireworks.

(d) Manufacturing, importing, exporting, possessing, storing, selling at wholesale and retail, model rocket engines.

(e) Discharging dangerous fireworks at any place, including a public display.

(f) Using special effects.

12641. A permit, as provided in this part, shall not be required of any person to transport, purchase at retail, or use safe and sane fireworks, or to purchase at retail, use, or transport registered emergency signaling devices.

12642. The effective period of the permit shall be defined in the permit and in no case shall the period of the permit exceed the valid period of the license. This section shall not prohibit the revocation of the permit by the issuing authority for just cause where a fire nuisance exists or where personal injury may occur.

12643. Any licensee desiring to do any act specified in Section 12640 shall first make written application for a permit to the chief of the fire department or the chief fire prevention officer of the city or county, or to such other issuing authority which may be designated by the governing body of the city or county. In the event there is no such officer or person appointed within the area, application shall be made to the State Fire Marshal or his deputy. Applications for permits shall be made in writing at least 10 days prior to the proposed act.

12644. The issuing authority shall not accept an application for a permit from any person who does not possess, and present at the time of application, evidence of a valid license to perform those acts

specified on the application for the permit. When a license is not required for specific acts, the issuing authority may prescribe such reasonable conditions to qualify the applicant to receive a permit and provide for the public safety

12645 The officer to whom the application for a permit is made shall undertake an investigation and submit a report of his findings and his recommendation concerning the issuance of the permit, together with his reasons therefor, to the governing body of the city or county. The applicant for a permit to conduct a public display shall file a certificate evidencing the possession of a valid public display license with the officer making the investigation.

12646. The governing body may grant or deny the permit, subject to such reasonable conditions, if any, as it shall prescribe.

12647. The governing body may delegate the power to grant or deny the permit to the issuing authority to whom the application is made. In such case, the governing body shall also provide for a hearing by the governing body by which an applicant may appeal a denial of the permit. The governing body may, after such a hearing, reverse, modify, or sustain the denial.

12648. The officer to whom the application for a permit for a public display of fireworks is made shall make an investigation to determine whether such a display as proposed will be of such character or so located that it may be hazardous to property or dangerous to any person. He shall, in the exercise of reasonable discretion, recommend granting or denying the permit, subject to such conditions as he may prescribe.

12649. The applicant for a permit for any public display of fireworks shall, at the time of application, submit his license for inspection and furnish proof that he carries compensation insurance for his employees as provided by the laws of this state.

12650. When a permit for the public display of fireworks is granted, the sale, possession, transportation, and use of fireworks for the public display is lawful for that purpose only. The permit to hold a public display shall authorize the transportation of public display fireworks between the approved routes, as specified in Section 12651, and the public display site.

12651. Any person holding m valid license for the manufacture, wholesale, or import and export of dangerous fireworks or pyrotechnic devices may transport any class of fireworks or pyrotechnic devices authorized by such license. Persons holding a special effects pyrotechnic operators license may transport special effects fireworks, but the transportation of fireworks shall not be permitted by all other pyrotechnic operator licensees. The authority granted to the licensee to transport fireworks is limited to traveling upon the approved routes for the transportation of explosives designated as provided in Section 31616 of the Vehicle Code. The licensee shall also comply with Section 27903 of the Vehicle Code and equip and maintain any vehicle used to transport fireworks as required by Section 31610 of the Vehicle Code. It is the intent of the

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Legislature by this section to require the maximum use of the approved routes in the delivery of fireworks to the point of destination.

12652. When traveling between the approved routes, as specified in Section 12651, and the point of destination the licensee shall possess a transportation permit from the local fire authority having jurisdiction over the boundaries in which the off-route travel occurs. A transportation permit is not required for public display fireworks as provided in Section 12650.

12653 The application for a transportation permit shall be submitted to the State Fire Marshal for the transportation of any quantity of fireworks where such transportation is outside the boundaries of the issuing authority having jurisdiction at the point of origin or such shipment originates within this state and is transported out of this state. The application for a transportation permit as required by this section shall be approved by the issuing authority having jurisdiction at the place where the shipment originates before the State Fire Marshal shall issue such transportation permit. No further permits shall be required by issuing authorities other than the authority at the point of origin where the State Fire Marshal has issued a permit pursuant to this section.

12654. A transportation permit shall not be required by this part for public carriers or private carriers who each hold a valid license or permit issued pursuant to the provisions of Division 14 (commencing with Section 31600) of the Vehicle Code or Division 11 (commencing with Section 12000) of the Health and Safety Code.

CHAPTER 7. VIOLATIONS

12670. It is unlawful for any person to advertise that he is in any business or venture involving fireworks or pyrotechnic devices or shall cause his name or business name style to be included in any classified advertisement or directory under a classification which includes the word fireworks, unless he is licensed pursuant to this part.

12671. It is unlawful for any person to sell, offer for sale, use, discharge, possess, store, or transport any type of fireworks within this state unless the State Fire Marshal has classified and registered such fireworks.

12672. It is unlawful for any person to sell, or offer for sale, safe and sane fireworks at any time outside of the period specified in Section 12599.

12673. It is unlawful for any person to store any fireworks without having in his possession a valid permit as required by this part.

12674. It is unlawful for any person to store or possess any fireworks for which a license is required and which has been revoked or surrendered or any license which has not been renewed and such storage or possession is held beyond the period provided for in Section 12604.

12675. It is unlawful for any person to fail to record on each bill of lading, manifest or invoice issued to cover the sale or shipment of fireworks, the license number of both the seller or shipper and the buyer or receiver, unless the sale or shipment is made to nonlicensees in accordance with the provisions of his license.

12676. It is unlawful for any person to sell, transfer, give, deliver, or otherwise convey title of any dangerous fireworks, including fireworks kits, to any person in this state who does not possess and present to the seller or donor for inspection at the time of transfer, a valid permit to receive, use, or transport dangerous fireworks as provided in this part.

12677. It is unlawful for any person to possess dangerous fireworks without holding a valid permit.

12678. It is unlawful for any person to use or discharge agricultural and wildlife fireworks without first securing a permit as provided in this part.

12679. It is unlawful for any person to store, sell, or discharge any type of fireworks in or within 100 feet of a location where gasoline or any other class 1 flammable liquids are stored or dispensed.

12680. It is unlawful for any person to place, throw, discharge or ignite, or fire dangerous fireworks at any person or group of persons where there is a likelihood of injury to any such person.

12681. It is unlawful for any person to sell or transfer any safe and sane fireworks to a consumer or user thereof other than at a fixed place of business of a retailer for which a license and permit has been issued.

12682. It is unlawful for any person to allow or permit a fire nuisance, as defined in Section 12510, to exist on any premises where any fireworks are manufactured, sold, assembled, discharged, packaged, stored, or distributed. The authority to determine that a fire nuisance exists shall be vested in those officers identified in Section 12721.

12683. It is unlawful for any person to sell, use, or discharge any emergency signaling device not registered by the State Fire Marshal.

12684. It is unlawful for any person to use or discharge any registered emergency signaling device in any manner other than that permitted by the instructions for use.

12685. It is unlawful for any person to conduct a public display without possessing a valid permit for this purpose.

12686. It is unlawful for any person to use any special effects fireworks unless he possesses a pyrotechnic operator license.

12687. It is unlawful for any person to sell, transfer, give, or deliver any special effects fireworks to any person not licensed as a pyrotechnic operator.

12688. It is unlawful for any person to advertise to sell or transfer any class of fireworks, including agricultural and wildlife fireworks or model rocket engines, unless he possesses a valid license or permit.

12689. It is unlawful for any person to sell, give, or deliver any dangerous fireworks to any person under 18 years of age.

12690. It is unlawful for any person to perform any act, or transact or attempt to transact any business, with an expired license or an expired permit where a license or permit is required for the performance of such act or transaction.

12691. It is unlawful for any person to violate any provision of any regulation adopted by the State Fire Marshal pursuant to this part.

12692. The provisions of this chapter shall not prohibit the operations or functions of a licensed pyrotechnic operator's special effects when such operations or functions are a necessary part of the production and are performed pursuant to a valid permit issued by the authority having jurisdiction.

CHAPTER 8. PENALTIES

12700. Except as provided in Section 12702, any person who violates any provision of this part, or any regulations issued pursuant to this part, is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000), or by imprisonment in the county jail for not exceeding one year, or by both such fine and imprisonment.

12701. A person is guilty of a separate offense for each day during which he commits, continues, or permits a violation of this part or any provision of, or any order, regulation issued pursuant to, this part.

12702. Any person who violates the provisions of this part by selling, giving, or delivering any dangerous fireworks to any person under 18 years of age is guilty of a misdemeanor and upon a first conviction shall be punished as prescribed in Section 12700. Upon any second or subsequent conviction of such offense, such person shall be punished by the penalties of a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) and by imprisonment in the county jail for one year. No such person shall be granted probation and the execution of the sentence imposed upon such person shall not be suspended by the court.

CHAPTER 9. REMEDIES

12720. Any threatened violation of any provision of this part or of any order or regulation of the State Fire Marshal issued pursuant to this part may be enjoined in a civil action brought in the name of the people of the State of California. Such actions may be instituted by the Attorney General or the district attorney of the county in which the act, practice, or transaction is about to be committed.

12721. The State Fire Marshal, his salaried deputies, or any chief of a fire department, or his authorized representatives, any fire protection agency, or any other public agency authorized by statute to enforce the State Fire Marshal's regulations may seize any fireworks described in this part.

12722. The following fireworks may be seized pursuant to Section

12721:

(a) Those fireworks which are sold, offered for sale, possessed, stored, used, or transported within this state prior to having been examined, classified, and registered by the State Fire Marshal, except those specific items designated as samples pending examination, classification, and registration by the State Fire Marshal where the licensee provides documentary evidence that such action by the State Fire Marshal is pending.

(b) All imported fireworks possessed without benefit of the filing of notices as required by this part.

(c) Safe and sane fireworks stored in violation of the conditions required by the permit as provided in this part.

(d) Safe and sane fireworks sold or offered for sale at retail which do not bear the State Fire Marshal label of registration and firing instructions.

(e) Safe and sane fireworks sold or offered for sale at retail which are in unsealed packages or containers which do not bear the State Fire Marshal label of registration and firing instructions.

(f) Safe and sane fireworks sold or offered for sale at retail before 12 noon on the 28th day of June or after 12 noon on the sixth day of July of each year.

(g) Each safe and sane fireworks item sold or offered for sale at retail which does not have its fuse or other igniting device protected by a cap approved by the State Fire Marshal, or groups of fireworks with exposed fuses which are not enclosed in sealed packages which bear the State Fire Marshal label of registration. The State Fire Marshal shall approve such caps as he determines provide reasonable protection from unintentional ignition of the fireworks.

(h) Dangerous fireworks, including fireworks kits, used, possessed, stored, manufactured, or transported by any person who does not possess a valid permit authorizing any activity listed in this part.

(i) Any fireworks stored or sold in any public garage or public oil station, or on any premises where gasoline or any other class 1 flammable liquids are stored or dispensed.

(j) Any fireworks still possessed by a person who has just thrown any ignited fireworks at any person or group of persons.

(k) Any model rocket engines or model rockets with engines possessed by any person not holding a valid permit.

(*l*) Any emergency signaling device sold, offered for sale, or used which does not bear the State Fire Marshal label of registration as required by this part.

(m) Any fireworks or pyrotechnic device offered for sale by any person violating any provision of this part.

12723. The authority seizing any fireworks under the provisions of this chapter shall notify the State Fire Marshal not more than three days following the date of seizure and shall state the reason for such seizure and the quantity, type, and location of the fireworks. Any fireworks seized pursuant to Section 12721 shall be disposed of by the

State Fire Marshal in the manner prescribed by him at any time subsequent to 60 days from the seizure or 10 days from the final termination of proceedings under the provisions of Section 12593 or Section 12724, whichever is later. Any fireworks seized by any authority as defined in this chapter, other than the State Fire Marshal or his salaried assistants, shall be held in trust for the State Fire Marshal by such authority.

12724. Any person whose fireworks are seized under the provisions of this chapter may, within 10 days after seizure, petition the State Fire Marshal to return the fireworks seized upon the ground that such fireworks were illegally or erroneously seized. Any petition filed pursuant to this section shall be considered by the State Fire Marshal within 15 days after filing or after a hearing granted to the petitioner, if requested. The State Fire Marshal shall advise the petitioner of his decision in writing. The determination of the State Fire Marshal is final unless within 60 days after seizure an action is commenced in a court of competent jurisdiction in the State of California for the recovery of the fireworks seized pursuant to this part.

12725. The State Fire Marshal, his salaried deputies, or any chief or his authorized representatives as qualified in this chapter may prevent, stop, or cause to be stopped, any public display in progress, or any proposed public display, when the location, discharge, or firing of such public display is determined by him to be hazardous to property or dangerous to the public.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes

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CHAPTER 1110

An act to amend Section 39261 of the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 2, 1973 Filed with Secretary of State October 2, 1973]

The people of the State of California do enact as follows:

SECTION 1 Section 39261 of the Health and Safety Code is amended to read:

39261. Any person who intentionally or negligently violates

Section 24242, 24243, 24360, 39077, 39077.1, or 39430, or any rule or regulation of an air pollution control district or the State Air Resources Board issued pursuant to this part, prohibiting or limiting the discharge of air contaminants into the air, shall be liable for a civil penalty not to exceed five hundred dollars ($500) for each day in which such violation occurs.

SEC. 1.5. Section 39261 of the Health and Safety Code, as amended by Section 1 of this act, is amended to read:

39261. Any person who intentionally or negligently violates Section 24242, 24243, 24360, 39077, 39077.1, 39430, or 39441, or any rule or regulation of an air pollution control district or the State Air Resources Board issued pursuant to this part, prohibiting or limiting the discharge of air contaminants into the air, shall be liable for a civil penalty for each day in which such violation occurs as follows:

(a) For a first offense during a 12-month period, not to exceed, five hundred dollars ($500).

(b) For a second offense during a 12-month period, one thousand dollars ($1,000).

(c) For a third offense during a 12-month period, two thousand dollars ($2,000).

(d) For a fourth offense during a 12-month period, three thousand dollars ($3,000).

(e) For a fifth offense during a 12-month period, four thousand dollars ($4,000).

(f) For a sixth offense during a 12-month period, five thousand dollars ($5,000).

(g) For a seventh and each subsequent offense during a 12-month period, ten thousand dollars ($10,000).

For purposes of this section, a violation for a single continuous period shall be deemed a single offense.

SEC. 2. Notwithstanding Section 2164.3 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act, because the duties, obligations, or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 2284 are both chaptered and become effective on or before January 1, 1974, both bills amend Section 39261 of the Health and Safety Code, and this bill is chaptered after Assembly Bill No. 2284, that Section 39261 of the Health and Safety Code, as amended by Section 1 of this act, shall remain operative until the effective date of Assembly Bill No. 2284, and that on the effective date of Assembly Bill No. 2284, Section 39261 of the Health and Safety Code, as amended by Section 1 of this act, be further amended in the form set forth in Section 1.5 of this act to incorporate the changes in Section 39261 proposed by Assembly Bill No. 2284. Therefore, if this bill and Assembly Bill No. 2284 are both chaptered and become effective on or before January 1, 1974, and Assembly Bill No. 2284 is chaptered

before this bill and amends Section 39261, Section 1.5 of this act shall become operative on the effective date of Assembly Bill No. 2284.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the Bay Area Air Pollution Control District may have, as early as possible, an effective deterrent against those persons who intentionally or negligently violate rules and regulations of the district adopted to reduce air pollution within the district, it is necessary that this act take effect immediately.

CHAPTER 1111

An act to amend Section 39184 of the Health and Safety Code, relating to air pollution.

[Approved by Governor October 2, 1973. Filed with Secretary of State October 2, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 39184 of the Health and Safety Code is amended to read:

39184. (a) No person shall install, sell, offer for sale, or advertise, or, except in an application to the board for accreditation of a device, represent, any device as a motor vehicle pollution control device for use on any used motor vehicle unless that device has been accredited by the board. No person shall sell, offer for sale, advertise, or represent any motor vehicle pollution control device as an accredited device which, in fact, is not an accredited device. Any violation of this subdivision is a misdemeanor.

(b) Subdivision (a) shall not preclude any person from installing, selling, offering for sale, or advertising a device as a motor vehicle pollution control device for use on a particular classification of used motor vehicles if the board has found that the installation of the device on that particular classification of used motor vehicle results in such vehicles meeting the state exhaust emissions standards.

CHAPTER 1112

An act to add Sections 31285.5, 31285.6, and 31285.7 to the Education Code, relating to medical students, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 2, 1973. Filed with Secretary of State October 2, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 31285.5 is added to the Education Code, to read:

31285.5. The contracts authorized by Section 31285.4 may be for a period of not to exceed five years and may provide for such allocation and proration of the specified twelve thousand dollars ($12,000) annual payment per medical student as the commission may deem appropriate to take into account increased enrollments for periods of less than one year, and students enrolled in more or less than a full-time academic program.

SEC. 2. Section 31285.6 is added to the Education Code, to read:

31285.6. The contracts authorized by Section 31285.4 shall only be made with colleges and universities which operate a department or program of family practice medicine and which sponsor a program of family practice residencies.

SEC. 3. Section 31285.7 is added to the Education Code, to read:

31285.7. The commission shall report to the Legislature by January 6, 1975, concerning the extent to which, as a result of contracts made under this chapter, residents of California have been provided places in medical schools which have entered into such contracts.

SEC. 4. There is hereby appropriated from the General Fund to the State Scholarship and Loan Commission the sum of thirty-five thousand four hundred dollars ($35,400) for payment during the 1973–74 fiscal year if anticipated grants of federal funds are not forthcoming during that fiscal year, and twelve million eight hundred twenty-eight thousand dollars ($12,828,000) for payment pursuant to contracts entered into pursuant to Chapter 4.6 (commencing with Section 31285.1) of Division 22 of the Education Code in accordance with the following full-time student enrollment and related fiscal year schedule: 189 students in fiscal year 1974–75; 268 students in fiscal year 1975–76; 298 students in fiscal year 1976–77; and 314 students in fiscal year 1977–78.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit the contracts authorized by this act to be entered into as early as possible in the 1973–74 fiscal year, and to permit the funding of such contracts at that time in order to alleviate the shortage of physicians, it is necessary that this act take effect immediately.

CHAPTER 1113

An act to amend Section 26515 of the Health and Safety Code, relating to wine.

[Approved by Governor October 2, 1973 Filed with Secretary of State October 2, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 26515 of the Health and Safety Code is amended to read:

26515. The department may, by regulation, establish definitions and standards of identity and quality for wine. Such definitions and standards may incorporate in whole or in part, the regulations adopted by the Secretary of the Treasury pursuant to the Federal Alcohol Administration Act, pertaining to the standards of identity and quality for wine. Standards of identity and quality for wine adopted pursuant to this section may differ from or be inconsistent with the standards promulgated by the Secretary of the Treasury pursuant to the Federal Alcohol Administration Act. No standard of size, type, or fill of container for any wine which is subject to the provisions of the Alcoholic Beverage Control Act, Division 9 (commencing with Section 23000) of the Business and Professions Code, shall be adopted, but containers of wine sold in this state shall conform to the then current standards for such containers, including standards of fill, established by the Secretary of the Treasury pursuant to the Federal Alcohol Administration Act.

SEC. 2. There are no costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because the provisions of this act will not result in any increased expenditures by local agencies.

SEC. 3. This act shall become operative January 1, 1976.

CHAPTER 1114

An act relating to tidelands and submerged lands conveyed to the San Diego Unified Port District.

[Approved by Governor October 2, 1973 Filed with Secretary of State October 2, 1973]

The people of the State of California do enact as follows:

SECTION 1 The conveyance in trust to the San Diego Unified Port District of those certain tidelands and submerged lands which are, on the effective date of this act, subject to leases to the Western Salt Company is revoked as of January 31, 1984, and title to such tidelands and submerged lands on such date shall revert to the state.

SEC. 2. The Resources Agency, in cooperation with the State Lands Commission, is directed to undertake a study to determine which state agency should be assigned jurisdiction over the tidelands specified in Section 1. Special consideration shall be given to the practicability of transferring such tidelands to the Department of Parks and Recreation for inclusion in the state park system. The Resources Agency shall submit its report and recommendations to the Legislature no later than January 1, 1976.

CHAPTER 1115

An act to amend Section 6217 of the Public Resources Code, relating to state lands.

[Approved by Governor October 2, 1973 Filed with Secretary of State October 2, 1973.]

The people of the State of California do enact as follows:

SECTION 1. Section 6217 of the Public Resources Code is amended to read:

6217. With the exception of revenues derived from state school lands and from sources described in Sections 6217.6, 6301.5, 6301.6, 6855, and 8551 to 8558, inclusive, and Section 6406 (insofar as the proceeds are from property which has been distributed or escheated to the state in connection with unclaimed estates of deceased persons), the commission shall deposit in the State Treasury all revenues, moneys, and remittances received by it under Division 6 (commencing with Section 6001), and such sums shall be applied to the following obligations in the following order:

(a) To the General Fund such revenue as necessary to provide in any fiscal year for the following:

(1) Payment of refunds, authorized by the commission and approved by the State Board of Control, out of appropriations made for that purpose by the Legislature.

(2) Payment of expenditures of the commission as provided in the annual Budget Act approved by the Legislature.

(3) Payments to cities and counties of the amounts specified in Section 6817 for the purposes specified in that section, and the revenues so deposited are appropriated for such purpose.

(4) Payments to cities and counties of the amounts agreed to pursuant to the provisions of Section 6875.

(b) To the California Water Fund each fiscal year such amount which shall, when combined with revenues deposited in such fiscal year in the California Water Fund pursuant to Section 12 of Chapter 138 of the Statutes of 1964, First Extraordinary Session, amount to eleven million dollars ($11,000,000) for the fiscal years 1967–68, 1968–69 and 1969–70, and thereafter such amount which shall, when

combined with revenues so deposited pursuant to Section 12 of Chapter 138 of the Statutes of 1964, First Extraordinary Session, amount to twenty-five million dollars ($25,000,000). Reference in this subdivision to the California Water Fund shall, during the balance of the fiscal year 1967–1968 and the fiscal years 1968–1969, 1969–1970, 1970–1971, and 1971–1972, be deemed to refer to the Central Valley Water Project Construction Fund.

(c) To the Central Valley Water Project Construction Fund each fiscal year such amount which shall, when combined with revenues deposited in such fiscal year in the Central Valley Water Project Construction Fund pursuant to Section 12.1 of Chapter 138 of the Statutes of 1964, First Extraordinary Session, amount to five million dollars ($5,000,000).

(d) To the Resources Agency the amount of five hundred thousand dollars ($500,000) for each of the fiscal years 1974–75, 1975–76, 1976–77, 1977–78, and 1978–79, for distribution for public and private higher education for use as up to two-thirds of the local matching share for projects under the National Sea Grant College and Program Act of 1966 (P.L. 89-688) approved, upon the recommendation of the advisory panel appointed pursuant to this subdivision, by the Secretary of the Resources Agency or his designee. During the fiscal year 1978–79, the Legislature shall consider recommendations from the Secretary of the Resources Agency and other interested parties on the benefits to the people of California derived from this program and shall determine whether or not to continue similar appropriations for subsequent fiscal years.

The Secretary of the Resources Agency shall appoint an advisory panel, which shall do all of the following:

(1) Identify state needs which might be met through sea grant research projects, including, but not limited to, such fields as living marine resources, aquaculture, ocean engineering, marine minerals, public recreation, coastal physical processes and coastal and ocean resources planning and management, and marine data acquisition and dissemination.

(2) Review all applications for funding under this subdivision and make recommendations based upon the priorities it establishes.

(3) Periodically review progress on sea grant research projects subsequent to their approval and funding under this subdivision.

(4) Make recommendations to the Secretary of the Resources Agency with respect to the implementation of this subdivision.

The members of such advisory panel shall serve at the pleasure of the Secretary of the Resources Agency. The advisory panel shall consist of nine members composed of the following persons:

(1) A representative of the Department of Navigation and Ocean Development.

(2) A representative of the Department of Conservation.

(3) A representative of the Department of Fish and Game.

(4) The executive director of the California Coastal Zone Conservation Commission or his designee.

(5) A representative of the fish industry.
(6) A representative of the ocean engineering industry.
(7) A representative of the University of California.
(8) A representative of the California State University and Colleges.
(9) A representative of a private California institution of higher education which is participating in the National Sea Grant Program. The Secretary of the Resources Agency shall designate one member of the panel to serve as its chairman. Panel members shall serve without compensation.

The sea grant research projects selected for state support under this subdivision shall have a clearly defined benefit to the people of the State of California. Nothing in this subdivision shall be construed to preclude the application for funding of any project which would be eligible for funding under the terms of the National Sea Grant College and Program Act of 1966

(e) To the Capital Outlay Fund for public higher education, the balance of all revenue in excess of that distributed under subdivisions (a), (b), (c), and (d) of this section.

The commission may, with the approval of the State Board of Control, authorize the refund of moneys received or collected by it illegally or by mistake, inadvertence, or error. Claims authorized by the commission and approved by the State Board of Control shall be filed with the State Controller and the Controller shall draw his warrant against the General Fund in payment of such refund from any appropriation made for that purpose.

All references in any law to Section 6816 shall be deemed to refer to this section.

CHAPTER 1116

An act to add Section 16607 to the Business and Professions Code, relating to restraint of trade.

[Approved by Governor October 2, 1973 Filed with Secretary of State October 2, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 16607 is added to the Business and Professions Code, to read:

16607. (a) Except as provided in subdivision (b), the customer list, including the names, addresses and identity of all employer customers who have listed job orders with an employment agency within a period of 180 days prior to the separation of an employee from the agency and including the names, addresses and identity of all applicant customers of the employment agency, shall constitute a trade secret and confidential information of, and shall belong to,

the employment agency.

(b) Notwithstanding the provisions of subdivision (a), no liability shall attach to, and no cause of action shall arise from, the use of a customer list of an employment agency by a former employee who enters into business as an employment agency more than one year immediately following termination of his employment.

CHAPTER 1117

An act to add Section 27504 to the Vehicle Code, relating to recapped tires.

[Approved by Governor October 2, 1973 Filed with Secretary of State October 2, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 27504 is added to the Vehicle Code, to read·

27504. (a) The commissioner shall adopt regulations setting standards for recapped motor vehicle tires, as he determines necessary to provide for public safety.

(b) No dealer or person holding a retail seller's permit shall sell, offer for sale, expose for sale, or install on a vehicle for use on a highway, a recapped motor vehicle tire which is not in compliance with regulations adopted pursuant to subdivision (a).

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2164.3 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 1118

An act to add Section 740 to the Public Utilities Code, relating to public utilities.

[Approved by Governor October 2, 1973 Filed with Secretary of State October 2, 1973]

The people of the State of California do enact as follows.

SECTION 1 Section 740 is added to the Public Utilities Code, to read:

740. For purposes of setting the rates to be charged by every electrical corporation, gas corporation, heat corporation or telephone corporation for the services or commodities furnished by it, the commission may allow the inclusion of expenses for research and development.

CHAPTER 1119

An act to amend Section 27903 of the Vehicle Code, relating to vehicles.

[Approved by Governor October 2, 1973 Filed with Secretary of State October 2, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 27903 of the Vehicle Code is amended to read:

27903. Any vehicle transporting any explosive, flammable liquid, flammable solid, oxidizing material, corrosive, compressed gas, poison, or other hazardous materials, except radioactive material, of such type and in such quantities as to require the display of placards or markings on the vehicle exterior by the United States Department of Transportation regulations (49 C.F.R., Parts 172, 173, and 177), shall display such placards and markings in the manner and under conditions prescribed by such regulations of the United States Department of Transportation. Vehicles transporting radioactive material shall display placards or markings in accordance with the provisions of the Health and Safety Code.

This section does not apply if the vehicles are transporting not more than 20 pounds of smokeless powder or not more than five pounds of black sporting powder or any combination thereof.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because duties, obligations, or responsibilities imposed on local governmental entities or school districts by this act are such that related costs are incurred as a part of their normal operating procedures.

CHAPTER 1120

An act to amend Sections 25551, 25601, 25608, 25751, and 25852 of the Education Code, relating to schools for the blind and the deaf, and making an appropriation therefor.

[Approved by Governor October 2, 1973 Filed with Secretary of State October 2, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 25551 of the Education Code is amended to read:

25551. There are two state schools for the deaf, known and designated as the California School for the Deaf, Northern California,

and the California School for the Deaf, Southern California. The term "California School for the Deaf" shall refer to both schools unless the context otherwise requires.

SEC. 2. Section 25601 of the Education Code is amended to read:

25601. Every deaf person between the ages of 3 and 21 years, who is a resident of the state and who meets the criteria set forth in this section, 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 and to secondary age deaf minors in need of a high school program, for whom appropriate comprehensive educational facilities and services are not available or cannot be reasonably provided by their local school districts or county educational agencies.

The criteria of admission to California Schools for the Deaf and Blind shall be administratively determined by the Superintendent of Public Instruction.

SEC. 3. Section 25608 of the Education Code is amended to read:

25608. All pupils in the school shall be maintained at the expense of the state, except as provided in Section 25601.1, Sections 25602 to 25607, inclusive, and Sections 25608.1, and 25609.

SEC. 4. Section 25751 of the Education Code is amended to read:

25751. There is one state school for the blind, known and designated as the California School for the Blind.

SEC. 5. Section 25852 of the Education Code is amended to read:

25852. All pupils in the school shall be maintained at the expense of the state, except as provided in Section 25851.1, Sections 25853 to 25856, inclusive, and Sections 25852.1, and 25859.

SEC. 6. There is hereby appropriated to the State Department of Education, payable from the Capital Outlay Fund for Public Higher Education, notwithstanding the provisions of Section 22510 and Section 22512 of the Education Code, the sum of one million dollars ($1,000,000) for site acquisition, preliminary plans, working drawings, and the construction and equipping of new facilities for the California School for the Blind and for the California School for the Deaf, Northern California, which shall be located in a major metropolitan area thereof; provided, that planning and providing facilities for these schools, shall maintain the integrity of their separate educational programs while promoting any capital and operational economies which are administratively or operationally practical and educationally sound in the joint or mutual use of such facilities such as maintenance, utilities, health services, food preparation, purchasing, and storage. Site acquisition shall be subject to Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code.

If by January 31, 1974, the Director of the Department of General Services has not located a single site meeting criteria, established by the Department of Education in consultation with the Department

of Finance for the location for both schools, he shall then consider the location of such schools on separate sites and proceed to acquire such sites.

SEC. 7. Section 6 of this act shall supplement the appropriation made by Item 356 of the Budget Act of 1973 (Chapter 129, Statutes of 1973–74).

CHAPTER 1121

An act to add Section 5096.99 to the Public Resources Code, relating to the state park system, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 2, 1973 Filed with Secretary of State October 2, 1973]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the General Fund to the Department of Parks and Recreation the sum of seven million six hundred thousand dollars ($7,600,000) for the acquisition of lands located between Newport Beach and Laguna Beach for the state park system in the 1973–74 fiscal year. Such acquisition shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code), subject to the contribution to the state by the seller of one-half the appraised value of the property to be acquired for park purposes, and subject to the seller receiving no more than the sum of seven million six hundred thousand dollars ($7,600,000) from the state for the property.

SEC. 2. Section 5096.99 is added to the Public Resources Code, to read:

5096.99. Moneys deposited in the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 shall be used to reimburse the General Fund for any expenditure of moneys for the acquisition of lands located between Newport Beach and Laguna Beach for the state park system made pursuant to the enactment of Senate Bill No. 1089 of the 1973–74 Regular Session of the Legislature; provided, that such project shall have been recommended by the State Park and Recreation Commission and reviewed by the Secretary of the Resources Agency prior to such General Fund expenditure.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect The facts constituting such necessity are:

Certain lands of unique environmental and recreational value are presently being offered for immediate sale, and, in order for the state to acquire and preserve such lands, it is necessary that this act take immediate effect.